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National Environmental Justice Advisory Council

September 19, 2007

**Members Present:**

Richard Moore, Chairperson

Chuck Barlow  
Sue Briggum  
M. Kathryn Brown  
Jolene Catron  
William Harper  
Jodena N. Henneke  
Christian R. Holmes  
Joyce King  
J. Landgon Marsh  
Gregory J. Melanson  
Paul Mohai  
Shankar Prasad  
John Ridgway  
John A. Rosenthal  
Patricia E. Salkin  
Donele Wilkins  
Omega Wilson  
Elizabeth Yeampierre

**EPA Members Present:**

Charles Lee, Designated Federal Officer(DFO)

Lynn Buhl  
Veronica Eady  
Granta Nakayama  
Margaret Schneider  
Laura Yoshii

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M O R N I N G   S E S S I O N

(9:09 a.m.)

*Review of Previous Day**by Richard Moore, Chairperson*

MR. MOORE: Okay, we wanted to begin to convene the meeting this morning. Good morning everyone. And I just wanted to take a very quick few minutes and review yesterday's work. I am going to do that very, very, very quickly so we can get into the discussions today.

From yesterday, if you remember, with the welcome and introductions we had a series of leadership within the region, and others, that did a welcoming to us only here, to be received in Baltimore as a NEJAC Council. But then, some other comments about some of the work of the NEJAC and some of the recommendations that were made in the past.

Charles did an overview of EPA's Environmental Justice Program. We talked about that a bit. Questions, discussion, comments, and so on, and then moved right into one of the NEJAC's primary charges, which is the Goods Movement. And then, had a panel that discussed -- I think, and I hope that you think, and many of us had some discussions afterwards last night, and so on -- was a very vibrant discussion around the efforts in terms of the goods movement.

We moved in in the afternoon to a panel,

particularly, looking at Maryland. The State of Maryland's Good Movement experiences. We had Bryan and some of the others that participated in the first panel, looking at in the first panel the West Oakland Environmental Indicators Project and some of their experiences and recommendations, and so on. And then, did the same thing in regards to the Maryland Goods Movement experiences.

From there, we got a report back, and I wanted to, again, compliment Shankar, who is one of our Chairs for the Council of the Goods Movement Working Group, in terms of giving us a very precise, I think, understanding of the direction at this particular point that the Goods Movement Working Group has been taking.

But, I also have to say that I think one of the things that was very significant about that report -- Shankar, and you know I mentioned this to you -- was looking at some of the work that is taking place in California but, actually, the breakdown.

Because we had some discussion about that earlier. What is the impact? Putting a face on the Goods Movement. Who is the primary people in terms of real-life people that are being impacted by these issues? And you did an excellent job, we congratulate both you and Terry on your Chairship, but also congratulate you on your report yesterday.

And then we went into a brief evening, a session, particular on public comment. I say brief because I think we went a couple of hours, maybe two hours, but for those of us that know public comment, and the importance of the public comment, and so on, and that have been with the NEJAC Council for a bit off and on on workgroups and so on, know that sometimes in the past, we have had 60, 70, or 80 people signed up for public comment.

And I think I was remembering, or being reminded, that one of the moments that I was Chair at that point of the NEJAC Council, that I think we went to 12:00 or 12:30 one evening, because we had a lot of people commenting, and so on.

So that is kind of quickly, I think, an overview of what yesterday was. I did have an opportunity to have discussions last night, and during the breaks, with many of you. Both the Council Members, and those that are participating, and those that have made public comment, or that are here to observe, and so on.

I would hope that you would believe, because I believe, that it was very fruitful. We were very frank with each other, we have always been, and we are going to continue to be that. And we are going to continue to be that as we go through the agendas for the day.

So, I wanted to turn the beginning of this session

over to Charles to do some introductions. And, again, looking very, very forward to -- and I have taken up the question that some of you brought up yesterday about having the opportunity to have more dialogue. Do our panels, do our discussions, and then open it up for Council Members to be able to engage more time in dialogue. So we are going to do that today, I am going to stay with it, and I am going to turn it over to Charles to introduce Granta.

MR. LEE: Well, before we introduce Granta, I thought it would be important -- there are a lot of new people here, we are really excited. As I said yesterday, the number of deputy assistant administrators, and deputy regional administrators who are here.

So, I thought it would be important to allow them to introduce themselves; but also, for the Council Members to go around and introduce yourselves to them, being that they were not here yesterday.

So, why don't we start with you, Mike, and go around.

(Council Member Introductions)

MR. MOORE: Sorry, Veronica. Actually, I do want to say, just to introduce Veronica to the Council, we asked Veronica to sit here with us today for this discussion because, as you know, we had announced at the teleconference a



couple of weeks ago that it is our intention to establish a workgroup under the NEJAC on environmental justice integration.

And so Veronica has graciously agreed to be one of the co-chairs, along with Sue Briggum. So, we want to say welcome, Veronica.

So, it is my honor to introduce Granta Nakayama, who during the past two years has been the Assistant Administrator for the Office of Enforcement and Compliance Assurance, otherwise known as OECA.

Everyone who works here at OECA has, over the couple of years, developed I guess it is safe to say, or it is fair to say, a deep affection for Granta because of his energy, enthusiasm, decisiveness, drive, and intellect. But also, because of his warmth, openness, willingness to listen and thoughtfulness.

And those of us in the EJ Program have been greatly inspired by his leadership. And I want to share with you Richard Moore's comment about Granta, which is illustrative of how communities like his judge an individual. Which is by whether or not he or she practices what they preach.

And I have heard Richard say many times to Granta that, you said that you were going to do something and you did it. So, indeed, many of the things you are going to hear

about today are the result of his leadership, not the least of which are the revitalization of the NEJAC, the Administrator's memo about incorporating environmental justice in EPA's Strategic Plan, and the Environmental Justice Review.

So, it is my honor to introduce our esteemed Assistant Administrator, Granta Nakayama.

**Dialogue with Granta Nakayama**

***by Granta Y. Nakayama***

MR. NAKAYAMA: Thank you, Charles. And I did not pay him to say that.

(Laughter)

MR. NAKAYAMA: But, unfortunately, he does work for me so, I think, your views might be a little tainted there, Charles. Or, met with some skepticism.

I am really happy to be here. I always am looking forward to these NEJAC meetings and always am anxious and looking forward to hearing from you folks. I think, Richard, you said something very important, the need for dialogue, for us to listen. So I am going to spend my day here and I am going to listen.

I don't want to spend a lot of time talking at you, I don't want to spend a lot of time telling you about my views. What I do want to do is spend some time listening and hearing from you about what your views are as to how we can

make progress on environmental justice.

And that really brings us to what is NEJAC all about? NEJAC is the opportunity for folks who have experience, expertise, who are knowledgeable in the EJ area to help us at EPA do a better job, so that we can do a better job dealing with a lot of issues.

And I think it is an exciting time. It really is an exciting time to be involved in EJ. I feel a sense of motion that things are going to start to happen here. And, of course, you get a --- to go testify in the Senate Hearing, you didn't realize there was some interest. But that is a good thing, that is a good thing.

And there is a couple bills out there on the Hill that have been introduced concerning EJ. And the more discussion, the more hearings, the more activity there is, I think, the more progress inevitably we'll make.

So I view that as an opportunity. I don't view that as in any way a problem. And I think the more attention that is being drawn to EJ by you folks, the more help it gives us in understanding what the issues are and how we possibly can make progress.

Let me talk a little bit about NEJAC and how we view you folks. First of all, I know Charles has said it many times, but we really understand you folks are volunteers. We

know you are volunteers, we know you are here, literally, out of the goodness of your hearts because you care.

A lot of other important things you could be working on, a lot of other important issues and things you have going on in your lives, but you come all the way to Baltimore, or wherever we have the meeting, to sit down and have a couple of days of dialogue and help us understand how we can make progress.

And I think that really says a lot about the folks on NEJAC, especially, those who participated through several iterations. Your determination, your sticktuitiveness, your commitment to the EJ cause is important.

I think that commitment is going to bear fruit, I see us making progress, both internally and, I think, with the general public. You know, at one time, EJ was an issue that I think a lot of folks, especially, folks who are not familiar with the issue, or parts of the society, for example, that may not be involved in regulatory affairs. It is something they just wanted to avoid if they could avoid. Didn't want to talk about it, you know, if I can avoid an EJ issue, I am better off.

And I think we have changed a little bit of that dialogue, and I think we are going to change that dialogue as we move forward so that EJ can be a positive thing, it can be

an opportunity for all organizations, companies, entities, whether it is the government, an industrial facility, to really step forward and do the things that are going to help in the long run help address some of these EJ issues.

And it is tough, tough work folks. Let's make no mistake about it, this is not something that there is going to be a simple solution. We all know that, you folks know it better than I do. You have been involved for decades some of you. It is not something we can just say, you know, we can wave a magic wand or write a rule and that is going to solve it.

It is an issue that transcends government levels, and often times there is concern about a particular facility and its affect on the community. And we hear those concerns, but we need to work with our state and local governments to raise their awareness.

Because a lot of times those facilities operate with permits issued by the state. Their location was approved by the local planning organization, and EPA does not have the authority, and should not have the authority, to tell people where they live.

Does that mean we give up? Does that mean we say, oh, we can't do anything? No, it doesn't mean that at all. It means we renew our commitment, we work to empower

communities so they can meaningfully participate in the decision-making process. Because if they meaningfully participate, you are going to get the fairer treatment. I mean, those are the two keys. If you want fair treatment, you need meaningful involvement.

So we are committed at EPA. I know you hear that a lot of times from people, but I think today you are going to hear a lot about some of the activities, and some of the big initiatives we have going on in the Agency to sort of turn that into a reality.

And two particular areas of focus that you will hear about, one is the EJ reviews that we are going to undertake to really review our programs and see how we are doing on the EJ front. I think that will bear fruit because it will shine a light and tell us where we can do better, where we have opportunities. And the other is our EJ seats, our tool for helping us in the enforcement area, directing our resources where we can do the most good.

And I think those are two big areas that are going to, I think, now come to the point where we are actually going to start implementing. So you will hear a lot about that. And I know it may sound sort of bureaucratic, what is this tool, or what are these reviews? Is it more bureaucratic churning? It's not, it is really the commitment of the

Agency.

NEJAC can help us as we go through that process. You can help us with your views, your guidance, your thoughts on how we are doing in those two areas.

I hope you have noticed -- I don't know if it was evident yesterday, I know it is certainly evident to me today, we have a much higher level of participation by EPA. We have more of those Deputy Assistant Administrators, or Deputy Regional Administrators, people like that coming. Because they recognize the work that you folks are doing and NEJAC is so important. It really is important.

And we are coming to a time where things are going to start to happen. As I said, there is hearings, there is things that are going to happen. Your advice on the front-end is going to help us do a better job.

I think Richard, and other members of the NEJAC have heard me -- it's fine to have an advisory committee that tells you two years after you did something, hum, maybe you should have done this a little differently or that. It is much better to have an advisory committee that tells us on the front-end. That gives us advice so that we can set the better path forward on the front-end.

That makes your advice more useful, and I think it has more impact. And, frankly, I think you deserve that. If

you are going to volunteer and put all your time into this, you deserve, I think, a response from us when you make recommendations. And I know Charles probably mentioned it, we did take your recommendations, the NEJAC recommendations the last go around. And I wrote back to Richard and I said, okay, here is our response, here is what we are doing, we have heard you.

We put that response on the web because we think it is important for the public to hear about that. That is sort of the change, I think. We want to hear from you and we want to be accountable and talk about what we are doing to address those recommendations.

I know last time I talked about the interest in this dialogue and having an opportunity for all of you to sort of come and talk to me. And I think I told a lot of you an Admiral --- story. But it really is true, my office is really to serve you folks, to serve the community. If you have an issue, we are not hearing it in Washington -- and as you know, all knowledge does not emanate within the Beltway -- call me up. Give us the opportunity to have that dialogue.

I have, for anybody who works with me at EPA, a standing 5:00 p.m. sort of at Friday call. Anybody who works for me can call up, or they can come by my office on Friday at 5:00 and I will listen to them. And as I said, I can't help



them with their boss, their pay, or their office, but any sort of policy issues, come and talk to me. I want to hear about it and we'll see.

And you folks, we are colleagues in some sense. You folks on the NEJAC, if you have an issue you think we are not hearing, you call my office up and we'll talk. We really will. And, obviously, I choose Friday at 5:00 for a reason. If you are willing to stick around on Friday at 5:00, I am too.

Let me know in advance though, because if nobody calls for a Friday at 5:00, I may not be in the office on Friday at 5:00. But thank you again for participating. I know they had 45 minutes, I wanted to keep my remarks short because I wanted to give you folks an opportunity to ask me any questions, or really have a dialogue. So, I think I will cut it off here and really invite you folks to ask me any questions at all about what is going on at EPA and environmental justice. Okay? Thank you.

MR. MOORE: Thank you, Granta. Council Members who wanted to get into the discussion? Questions, comments? Yes.

MS. KING: Thank you. Joyce King. I am with the Haudenosaunee Environmental Task Force. I also sit on the National Tribal Operations Committee and I bring the issues that we are working on in NEJAC to NTOC. And one of the

things that they have commented is that before there was a Native American Subcommittee through NEJAC, and there isn't one any more, and we are thinking maybe that needs to happen again.

Because within Native American country, we are looking at things that will affect us. And I just want to add in that not all Indians, you know, have tons of money. I mean, certainly, it isn't for our territory, and I know there might be a perception out there that that is the case.

But, there are still people that don't have sewage, don't have water. Climate change, which is going to be an issue for us because a lot of us are still doing subsistence living.

Sometimes that subsistence living is going to definitely be affected by this climate change. And we are trying to work out ways where we can mitigate the effect of that. Nuclear waste is still a problem, especially, within Indian Country. Especially, with the Navajos.

I think that is a big, critical issue. And as well, sometimes policy doesn't conform to Native Sovereignty within EPA. So I think we need to start looking at that also. Thank you.

MR. NAKAYAMA: Well, I appreciate your comment. I think it is very important that we address issues with Native

Americans. Let me just describe some of the things that are going on. We will look at the Subcommittee issue. I think, though, made a conscious decision a few years ago to make the NEJAC sort of a body as a whole, and not have the individual subcommittees. But we can, certainly, go look at that.

With respect to tribal issues, one of the things we are doing is really stepping up our efforts in OECA to reach the tribal communities. And I think, just this week, we announced we had a website to provide resources to -- it's a Tribal Assistance Center on the internet that we are maintaining.

We are also doing quite a bit of enforcement. I know Laura can talk about some of the things in Region 9 where there has been some issues. There has been some discussion about whether under RCRA we can go in, for example, and open dumps. And while respecting the sovereignty of the tribe, working with the tribe, and how does that affect our relations with the states, and we decided we need to go in. And it was just too big of a public health issue.

And we did take some actions, we are continuing to step up both compliance assistance and enforcement actions. And then we are also, I think, looking to engage more in the EJ arena, in particular. So we can talk about it. I would be glad to talk to you about that later today. I think you have

a valid point.

Finally, our tribal priorities, I don't know if you are familiar -- EPA has several national enforcement priorities. We call them enforcement priorities, but really -- and of the eight, the tribal priority is really a compliance assistance priority, which spans all our environmental activities at EPA to try to assist tribes.

And we asked for comment should that continue. We got a lot support, I think it will probably continue as a priority. And we only have a very few priorities, so that does represent a big commitment on our part to put a lot of resources into working with tribal entities.

MR. MOORE: I just wanted to add to that, as we move on, that in communications yesterday I was having with Tom Goldtooth from the Indigenous Environmental Network, I know that Tom had called in yesterday just to give us greetings, but also to inform us that he was in D.C. yesterday meeting with EPA leadership; not only about some of the points that you brought up, but some other very significant issues from the Indian Country.

And just to add, as I move to John as the next card, I just would caution us of something. And when we engage in discussions around issues with the Das, a lot of times when EP kind of sets th tone for things, sometimes that could be good,

and sometimes it may not necessarily be so good.

But the point I am making there is that there is sovereign nations that are those nations, or those tribes, sovereign nations that exist within the U.S. and quite a few of them, of sovereign nations.

Then there is also grassroots indigenous organizations that are part, and in some cases, of those tribes, and so on. That is very important, the point that I am making to all of us.

Is that as we start watching resource questions, some very good things have happened in the region and, maybe nationally, but when if we are not cautious around the resource -- and Region 6 is an example, the State of New Mexico is another example -- that sometimes we merge the tribal programs with the environmental justice programs.

And I think that that is very, very important, don't get me wrong. There is some very clear overlap that is taking place there. But my concern sometimes, and the concern of those of us in the field, is that both of those require more than just one director, or three staff people, or six staff people, or whatever. That the issues of tribes and grassroots organizations are significant and very important. That could be one or three full-time jobs.

And then as we overlap, and we look at environmental

justice, that could be one or three full-time jobs. We are doing some of that experimentation, I will say in Region 6, and now the State of New Mexico in hiring their EJ coordinator, Granta, I have also used the model of Region 6, Director, Coordinator of Tribal Affairs and Environmental Justice.

So I just want to caution us of all the good work, but then how we are getting stretched when we are trying to stretch out resources like that. But thank you for your comments, Granta. John.

MR. ROSENTHAL: Thank you, Richard. John Rosenthal from the National Small Town Alliance. Granta, I want to take this time to thank you for participating last year in the Save the Environmental Justice Conference at Howard University. EPA came through loud and clear, not only you and your people, but the entire agency participated.

Charles Levy, a very effective and helpful up front, working through some tough and delicate issues. And Granta even appeared twice, you were there Thursday evening, late into the evening, and then back Friday morning. We really appreciate that.

We started the process for the Save the Environmental Justice 2008, and we have been in touch with Charles and somebody else whose name I can't -- Danny -- sorry

about that, Danny -- to set the program up. And we wanted to be more open this year than it was last year. We wanted to be more diverse this year, and we are opening up opportunities for any and everybody to serve on the planning committee and to participate in the conference itself.

And we wanted to put together a conference that is very meaningful for all stakeholders across the board. And we appreciate the help that you guys gave last year, and the help you are giving this year.

Now, to the question. A number of the EJ problems in the communities are not EPA related, and they can't be solved by EPA. But, they can be solved to some degree with the help from other federal agencies. And we don't, necessarily, see the support from those other agencies in putting those problems together.

So, is there a role -- I recognize the fact that EPA is the lead agency for environmental justice, but it is not the only agency for environmental justice. So is there a role somewhere for NEJAC to work with, through the Administrator of EPA, the other agencies to get them involved in EJ activities in places where you have a consortium of federal facilities that could contribute to a solution?

MR. NAKAYAMA: I think that is a great question and, I think, certainly the potential is there. I know we recently

signed an MOU with the CDC and ATSDR to work on sort of an integrated approach to various communities that have environmental justice issues, and to work on some of the issues in the community on a holistic basis with these other agencies.

I know we team in our enforcement efforts with, for example, HUD on lead. And we do seem to get very good results when we get other agencies working with us. And then we have situations, unfortunately, where the other federal agency is sort of the defendant or respondent when we are going after certain issues. And we can't shirk our responsibilities and we have to move out and do something there.

So, Charles, I don't know if, certainly, under the Inter-Agency Workgroup we could talk about that that might be a possible venue that was set up under the Executive Order. Certainly, you know, people focus on EPA's efforts, and that is right and correct with respect to EJ, but we are not the only agency named in that Executive Order.

And I have not seen, as you say, the sort of volume of publications or the sense of an active program, certainly, that matches what we are doing at EPA. We are still the leader, I don't know if that is good or bad. It says a couple things, I guess, but we would like to certainly work and collaborate with those other agencies.



We are starting on the ports. I know we have a bit port effort, we had a conference in New York about three weeks ago, or two weeks ago. We are starting to work with some of the other agencies that are involved in the port activities because we at EPA don't, as you say, have the regulatory reach to address many of the issues; whereas, some of the transportation agencies and other planning agencies have, and some of the local port authorities have a greater reach.

So, again, let me just say, we need to think about that. That is a valid point, and Charles and I will get back to you with some thoughts and see if we can do something there.

MR. MOORE: I had Jolene, Elizabeth and then Shankar.

MS. CATRON: Thank you. Good morning. Again, my name is Jolene Catron and I am the Executive Director of Wind River Alliance in Ethete, Wyoming. We are a non-profit, grassroots organization, so I am somewhat representative of the grassroots movement on reservations.

And one of the -- well, the main thing I think about a lot when I am in these meetings, and a way that I can be helpful, is how do I take this message from the top level down to the grassroots. And for me, grassroots are my grandparents, and my family, and my neighbors. And,

especially, the tribal elders of the communities that I work in.

It is a difficult job, but that is where the decisions are made, they are made at that level of relationship, who are your relatives, and who are your neighbors. So in any Indian community, certainly, we have our sovereign jurisdiction, and there is inherent rights to our water and our land, but those decisions are made at the community level. And that is true for every Indian community in this nation.

So I think that we have our tribal governments that represent us, that may not represent us in our best interest, that may be really good representation of us in our best interest, so I am really interested in seeing EPA's EJ program moving forward in a good direction.

And really, you have done some stellar work in the past, especially, with the ADR training and the environmental law training. Really getting to the heart of a tribe's culture.

And, specifically, I am talking about the Navajo ADR training and really bringing in culture to that training to it, and leaving the training to the experts and not -- facilitating that training, I guess, is the word I am trying to use.

I would like to say that jurisdiction should not be a barrier, but a challenge. And that I just am really thankful for the work that you are doing and how you are moving this EJ effort forward. And I look forward to great programs in the future.

MR. MOORE: Elizabeth.

MS. YEAMPIERRE: Thank you for coming and giving us the opportunity to raise some of our concerns. I am Elizabeth Yeampierre, I am Chair of the New York City Environmental Justice Alliance. And this past year, I served on Mayor Bloomberg's Sustainability Advisory Board, and I serve as a Commissioner on the Congestion Pricing Commission.

And the Sustainability Advisory Board kicked off 127 initiatives in New York to reduce our carbon emissions by 30 percent by 2030. And through that process, one of the things that environmental justice community's learned is that the infrastructure isn't only aging the population it is increasing, and that waterfront communities and, particularly, at-risk for the implications of climate change.

We were able to identify 40 communities along the waterfront that are going to be victims of storm surges. And in our community in the past month, we had a tornado, something that hadn't happened in 200 years in Sunset Park, Brooklyn.

So, a lot of questions are being raised about what

initiatives the Federal Government has implemented to prevent devastation in waterfront communities in largely populated, or densely populated urban areas.

We have been talking about adaptation and preparedness, but what kinds of efforts are in play, or what kind of proactive initiatives would you be willing to consider to prevent to sort of ensure that there isn't devastation for our communities. It is more of a climate justice issue.

Thank you.

MR. NAKAYAMA: Well, that is an interesting question, and let me send a little plea for help here, maybe from the Office of Water.

I am looking across at Mike Shapiro in the sense that in the Enforcement Office, we enforce the regulations that are on the books, but to the extent that there are new regulations, or new initiatives they are looking at if they want to regulate something that we don't regulate, you know, my office, we try to ensure that people meet their environmental responsibilities under the regulations in place.

But, if there are new programs, or there are new things going on as far as regulating some of that, I am really kind of at a loss to sort of respond. I don't know, Mike, do you have some thoughts here?

MR. SHAPIRO: Partially. Within the Office of

Water, we are developing a program assessment and strategy to kind of lay out what we currently feel are the kind of scientific views on the near and long-term impacts of climate change.

I think we have come to realize, based on the international and national assessments that irrespective of the work that we do to reduce our carbon footprints, like the good work you are doing in New York City, we are kind of stuck with a certain amount of climate change in the future. And that will lead to things like temperature changes, sea-level rises, changes in the patterns in the intensity of storms, and so forth.

And we are trying to look at the implications of that for the water programs that we manage, including things like loss of wetlands in non-urban areas, as well as threats to the water and wastewater infrastructure; especially, in urban areas. The particular issue you are talking about in terms of sea-level rise and storm surge, in particular, and their impacts on urban communities directly are -- and this is an immediate response, so there may be more layers to this as we talk further -- but those are the kind of issues that are addressed through some of the water resources authorities that EPA isn't directly responsible for the authorities under the Army Corp. Of Engineers, as well as state and local

responsibilities when you are dealing with protecting against storm surge, or sea-level rise, or dealing with their consequences.

So it really involves, at least at a federal level, a kind of multi-agency perspective, but EPA will certainly, to the extent we do have authority and interest in these areas, we will be key participants.

But I think the short answer is I think there is a growing recognition of the kind of problem you are talking about affecting many parts of the country, especially, in the east and southeast, based on the current models. And it is something that we really need to be actively engaged in.

MR. MOORE: I just wanted to, as we move ahead, Shankar, Omega, John, and Donele. But just a quick comment on the whole climate change as it relates to climate justice. There was to be a meeting of environmental justice activists and organizers, leaders that was to take place here in D.C. -- well, in Washington, D.C. And it was decided, through a communication that was received yesterday, to move that meeting to 2008.

And I think, just to mention one of the complications in terms of doing this, environmental justice organizations have been involved in climate change issues from the beginning, or for many, many years. And we have been

citing particular issues, both in rural communities and in urban communities, of the impacts, the primary impacts on communities of color, and so on, around the climate changing, or global warming.

But, again, like we have seen within environmentalism, before we redefine environmentalism as where we work, where we live, where we play, and then what was added to it was where we pray, and where we go to school, that within many of the climate change activities between many of the national organizations, and so on, that again the grassroots voice, or grassroots voices, community voices, those that we perceive will again be the most highly impacted, not only in this country but throughout the world, in many cases, are being left out.

So we would just encourage, again, the EPA and the other agencies, as you engage in issues of climate justice, or climate change, to continue as we have here on the NEJAC Council, and beyond in the integration, to bring those voices of those that need to be at the table to the table to represent our own self-interests. So thank you, Mike, for those comments.

Shankar, Omega, John, and Donele.

MR. PRASAD: Thank you. I also want to acknowledge that it is actually a privilege and an honor to serve on this

committee and to be able to be asking rightly the Agency for our advice and recommendations.

And as you know, of course, we all volunteer and have been here because of our background and commitment to this issue. In keeping all this -- and I want to restrict my comments only to the Goods Movement piece, air pollution today causes, as EPA alone has acknowledged and really relates their reports, primarily from the ---, there are more than 60,000 deaths that are attributable on a national scale.

And if you take them over --- sector or anything related to the Goods Movement, you are taking even at 30 to 40 percent of them the results from the Goods Movement related activities. And we have always gone on that context of --- anything --- sort of emission reductions in the context of technologically feasible, economically viable, cost effective, and validity sustainable.

So those things have clearly made a big difference in terms of improving the air quality for the last 15 years. If you look at any corner of the country, certainly, we have made progress. But on the other hand, when we talk of have those benefits been shared equally by different communities or the people are in this geographic areas, the question we all know it is not true.

So, we have a two complexity here. One with the



type of growth and the alliance of this emissions standards, or whatever we have, the fuel standards, we have already created a problem where it is the predominant source of pollution.

At an existing level, how to control that, and then our paradigm has to be still thinking how this paradigm has to change in order that this sort of an action, continuation of this acting, or similar kind of --- fair regulatory framework, or an incentive framework, will not allow that to happen.

So it is time while, to a great extent, the existing issues and so on require a tremendous amount of resources where you have a SmartWay Program and other things that you are conceptualizing and moving forward which, itself, puts a dollar figure of \$100 billion. Which is not a small sum, but at the same time, we have to got to think about 20 years from now when we are projecting the growth to the import materials --- the globalization when we are going to double, triple, our we going to continue that same philosophy of how do we mobilize that kind of money in order to bring about --- reduction?

That is one of the reasons I ---, it is time to seriously think what efforts can be made at the local level, in a regional office we can focus on, and also subdivide in what the headquarters can do. Because it is a region, as you

mentioned, Granta, that we do not have a control because somebody else is the land decision is made. Somebody else puts the money for the freeway expansion, as the --- decides to do.

So, we need to take up an educational role, and a partnership role, in order to bring those authorities like the Department of Transportation, Federal Highway Administration, how they can implicate in their paradigm of growth how this has to happen. Or how they can say that this is the cost of emission reduction. And can we internalize that cost.

And then there has to be some model, somewhere, a discussion that has to say that, yes, it is what -- doing that investment, and going ahead with this expansion, recognizing that this is the prize that we attain in terms of the health.

So, that is something, and at levels like you and much higher, is where you can bring some amount of that kind of an integration. And any way this committee can help, or be useful, we'll be glad to work with you on that.

MR. NAKAYAMA: Well, thank you for your offer, Shankar. I know that the group recognizes the Goods Movement is a huge issue, and it is a growing issue, and it is one we are all going to need to deal with. And I welcome this group's advice, it is a tough issue.

We have been thinking about it for awhile at EPA,

and on our own, and in doing some work with other agencies. But, you know, that has been episodic.

For example, we have the EIS process when they have a big ports project. A lot of federal funding often, and we comment on the air impacts. But I think we really need your input as far as where you folks see opportunities for EPA to step out, either on its own or work with other agencies, to sort of address these issues in a way that is going to be satisfactory. Because it is not satisfactory to do nothing. I mean, we have to address that.

You also have some wind at your back in a sense that the focus on energy efficiency, reducing energy consumption, is something that is both in the economic interest of the people who are shipping, as well as, I think, those folks who live in the area as far as emissions. So, again, we look forward to your recommendations as a group.

MR. MOORE: Omega, John, Donele, Jode, and Lang. Omega.

MR. WILSON: Good morning. We are very glad to be here. I am very glad to be here. I have been learning a lot since I have been involved with the members and meeting a whole lot of very passionate people about EJ from all corners and all areas.

One of the things that I am interested in has to do

with the State Compliance Assistance Program. Maybe this is not the right place to put it but, hopefully, you will understand what I am saying. I am looking at the brochure we got this morning.

I am the President of West End Revitalization Association, a community-based organization in North Carolina, Alamance County. And one of the major things we deal with is safe water and sewer services. It is the kind of thing that hasn't been, I guess, in the past a cutting-edge thing.

It doesn't "compare" with a Valdez oil spill, or something like that. But we got involved in it trying to save our own community and we found out there are hundreds of communities in North Carolina, and I would assume thousands throughout the country, that suffer with the same kinds of things we deal with.

The State of North Carolina right now is looking for billions of dollars -- this is long-term strategic planning, and some of this information is published. Billions of dollars, maybe \$30 billion over the next several years. Some of it from EPA -- to rectify infrastructure problems in cities throughout the State of North Carolina. But the tag on most of it is infrastructure for businesses and industry to encourage "job growth and development."

Where is EPA and where is -- well, you can't speak

for other federal agencies, but this is the part that we are looking for -- is when these funds come, and we know some of them will come, how do we make compliance so that it includes environmental justice communities in all these towns that we know that will get millions of dollars? Or totally billions of dollars. Where the way the program, and the way it is presented now, it doesn't include those communities now.

Where cities will be developed, and sometimes some of the development will, actually, eliminate some of these low-income and minority communities, to put sewer lines in, as a matter of fact. I got an e-mail from somebody last night where that very thing is happening in Texas. To improve the greater good, as it says, we eliminate the lesser of -- maybe that is a way of putting it.

But how do we deal with that from a policy in an operating point-of-view from the federal side, when we see in the paper billions of dollars that the state's legislator is promoting, at least in our state? And there is a wide-open door as far as what you can do as far a compliance is concerned. And not including these communities, not even being invited at the table, or no room to get at the table to leverage it and make sure that those communities are included.

This is a question and a statement at the same time, but I would, certainly, like to know from you, as an

environmental justice organization and, of course, we talk to a lot of other groups too. And we are going to be meeting in October with the North Carolina Environmental Justice Network with dozens of environmental justice groups, how do we begin to plan to respond to that kind of thing when we are looking to the Federal Government for support.

And then at the same time, we see monies coming in and we don't seem to get wet, so-to-speak, and we are standing in the rainstorm? Thanks.

MR. NAKAYAMA: Well, thank you, Omega. I think the issue you bring up is exactly sort of a microcosm of a lot of the EJ issues we face. In other words, how do we ensure that everybody gets the benefit of whatever the environmental regulations are, or wherever the infrastructure improvements are?

And part of that, at least our long-term strategy, has always been empowering the communities. Empowering the groups that have not been participants in the past. And we have done a lot of community building. Charles has done a lot of this, traveling across the country.

We have our Small Grants Program to try to build up the capability of the community groups so they can participate, be at the table when decisions are being made, they can be heard, so people can understand that they have

legitimate needs.

Certainly, with respect to safe drinking water, I know that is one of our EJ priorities the Administrator has laid out for us to work on. And I don't know, Mike, if you want to make some comments about our efforts on upgrading infrastructure, but I understand your issue is not only upgrading infrastructure, but also making sure it reaches all people and making sure we don't bypass some people, or making sure we meet the needs of the community.

And that is a legitimate concern. That is something that is directly up the EJ ally, as opposed to in our general water program. But I don't know, Mike, if you want to say a few words. And then, Charles, if you want to say a few words about the community capacity building.

MR. SHAPIRO: Yes, I thought your response was very good, Granta. And I think it is an area that we have been spending increasing attention to within the Office of Water in our efforts to integrate environmental justice into our programs.

But, primarily, at least with respect to the infrastructure resources that EPA brings to the table, which are really in the form, mostly, of funds that capitalize state, revolving loan programs, which provide low interest and, in some cases, subsidized loans to communities for

infrastructure.

The priority setting process for how those funds are used are all done at the state level by either state environmental agencies, or investment boards that manage these infrastructure funds. So our influence is indirect. Each state has a priority setting process.

In most cases, the highest priorities are generally accorded to existing environmental problems, where standards can't be met, where there are clear violations or, in the case of clean water infrastructure, where there are water quality impairments, those kinds of investments should be getting the highest priority in most states.

There are also provisions, especially, in the Safe Drinking Water Act funding specifically to kind of provide extra resources and greater subsidies to communities that are economically disadvantaged.

But, again, these decision-making processes, since the funds are limited and, in most cases, the demand for investment exceed the supply in any one year, it is a matter of discretion in terms of the state as to how ultimately the project decisions are made.

So Granta's point about getting to the table, being able to articulate and present the cases for these investments is an important component of addressing EJ issues and getting



the money to where it will do the most good for the community.

MR. LEE: Yes, Omega, that is a great question. I have a number of thoughts. First of all, just to give some background, I said yesterday just to emphasize Granta's point, that we have counted over, since 1993, EPA has given over \$31 million in grants. A lot of that in small grants, 1,100 communities.

And some of those have resulted in pretty significant benefits and improvements in communities. Omega, your organization is one of them. And another one that comes to mind is Regenesys in Spartanburg, South Carolina, where a \$20,000.00 small grant over a number of years has been leveraged into nearly over \$160 million in both public and private funding; a lot of which comes from -- the majority of which comes from other agencies, both federal and state.

And that, I think, is a part of the larger vision of our collaborative problem-solving. We have wishes that it needs to go, in terms of the community's needs, and the community's aspirations, and have a larger holistic solution oriented approach.

There are other programs that are EPA that really are within the same family of providing resources for capacity; one of which is CARE, the Community Action for a Renewed Environment. And, Jim, you may want to say something

about that because OPPTS is one of the lead offices for that this year.

But there are two points I just want to mention that are implicit in Omega's question. And we are trying to address these, and these are not easy questions. Granta touched upon one which has to do with land use. A lot of the questions you are talking about, Omega, and other communities constantly raise to us in the context of environmental justice, are land use issues.

And, as Granta said, the Federal Government, it is not appropriate for the Federal Government to be involved in the decision-making process. These are local decisions.

But, we constantly provide and we realize there is a need to provide resources to build community capacity to be a part of that process meaningfully.

And the other is, so what does it mean to be a part of that process meaningfully. And we have been working to do training around use of dispute resolution around community environmental justice concerns. There is a whole set of case studies that we developed with the Consensus Building Institute.

And we realize that this is not a simple question, this is not something that is easy for communities to utilize, but that we are attempting to begin to lay the seeds for

communities to learn around the different strategies and approaches, and also pitfalls, if you will, around this tool.

So those are just some of the comments I wanted to make, Granta.

MR. MOORE: I just wanted to, as we move on, just to quickly respond just to a couple of those. One, since we were really looking at the question of resources, one is the need for additional resources to lift up the staffing at the Office of Environmental Justice.

We know we need that, we have got a good dedicated staff in the office, and we need to have additional resources to bring in the staff and to upgrade that office at the level that we want to move it forward. I know that Granta also has been very supportive of that. We have been in some discussion around that.

The other is the staffing of the regions. Again, whether it is the environmental justice teams, whatever the structures are that are being used within the regions, both in terms of the environmental justice staffing, and also the environmental justice programs of the regions.

The other one is the Native Program, particularly, additional resources both at the national level and at the regional levels. The grants programs are something we talked about a bit yesterday, and Charles flagged a little bit of

that.

But what I will say is that we have seen a decline, not necessarily an increase, but a decline in the resources; particularly, from the small grants, from collaborative problem-solving, which has been very important, as has been flagged here. ADR and environmental law is another very successful project of OEJ.

And Jolene flagged it both on the Native Indigenous side, and then in our broader environmental justice communities, and the CARE program.

So just an increase. Because before, even within the regions, sometimes we were giving out 15 or 20 EJ small grants or more. And now, because of the crunch of the resources throughout these years, now, in some cases, there is only one, two, or three EJ small grants being given out by the regions. And in very competitive situations.

You know, so we know we have got your support there, Granta, and other leadership and we just want to, again, encourage the other leadership here within the Environmental Protection Agency to assist us. And we will assist you, knowing where the money comes from in being able to do that.

And we had the next speakers were John, Donele, Jode, and Lang.

MR. RIDGWAY: Thank you. A couple points here, and

I will be, hopefully, pretty brief and specific. First, representing the northwest region, I am familiar with the huge issues that the State of Alaska faces in our Region 10, and it is my understanding that this Council could benefit from representation from natives from Alaska.

It has been a long time, perhaps, maybe never, I am not sure. But I would encourage consideration of a Council Member to come from Alaska. Comments earlier today on global warming, talking about disproportionate impact, it is happening in Alaska, and it is happening in rural native populations of indigenous people.

So, for that reason, I would encourage you to think about bringing that kind of representation to this Council. And related to that in Region 10, from a geographic perspective, you can imagine it is huge. It is a third of the size of the lower 48. Staffing in Region 10 could probably benefit as well on that relationship. It is something to think about and I would be glad to help if there is any way I can on that consideration.

Second, to the inter-agency coordination and EPA's role in leading that with other federal agencies, I have a long understanding of often conflicting interests between agriculture and environmental work. And this is also rural, and it is also disproportionately impacting migrant farm

workers for the most part.

To the extent that you can encourage the U.S. Department of Agriculture to look at the issues of pesticides, not only for their impacts on human health to the farm workers, those pesticides carry a legacy that goes with the food and, certainly, stays in the soil.

In our state, we are cleaning up 50 years of a lead arsenic history where agricultural lands are now turning into suburbia schools, playgrounds, and there is too much to clean up. So they are just trying to cover it up and, in our state, we are prioritizing where children are, playgrounds and schools again.

So, to the extent that we can encourage agricultural interests and Department of Ag. to better track where pesticides are applied which, often are exempted from community right to know laws, from environmental tracking so that we can prioritize, anything you can do to open up just dialogue on that and break down some of the traditional barriers, this is not meant by any means to be at a disadvantage to the farming community.

But we need to know -- I think EPA is also interested in knowing a bit more about the legacy of these chemicals and what we can do to mitigate those and increase coordination and communication on that topic. And thank you

for being here to listen about that.

MR. NAKAYAMA: I will let Charles respond on the membership question with respect to a potential representative from Alaska. And let me let Jim Jones talk a little bit about the pesticides issue. But I will say that this summer we announced -- I think the Administrator announced that we were thinking about establishing a federal advisory committee to act like you folks are, with the Ag. Having an Ag. FACA.

And the Ag. FACA would not be sort of focused on just producers, but also community groups. Perhaps, representatives from farm or agricultural worker types, and really have a good robust discussion.

Because we do need to engage, and a lot of those issues you bring up are very real, and we are realizing that. Certainly, we are stepping up our enforcement efforts with respect to some of the pesticide worker protection issues. We took a big action, it was called Martex Farms recently. And we recognize that there are a lot of issues there, so.

But let me let Jim talk about some of the pesticides issues that you are dealing with in your office.

MR. JONES: I appreciate the comment. We have been working for many years with the U.S. Department of Agriculture on some of the issues that you have described.

And in the context in particular, as it relates to

some of the environmental conservation programs that USDA manages to help to bring a stronger environmental benefit from programs like EQUIP, like the Conservation Security Program, so that some of the dollars that USDA is bringing into rural America are focused on environmental issues, not just pesticide related, but water as well.

We also have in our pesticides program a federal advisory committee. It has a very strong representation from the farm worker community states who have a very strong role in pesticide regulation and enforcement in the United States, as well as manufacturers and other classic farm interests.

And so some of the issues that you are talking about, as related to reporting, both in terms of pesticide use and in terms of potential for impacts associated with pesticides, are very actively discussed at meetings such as those.

And the reporting situation in the U.S. has changed over the past 10 years where certain pesticides, those that are the most toxic, now do require standardized reporting.

So, I think, we are very actively engaged with USDA on many of those issues you described. I wouldn't at all try to characterized that we have solved every problem that has come up in that context, but there is a very active dialogue that is between EPA and USDA.



And that, I believe, includes the majority of the stakeholders that have a stake in those issues; be it they from the farm worker community, the agricultural producer community, environmental groups, as well as industry.

MR. MOORE: Good, thank you. Charles, were you going to respond too?

MR. LEE: Yes, on the issue of the NEJAC member from Alaska, Margaret and I have been in discussion with Kreizenbeck, who is the Deputy Regional Administrator from Region 10. And this issue is something we are very aware of and we have made a commitment that in the next class of the NEJAC members, that we will appoint someone from Alaska.

MR. MOORE: And just as we move to Donele and then Jode and Lang, we are still getting a lot of report backs from our constituency, from those farm worker organizations, of the impacts that pesticides bring. And many of the other health-related issues as workers are exposed to that in the fields throughout the country.

And would like to continue to work, and we have, with several of the regions in terms of engaging in further dialogue, not only with local farm worker organizations, but with united farm workers and the Farm Labor Organizing Committee, and some of the other fairly significant farm worker organizations around those particular issues.

But we have also been able to move some of that forward at the regional level and would compliment the regions on that.

Donele, and then Jode, and then Lang.

MS. WILKINS: Thank you. Good morning, again. I really want to thank you for being here with us this morning.

I am new to NEJAC, but not new to the movement, necessarily. I would like to say I started out as a youth in the movement, but I am reminded that over the time span of this movement, not a lot of change has occurred; although, good things have happened, good responses from entities like NEJAC. And I have some real optimism around the new leadership and the high level of interest in where we are headed.

But, I am reminded of some things, especially, as we think about what came out of the recent Toxic Waste Erase at 2020 Report. Some things that are occurring throughout this country where unequal protection under the law continues to reign huge in our country around environmental protection.

So this question really has to do with assuring the civil rights and the human rights of people who are disproportionately impacted by these problems. And what I have observed, as I do my work in the City of Detroit, the State of Michigan, that one of our biggest barriers continue

to be the state. The State of Michigan.

And as I look across the country, the states continue to be a barrier in a lot of ways. I want to understand what your vision is for getting the states to capture the vision of equal protection under the law when it comes to environmental protection; particularly, where there is delegated responsibility to carry forth the federal obligations of environmental protection at the state level. So that we can really see true civil rights, and true equality in communities across this country.

MR. NAKAYAMA: Well, certainly, I understand the dynamics with the cities and states, and it is an issue. Let me first of all say that with respect to any -- when you say equal protection, I am immediately reminded as a lawyer, of Title VI or something like that. And that is our Office of Civil Rights that handles -- you know, if there is a Title VI complaint.

But with respect to environmental justice issues, what we need to do here is, again, we need to have that empowerment. Where people are at the table and they can be heard and you folks can engage the states. There is, actually, quite a bit of activity now at the state level. It is kind of interesting.

We were down in South Carolina when they had their

new EJ law -- and this is South Carolina, they are very proud, you know, their EJ law went into effect. And is there 26 states? You had a number. How many?

MR. : There are 39.

MR. NAKAYAMA: Oh, 39 states that have some EJ statutes on the books. And, I think, we are seeing more activity from the states. It is going to be a matter of consciousness raising and working with states.

I don't know if Lynn Buhl, my Deputy, might want to make some comments here. I hate to put you on the spot, Lynn, but you were the Director of the Southeast Region of Michigan. So there are these interesting issues that we want to be an asset to encourage that dialogue.

We want to make sure that we are viewed at EPA in the environmental justice area as folks who can help and convene people to work on those issues, as opposed to sending mandates from Washington, or just sending checks.

You know, that is not going to really address your problem. But let me let Lynn, if you want to say a few words.

MS. BUHL: Good morning, and nice to see you, Donele. I do remember you in the Michigan arena. To be honest, to be absolutely blunt, which Richard you have encouraged us all to do, I think when the EJ issue first rose the states didn't know what to do. But now, I think there is

recognition that something has to happen at all levels of government.

The Feds. have -- I mean, the spotlight has been on EPA, and I agree with you, I think there is some real positive momentum building, but we don't have all the answers. I think a number of states are picking up.

I haven't worked in Michigan in a couple of years, so I am sorry I can't respond to you more specifically, but I am curious to ask you though what you think can -- are you thinking that they will encourage more community -- and I don't mean just community, I should say local government involvement too. Because as we all know, land use issues are local and need to be addressed.

Is that something where you think the states should be taking a lead in creating models, or encouraging, or you are thinking there should be more enforcement?

MS. WILKINS: I think that enforcement holds a certain level of leverage. To be fair, I have sat on the Environmental Advisory Council appointed by DEQ at the state level. I have done a lot of things over the past few years, as well as others in the City of Detroit, Southeast Michigan and throughout, to bring the voice of the impacted community.

I spent a lot of time in resources that we didn't necessarily have, and haven't really benefitted on that level.

But that is okay, because that is not real necessary. So I recognize the power of the people in engaging.

But even with all of that, it is just kind of flat-lined. And I am not trying to make this a Michigan issue, necessarily.

MS. BUHL: Okay. Fair enough. Yes.

MS. WILKINS: But I recognize, as I think about Dixon, Tennessee, for instance, where white communities and white neighbors are benefitting still, and people of color are getting the lesser end of the stick. Neighbors who are side-by-side, living in impacted communities, and the white neighbors are being taken care of by their state agencies and local government.

And the same is not true -- that is why I spoke of civil rights, in particular, because many of us see the environmental justice movement as a combination, or an integration of the civil rights movement and the environmental movement. So I chose that specifically.

And I also know that civil rights is often times a deal breaker, as we experienced in the early days of bringing Title VI to bear around some of these issues and still pending cases. It is still a civil rights issue in my mind when people are not being equally protected under the law.

So, my real question is in terms of leadership from

the federal agencies to provide a hammer when needed and what the proactive strategy would be around that when states are pretty much sort of ignoring the mandates and the opportunities.

MS. BUHL: If I could respond further, we may talk about this later today, because I think what we are hoping is the result of the EJ program reviews that we are embarking on. You know, if you look at the big picture, and that all of our programs have -- or, most of them, a state component. And there are delegations and authorizations.

And if we can truly figure out how to integrate EJ into how these programs should be run, if we have missed some opportunities, and I suspect we have, that is what we are sort of hoping these program reviews are going to show us. You know, where is it that this can become a factor that is considered where it hasn't been before.

MS. WILKINS: Thank you.

MS. BUHL: So we are hopeful.

MR. MOORE: Let's see, Laura, did you want to -- we had, actually, Jode, Lang, and Sue. But, Laura, did you want to respond to that?

MS. YOSHII: Yes, I just wanted to share in the response on that in terms of an action that I know many of the regional offices are doing to address that. And that is, part

of our responsibility is working with our state and tribal partners. And in setting the agenda for those conversations, we definitely include environmental justice as part of those conversations so we can have a shared sense with our state of the priorities.

I mean, I admit that in our region, there seems to be, perhaps, more openness to that than in other places across the country, just because of the diverse population that we serve, but that is important for a couple of reasons. One is to share the sense of priorities around that, so any input to either the state or to us will bring that to the dialogue.

And then there always is the enforcement authority, even though the programs are delegated to the states, where there are instances of non-compliance or concerns that are expressed to us at the federal level, we have the opportunity to exercise our independent enforcement authority.

MR. MOORE: And I just wanted to, as I move forward with Jode and the rest of the Council members, I had received actually a call late last night from -- or earlier this morning, from the president of an organization in New Mexico. And it is to do this overlap in terms of Donele's question, and so on.

There was -- and I will give a very short version of this -- there is an organization in northern New Mexico that



is called Concerned Citizens of Wagon Mount in Mora County. And one of the issues that they have been engaged in is an issue over a landfill.

A solid waste landfill, but the family when they presented this to the village counsel, and so on -- this is a rural village in northern New Mexico, ranching community -- the perfect place to set something that for many other people's opinions may not be countered by the community or so on, and in the shortest version, there has been a seven year struggle that has taken place up there. Where, actually, the property owner, the land owner, had committed that he would -- was only applying for a solid waste permit, would hire -- sounds real familiar -- hire so many people from the community, 34 people, I think.

This village is a population of, I think, a little bit over 370 people. He would have hired 34 people, would never apply for solid waste -- or special waste, I am sorry. For special waste permits, or whatever. And then a little bit of our history is, two years later, after the village council, and so on, agreed to a regional landfill, then they come to find out that regional means in the solid waste world in New Mexico, and maybe beyond, that that landfill can receive stuff from not only two or three counties in northern New Mexico, or the State of New Mexico, but from every other state in the

U.S., including Mexico and Canada.

And this call was informing there was a meeting last night that was taking place in another city further down from that community, and that the president of the organization, Concerned Citizens, had received a call from one of the residents in the village informing her to be careful about going to the meeting in Springer, New Mexico because the police were going to be there to, basically, harass her as soon as she comes into the town.

I am saying this in the shortest verison. It is a little bit more complicated, and so on. Just, again, to strike the real sense of urgency of these discussions that we are constantly engaged in, and then the constant pressures as we go through this process together, the constant pressures that many of our community folk are under on a fairly regular basis.

And we know anyone here, and our observers and participants, and whatever, could talk about examples about life and death threats and all those kind of things that go along with it.

I am saying that in this reference -- and, quite frankly, when she got to the Springer city limits, there was a Springer police officer there pulled over, basically, held her up, harassed her for a little bit. She was late for the

meeting, but at least she got to the meeting, and she got back home. At least got back home as the time that she called me last night.

So, we see this, is what I am saying, in terms of states and so on, but I am making the correlation here, basically, between the vulnerable community and the vulnerable areas.

Because since then, when you bring up the question of race, everybody says, there they go again. You know, and it was said to us continuously, when we talk about environmental racism, can you just say environmental without the "r" word?

(Laughter)

MR. MOORE: I mean, you know, that kind of thing. And those kind of dialogues. And so what we are beginning to see, and I flagged it yesterday in California with the Kettleman City community, this whole question, because of its correlation between race and class then, in fact, that some of the states are now talking about vulnerable areas to get away from the concept of vulnerable communities.

And that is a very, very dangerous trend that is being said here. We experienced it two weeks ago in the landfill hearings around this particular landfill. And I will say that there is no member on this advisory counsel that is a

representative of the particular industry that I am speaking of in northern New Mexico. But I am saying that in terms of this question of vulnerable communities, and vulnerable areas.

And when we get into the EJ seat dialogue, Granta, and so on, and the rest of us here, that we have got to be very cautious that we are not assisting in setting us back instead of moving us forward. And that is my primary comment. I apologize, Jode, for going so long on that piece. But I have Jode, Lang, and Sue.

MS. HENNEKE: Thank you, Richard. First, I do want to say that I am honored to continue to be a part of NEJAC. It is part of a subject matter that is near and dear to me, both personally, and in the profession that I have chosen as a public servant.

Then, Granta, it might not come as a shock to you to know that once or twice I have fussed about EPA and how they do business. But, I have learned as I have shifted my career here lately, the federal agencies that I work more closely with are the Army Corp. of Engineers, NOAA, and the Mineral's Management Service. Oh my gosh, you guys do this stuff better. Let me tell you.

(Laughter)

MS. HENNEKE: And when I reflect on that, I realize that I have spent the last 17 years of my life being part of

this discussion and how much further along we are now, even just in process and understanding, if not always action, than where we were when we started.

And part of my observation is that as we talk through the rest of the day about integration within EPA, and within those programs, it is vital -- if there is anything that we should have learned as we dealt with the aftermath of natural disasters over the last couple of years -- if there is anything that we should have learned, it is that no agency, on whatever level, can operate efficiently by themselves.

And I ask of you, as you continue through your work with MOUs and fussings, and all of that kind of different ways that you do business as a federal agency, to try to help with those agencies to learn from some of our mistakes that we have made in the past.

Because, frankly, they are just not there yet. And we all do much similar work, in listening to some of the other participants. Some of my current responsibility has to deal with coastal erosion, and Texas does have, Richard, both some vulnerable locations, and vulnerable populations. And some of those exist together along the coast.

We have areas that are eroding six to nine feet a year, and that is crazy. That is just crazy. And I now get to deal with people explaining, through no fault of your own,

your home is now on property owned by the State of Texas. And that takes a little bit of an art form.

And also, both for Charles, and Richard, and Granta, under the heading of bluntness, when we started all of this, as we began, not only did the states not know what they were doing, EPA did not know what they were doing. And that was painful. That was very, very painful. And we stumbled, and we did a lot of staggering, and the communities really had to push us.

Some of the states are better, some of them are not. Some of them go forward and go back, but it is through a continual momentum of the communities and the folks that are directly affected and impacted on a daily basis that keep us moving in the right direction.

There has been plenty of blame to go around on all of this. So that is my speech, Richard.

MR. MOORE: Thank you. Okay, Lang.

MR. MARSH: Thanks. And I would like to appreciate your support, Granta, for environmental justice generally, and the Office of OEJ. And, for your openness and flexibility.

One of the things I am particularly pleased about in what Charles has been doing is the promotion of collaborative problem-solving and through the grants, and the capacity building, and so forth.

In my observation, most EJ problems are local and regional, and as we have heard today, even global. But our existing governance systems are, generally, national, state, and city, not on the neighborhood level. So we have a mismatch between problems and systems.

And we heard yesterday a really intriguing example of how to get past that in the West Oakland Indicators Project, where some brilliant person at EPA -- it might have been Laura -- decided to support a collaboration among the various interests. Involved the community groups, the agencies, the port, and so forth, to come up with some solutions that even included land use changes.

And that EPA played a different role than it has been used to, I think. One, to support the process that brought everybody to the table, and the second was to participate, not as a regulator or program manager, but as a participant providing technical assistance and advice, and so forth, at the table with everybody else.

It seems to me that there is a lesson there that might be worth thinking about, is how to use EPA's resources, not only to build the capacity of community groups to participate -- which, I think, as I said yesterday, is really critical to increase that support, but also to find ways in partnership with other agencies, and with the states, in

particular, for these collaborative processes that are about finding solutions to the local problems.

And so I think that anything -- I would like to hear your ideas about that use of EPA resources. But I think, you know, you are the enforcement chief, and I think enforcement has a significant role, potentially, to play in these collaborations too. One is to bring the traditional enforcement tools to the problem where that is appropriate.

And the other is where violations do occur, and people are fined -- and I know you can't encourage them to offer a supplemental environmental projects, but where they want to do that, to work to integrate those projects into the community collaborations that are trying to solve environmental justice problems.

So, any thoughts you have on that, I would appreciate it.

MR. NAKAYAMA: Well, we can encourage them, we can't require them to do so. But we, certainly, do encourage them to do so, to the extent that we can. I think you touched on a couple of points here, let me address the second one first, enforcement.

It is vitally important, you are right, that we have a strong enforcement presence. You know, I think they handed out a thing on how you can use our website to report



environmental violations. When we get community support, or we get people reporting and we find a violation, we are always interested in doing a SEP.

And we have done some really very interesting SEPs over the last year, whether it is extending sewer lines to communities that were under served as part of an overall municipal settlement. Saying, look, you ought to go into these communities that have not been served in the past, connect them to your system, and get those people on the water system, or whatever.

A health clinic next to a refinery. And say, look, you know -- and those SEPs are not a replacement for if there is a tort claim, or a nuisance claim. Legally, they are not a substitute for that. They are sort of remediating or mitigating a regulatory violation. But to the extent that we can work with the community and get a good SEP that is going to work for the community and it is going to be a helpful SEP, we are interested in that.

Whether it is, I think, in several cases we have had, SEPs where we protect a native species, or work on getting rid of invasive species from the environmental standpoint. A lot of things where we don't really have the regulatory reach to do that, but we can do it in a SEP, so that is certainly important.

With respect to the first point, can we participate, you know, as this Oakland example, you pointed out, we are certainly interested -- and I am personally interested in any new technique that will help us extend our reach, whether it is EPA as a convener as opposed to a regulator. Whether it is EPA as a process, person provide a process, a forum, so that we can deal with these problems. I am interested, that is where we can help.

I know Charles has a lot of experience with some of this, and if there are particular instances -- I have done a lot of speaking on the rubber chicken circuit. When I talk to the industry folks, the folks in industry and saying, look, we can help. You know, they think of us as just regulators, first, last, and always, especially when the enforcement guy shows up.

We can help. If there is an issue in the community, we want to be a force to resolve the issue, to bring the parties together. So, you know, we had a Spartanburg DVD which is a great example of how it can work, and we are using that as a model to tell people, look, there is a model that can work.

So we are excited. Lang, I know you have done a lot of writing about a lot of these issues, SEPs, and other things. So I am very interested in your thoughts, if you have

specific opportunities you think EPA can engage on. Let us know, we are interested.

I know we have made a commitment, talking about New York, Elizabeth, in Region 2 we are going to have this dialogue we haven't had in I don't know how many years with the EJ community. We will have a listening session in Region 2. I made a commitment to Senator Clinton. We want to engage in that way because in the enforcement world, we are used to using the hammer.

And if that doesn't work, using a bigger hammer. Certainly, I am very used to that myself, but I am very anxious to explore some of these other opportunities. So, I appreciate your comment.

MR. MOORE: Thank you for that. I will say quickly that we had a very successful listening session in Region 6. And I know some of the regions had them, and some of them didn't, and I would just encourage all of us to get involved in that and commitment to do that in that region.

Okay, now we are behind. We are all right, but we are behind. So we have two more cards. We have Sue and then I think Chris is up. I didn't see -- Jim, do you want to --

MR. JONES: I just have another response to Lang's question regarding the model that he has suggested the Agency follow.

MR. MOORE: Okay. And if you can just hold for one session, I am just going to give a little quick one, and then we are going to let you respond. Let the other two go, and then just say could we keep this next piece kind of real tight and brief.

Because then what we are going to do after this round right quick is Charles is going to give us a two-minuter -- or, a one-minuter now. Okay, and I will take Charles' word on that one-minuter.

One-minuter, that is just like Richard saying, one minute.

(Laughter)

MR. MOORE: But a one-minuter on the EJ integration, and then we are going to take a very brief break. And then we are going to come back and get back into the session. So, Jim, do you want to respond please.

MR. JONES: Yes, thanks. The model that you described is, basically, the model of the CARE Program. And that is fundamentally what it is, which is EPA is the convener and we bring together all of the effective stakeholders. And then we bring our technical advice, and part of the technical advice isn't just understanding risk, but it is also who are the other governmental players who need to come to the table.

So I think we are already on our way in terms of

trying to take that model and using it more broadly. And I am speaking a little this afternoon more specifically about that program.

MR. MOORE: Thank you, Jim. Sue, and then we are going to finish with Chris.

MS. BRIGGUM: Sure. And I want to follow-up a bit on Shankar. And, first of all, thank you for your wisdom in giving us the charge with regard to the Goods Movement. I, certainly, found yesterday it utterly eye opening in terms of, number one, the statistics that Shankar has compiled with regard to the risks that are posed by this issue, as well as the enormous amount of very productive work that is already underway, both within EPA and the State of Maryland gave a really strong presentation.

It occurs to me that, perhaps, one of the benefits of the NEJAC could be to assist in communication with people who are constantly badgering you with regard to how you allocate your resources. You know, I read about the Senate hearings, and it is very good that Congress has become interested in environmental justice again. It would be helpful if they would be open to being informed with regard to risk.

When you look at the significance on what is being done on SmartWay, that kind of effort that is kind of

unheralded, but at the same time, is performing very substantial and real, and critically important risk reduction, versus some of the programs that are always the source of criticisms with regard to resources.

They always default to SuperFund and, I think, that does a disservice to a lot of the important work that is being done. And it, certainly, does a disservice to the people who came forward to express the profound problems that they are experiences if they live in the communities that are involved with these massive amounts of goods movement.

So, I hope the report is helpful to you, and this is to peak your interest to be excited about receiving it.

MR. MOORE: Thank you. Chris.

MR. HOLMES: It is a privilege to be here also. I am seeing all my old friends from EPA. And you must, certainly, have come a long way, because I think about meeting Ben Chavez in 1991, with the United Church of Christ coming in and suggesting -- which is an understatement -- that we have an environmental justice program.

And like, Jodena, the longer I am away from the EPA and the more I deal with other agencies, the better it looks, to put it mildly.

I just had a couple observations on EJ and the coastal areas. And that is, I think that two powers that you

clearly have, one is your science and your capacity to project out. And that is a great way to convene attention.

And I remember when we were worrying about Chesapeake Bay problems, Region 3, actually, was doing scenarios on pesticide spills in the Chesapeake. And that science got a lot of people to the table, and it was tremendous.

And I think that those kinds of projections as they relate to future Katrina-type catastrophes in the Gulf, and elsewhere, is a wonderful way to bring people to the table.

The second thing is the imaginative use of authorities. Authority is not necessary used for one thing, to do something else. My work presently in the conservation area, I have been amazed by, for example, what you can do with the National --- Monuments Act, you could do a lot of things that no one ever thought about.

And I am very interested in, for example, the Reach of Risk Management Programs under the Clean Air Act and what they can do to link into EJ concerns. And in my review of RMPs, that is normally not something they do, but there is a lot of authority to do that.

And having been the assignable official for a Title V when I worked for an energy company doing EHS work, I am very respectful of the reach of the RMP, how it links in to

Title V, how it links in again with EVCRA, and what can happen if you really educate communities as to the interwoven added powers of those statutes.

So, those are just some observations. And, again, thanks so much for having me on this group.

MR. MOORE: All right. What do people think, are we all right? Okay, Chris you want to cut that one off for us? Thank you.

Okay, Granta, we would like to again thank you, for the open dialogue that we have had. I do have to say that I took Granta up on that Friday at 5:00, but I think it was a Tuesday, because it was kind of important, and some people do really have a closed-door policy. And we have experienced that a lot through the past, but this is not a closed door person and we do appreciate Granta.

Quite frankly, your support, and your dedication not only to this Council, but your commitment to environmental justice. And thank you for the dialogue and the frankness of this particular discussion we have had.

So, Charles, I am going to turn it over to you for one minute, and then we are going to take a break and we'll reconvene.

**Overview of EPA Integration Efforts**

***by Charles Lee, DFO***

***Audio Associates  
301/577-5882***



MR. LEE: Well, you know, I was supposed to give a short presentation on Environmental Justice Integration, just so that you can be placed into the proper context for the discussion to be followed around environmental justice, strategic enforcement assessment tool, and the environmental justice program reviews.

But what I am going to do is just point you to the part of your meeting book. There is a Fact Sheet on environmental justice integration, EPA's efforts. It describes what it is and some of the important recent activities in terms of environmental justice action plans, environmental justice national priorities, national program guidance, environmental justice program reviews, and the EJSEAT.

So, I just want to refer you to that. I guess during your break you can read this and then we can save time. So, with that, Richard, we can go on a break.

MR. MOORE: Thank you very much, and thank you for modeling the one-minute for us. How much break are we going to get? Okay, 10 minutes. We need 10.

Again, thank you Granta, thank you staff for joining us, and we'll take a 10 minute break and then we'll reconvene.

(Whereupon, a brief recess was taken)

MR. LEE: I just want to say, I am sure -- Richard

might be getting us caught up, and we are in a time crunch because it was a great dialogue. And I know everyone wants to get to speak with Granta, but you should know that he is going to be here for the next couple hours. And the reason why we are in a time crunch, and we want to keep on schedule -- hello? Donele, can we -- and others. I don't mean to single you out. And I don't mean to be pushy, but I am.

Granta and the Deputy Assistant and Regional Administrators want to break bread with the members of the NEJAC, so there is a special luncheon set up. So we want to be timely.

So, right now, we are going to just proceed and discuss the Environmental Justice Strategic Enforcement Assessment Tool, which has been a tool that has been under development for several years. And I am not going to describe it, I will let the presenters do that.

So I just want to introduce the presenters. The first is Tinka Hyde, who is from Region 5. And Tinka is, actually, known affectionately as the mother of EJSEAT. She is the Chair of the Internal EPA Workgroup that developed this tool. And with her are two members of that workgroup; one, you met already, Samantha Beers, from the EPA Region 3. And Andrew Schulman, who is with the Office of Compliance.

So, with that, I will just turn it over to you,

Tinka, to make your presentation.

**EJSEAT Overview and Discussion**

***by Tinka Hyde***

***(Panel: Tinka Hyde, Andrew Schulman, and Samantha Beers)***

MS. HYDE: Okay. Thank you, Charles. Thank you for having me here today, I am very excited to be able to share with you the progress we have made on development of the Environmental Justice Strategic Enforcement Assessment Tool. You can go to the second slide.

(Slide)

What I want to do today is give you a sense of how this effort originated; the goals that were established by OECA; to share with you the indicators that we are using, and the selection criteria that we identified, which was used to figure out which specific indicators we were going to use; to explain our scoring methodology; and, finally, to get some feedback from you all on this tool.

(Slide)

The activities on this tool, actually, originated probably about four years ago. At the time, OECA was actually being criticized for our inability to report nationally on the work that we do in the area of environmental justice. We were unable to show direct and measurable program results in the area of environmental justice, and we lacked a consistent set

of parameters in order to identify areas.

So, as a result, OECA established a set of goals for us to address. The first is to promote national consistency in the implementation of the Environmental Justice Program. The second was to achieve environmental benefits in areas of potential EJ concern. And to be able to measure and report on our progress in achieving these goals.

(Slide)

In order to select indicators for this tool, we first established a set of criteria that we felt that the indicators needed to fall under. The first is that we wanted to select federally recognized, or managed data sources to address data quality issues.

The second was the goal to use datasets at the census tract or census block level. To date, previously, a lot of the data was available at the county level, and that really is not at the level that is appropriate for us in terms of implementation in the enforcement program.

We were successful to get the data to the census tract level, getting to the census block level at a national level was, actually, fairly difficult. And we were not able to do that.

The third criteria was that the data needed to be available for the entire nation. And that turns out to be a

fairly limiting criteria. But, in order to have a nationally consistent approach, we felt that that was a very important criteria to keep.

In addition, we wanted to expand the set of criteria that had traditionally been used in identifying potential EJ areas beyond the demographic information, but also to identify public health and environmental data that would, actually, give us a sense of where the burdens, or disproportionate impacts.

(Slide)

I am going to go over the four categories and the indicators under each of the four categories at this point. There are four categories, the first is social demographics. And they are fairly traditional indicators that, I think, we have used over the long-term in terms of the Environmental Justice Program.

The first is percent of population in poverty. The second is percent of population counted as minority. And under the census, that would be all those individuals who are not under the category of White/non-Hispanic.

Percent of population 26 years old without high school education. Percent of population under 5 years of age, and over 64 years of age. And that is an attempt to get to vulnerable populations. And, finally, percent of population

in linguistically isolated households. And that was an attempt to get to access to information issues.

The second set of indicators is environmental indicators. And for that, we looked mainly at EPA data. Actually, entirely at EPA data. The first set of indicators is from the National Air Toxics Assessment Data, and that is referred to as NATA Data. And it is EPA model to identify the impacts on air quality from emissions of air toxics and the data is managed by EPA and collected by EPA.

There is the NATA cancer data, which addresses potential cancer risks. There is the NATA non-cancer data that addresses neurological and respiratory issues. There is NATA non-cancer diesel particulate matter.

We also used the risk screening environmental indicator tool, and that is a tool that actually takes the TRI self-reported data and puts it through a model and it gives you a relative risk related to the air emissions, surface water affluent, and indirect exposure pathways.

The last two indicators are actually data that is collected and modeled, based on the national air monitoring stations. And it is the particulate matter 2.5, weighted for population, and ozone monitoring data, weighted for population.

MR. PRASAD: (Microphone not turned on)

MS. HYDE: I am going to get that in a second, that is the scoring methodology.

The next two indicators are compliance indicators and health. The compliance indicators are based on our enforcement data that we collect at EPA. The inspection presence data has to do with the -- it is the percent of uninspected areas, or facilities. Violation measure is the percent of facilities with a violation. And the formal action measure is the percent of violations violators without a formal action.

And a note on these indicators, it is a relatively small subset of data. It is for the major large facilities that we report on on a regular basis. And that the states report on on a regular basis. But, it does not include all of the facilities that we regulate.

The last indicator on this, however, is an attempt to get to the broader category of facilities. And it is all the facilities that are located in the facility registry system that we have at EPA.

And while it is an attempt to capture all of the facilities that are regulated, it doesn't maybe always capture every one of them, because that is always changing. But, it has over a million facilities, so it is a very good sense of what we have in the nation. And we used a density measure, so

the number of facilities in a square mile or kilometer, I believe.

The final set of indicators is health. We included the health indicators based on two previous conversations that we had with the enforcement and compliance subcommittee of the NEJAC back in 2004, and at the New Orleans meeting, I think that was. And then there was another subcommittee meeting in D.C., I forget exactly when it was, but it was around the time of a hurricane because we had to leave early.

So, the feedback that we got from both of those sessions was that health information was vitally important to the folks in the NEJAC. So we did include that data. I will tell you though, it was probably the most challenging, and continues to be the most challenging data that we are using in that it is not available at the census tract level across the nation in a way that is accessible due to privacy issues.

We have a few things that we are going to do to try to address that, so the next slide will give you a sense of -- I am just going to go into that a little bit.

(Slide)

We are actually working with states to obtain census tract data. And, unfortunately, that is going to require us to go probably state-by-state to get that data. In particular, Region 3 has made a lot of progress in talking to



a couple of their states, and as a result, we are going to have to make some assumptions in the beginning.

(Slide)

And this is a slide that demonstrates how we are going to use the health data currently in the tool. What that slide depicts is all of the different smaller areas are census tracts within a county. And what we are doing is we are making the assumption that what goes on at the county, goes on at the census tract.

And we know that that is not correct. We did have some peer review feedback on that and, actually, we got a couple of different opinions. One validated our belief and our understanding that that is not correct. The other though recognized that there was no better solution at this time, and that there was some value including some health data in the tool, with the hope that as time goes on, we will actually get better data down the road.

So, we made the choice to keep the health data in, and we are making an effort to get the census tract level data from states. And it will probably take us a couple of years.

(Slide)

The next slide gets into how we conducted the scoring. And if you recall back to the earlier slide, where there was the divide by six, or the divide by four, the way we

did the scoring methodology was we, actually, within each indicator category, we scaled every sub-indicator on a scale of zero to one hundred.

And then we trimmed off any outliers to address datasets that were extreme. This was an attempt to more easily manage the data without losing significant information. For every indicator, we scaled the data, we divided within a category by the number of sub-indicators in that category -- so, if there were six sub-indicators under environment, we would have divided that sum by six to get an average.

We did that for every category, and then we added across all of the major categories, scaling the information every time we want, and got a total that we then divided by four to give us an average composite score, if you would.

A couple other points on the scoring. We had a decision point early on to decide whether we were going to apply the scoring methodology nationwide, or on a state-by-state basis. There are pros and cons to each. Ultimately, we chose to do the scoring on a state-by-state basis. And that is important to sort of keep in the back of your mind.

The reason we did that is to recognize that there are political and economic differences across state boundaries. And we wanted to not lose that in the process.

The other reason is that we do implement regionally

at EPA within a sub-set of states, in that the states do a lot of implementation, and they implement solely within their state. And we wanted to develop a tool that if a state was interested, they could also use and benefit from.

So, the scoring that was done was done for every census tract in every state across the nation.

(Slide)

Okay, what is EJ Seat prototype? It is designated as a tool for internal use, it provides a consistent approach for identifying areas with potential EJ concerns, using the set of indicators that I talked about. And it identifies facilities that are co-located in those areas.

And that is another important thing to keep in mind, we are not scoring facilities, we are scoring geographic areas in facilities that are either located within a buffer of that, or they are not -- and they, therefore, are then considered a facility that is in the potential area of EJ concern.

(Slide)

The next step we took is to figure out, okay, how are we going to use this tool to help us prioritize our work? Because that was one of the goals, is to also help us figure out, with all the work we have to do, where do we need to focus our energies first.

So we made a choice to identify the top 20 percent

of the census tracts in every state. And those would be considered potential EJ areas of concern. We also differentiated between the top 10 percent scoring census tracts and the next 10 percent scoring census tracts. So, if we only have resources to go to these areas that score the highest, that is what we will do. But, at the same time, we have the ability to go back, look at all the information, and make choices based on that as well.

Facilities, again, are given a flag, if you will, if they are co-located in these areas. We also included a buffer zone around census tracts. And the next slide shows that.

(Slide)

We included a two-thirds model buffer zone, and we used two-thirds model based on some air modeling information that we got from our air folks that suggested that, actually, the impact of a facility area is a fairly complicated undertaking. So we made some assumptions that about two-thirds mile is going to be the area within the impact.

This, actually, attempts to address what we refer to as the across-the-street phenomenon, where there might be problems right in the specific census tract, but we also recognize it is not a wall. And that there is some sort of transition that might occur. And so we wanted to be more inclusive, not exclusive.

(Slide)

The final slide is just to give you a sense of where we are going and how we are going to use the tool at this point. We want to be able to use this to actually report on our accomplishments, to evaluate the impact of our decisions on areas with potential EJ concerns, and the goal is to pilot this and begin its use in OECA in fiscal year 2008, which starts in October.

In closing, I want to make just a couple of comments. We recognize that this is a first step with this tool. We also recognize that there may be ways to improve this over time, and we plan on looking back after we get some experience with this for a year and seeing if there are changes, or improvements, that we can make to the tool.

And, finally, I am looking forward to getting some feedback from you and your reactions on this effort.

MR. LEE: Just a quick note. We are getting copies of the PowerPoint for our other members of the NEJAC and for the audience if possible. And, as we said before yesterday, that all these presentations will be put on the ICF website, which the URL is in the back.

MR. MOORE: I also just wanted, as we continue with the presentations, to mention that we had the DRA from Region 1 join us. Ira, would you please introduce yourself.

MR. LEIGHTON: Thanks, Richard. Hello everybody, I am Ira Leighton, I am the Deputy Regional Administrator for EPA New England. And it is a joy to be here.

MR. MOORE: Thank you for joining us.

Okay, we are ready to proceed. A lot of cards up there. So you expect me to figure out which one went first? Okay. Jode.

MS. HENNEKE: My question is have you all -- I know that you have designated this as a pilot within OECA, but have you had this conversation with the enforcement arms of the state agencies? Do they know that you are getting ready to do this?

MS. HYDE: To some degree, yes we have, but not in a lot of detail because we are still in the development phase. And let me be clear, we are not going to tell the states they have to use this, we are going to offer it as an opportunity if they are interested. We know that some states already have a tool.

MS. HENNEKE: But when you say pilot it for use within OECA, what does that mean?

MS. HYDE: A couple of things. First of all, it is an effort to integrate environmental justice in the day-to-day work that our folks do. And so it could be used to help us get a better sense of where we need to do some of our

inspection work.

It is going to help us get a sense of how well we are covering work in areas so we can use it retrospectively as well. It is going to give us the ability to report on the environmental benefits we actually achieve through our settlements in EJ areas as well.

MS. HENNEKE: And I guess that is what I meant by have you had that dialogue with the enforcement areas within the state agencies. Telling them that that is how you intend to start using it. I didn't mean to ask -- I know you are not going to tell the states they have to use it, but my question is, do they know how you are going to use it?

MS. HYDE: I think every state is different, and I think for the most part, we have not had a formal conversation with the states. That is the conversation that usually occurs at the regional level. And as part of the rollout, we need to figure out how we are going to have that conversation with the states.

MS. HENNEKE: Thank you.

MS. BEERS: I can say that in our region, we have had that conversation with our states as a necessary step to gaining their understanding before we reached out to the state health agencies. So, when we met with our states at our yearly -- we have a twice a year All States Environmental

Justice meeting -- we did this presentation, we collected their information, their questions, for about two and a half hours, and then we asked their help in reaching over to the state health agencies to get health data because we would like to expand from the two health indicators that we have there to a more robust field.

And some of my state partners are here, probably four of my state partners are here. So in the break, you are free to talk to them a little bit more as well.

MR. MOORE: And just as we continue, both Andrew and -- I mean, the whole group, please, as Samantha is doing, just jump right in there. Veronica, everybody, just jump in there. Okay, Chuck.

MR. BARLOW: Just a few questions. Is this tool going to be accessible to the public? Is it going to be accessible for public use where a community group or a corporation could go in and look at their facilities and say, well, let's see whether we have a facility that this tool indicates in a problematic location?

MS. HYDE: Not at this time. We are still in the pilot phase, and so I don't think we have made final decisions on how we are going to roll it out once we have a final version.

One of the challenges is that we are using it in the



enforcement program, and so we don't always translate what we are doing and where we are going broadly.

MR. BARLOW: Let me just say that from a corporate insider perspective, when I am going to my bosses saying, this is something we need to pay attention to, this is something that we may need to go above and beyond regulatory compliance here, it would be a tremendous help if I could print something out. That is just, see this red spot right here? That is us.

So, I mean, just keep in mind that the people on the inside of the companies are trying to bring what pressure we can bear as well to the people who actually write the checks, so-to-speak. So there might be a way. I, certainly, understand the enforcement sensitivity of it, but there might be a way that you can translate it to help us as well.

MS. HYDE: I think the other challenge we face is that phenomenon of this is an area of red, and while it is informative, it also creates a lot of fear in folks' minds. So I think there is going to be a challenge in figuring out how do we provide this information to folks without it becoming a future negative.

MR. MOORE: Paul.

MR. MOHAI: Yes, thank you. First of all, I want to thank you for your slide presentation, because I only heard of EJSEAT recently, and I was really trying to get my handle on

it and your presentation really helped quite a bit. And I am happy to hear that we will get copies of the PowerPoint presentation.

And if it is not too much to ask, I would ask that we get them in color, because the shaded maps were very useful, but I don't know if they will make sense in black and white. And I may have overlooked this, but I don't recall seeing any scales that indicated what the different colors mean. And I think that would be helpful as well.

My main question has to do -- it sounds like development of this tool, even though it has been going on for some time, has not sort of made its coming out yet. It is still maybe at the latter stages of development, but it hasn't really been finalized and implemented.

You mentioned that you have had a couple people review it, and one was favorable, and the other one was not. It seems like a tool like this, especially, if it is going to have policy impacts, really needs to get external reviews, and fairly extensive reviews from competent people.

So, I am wondering what your plans are, maybe that you already have plans, or maybe you already have in mind how you are going to get those external reviews, but I would be -- as a friendly critique, and as someone who reviews a lot of research myself as an academic -- I would be very interested

in knowing who the reviewers are. Not necessarily specific names, but who are the entities. I have a bias. I would prefer an academic reviewer, but not just one or two. I would want quite a few; especially, given what I see as the potential impacts of this tool.

MS. HYDE: We did both an internal peer review, and an external peer review, so I will focus on the external peer review, because I think that is what you are more interested in. The external peer review, we actually had six or seven -- and I am forgetting the number off the top of my head -- professionals. And we focused mainly on the health issue, because that was our biggest challenge at the moment.

So we had individuals from state public health departments, top officials. We had some academics in health fields, and --

MS. : (Microphone not turned on)

MR. MOHAI: Excuse me, I guess I would add that there ought to be people well versed in methodology in public health people -- you know, like any other academic discipline. Somewhere very good and well trained, and they emphasize methodology and what they do, but others do not. So I guess I, maybe in refining the question I posed earlier, I guess I would have questions about the diversity of reviewers in terms of their expertise.

MS. HYDE: Okay.

MR. MOHAI: Public health is important, but I don't see it as being an --- especially, given how data intensive this method is and it involves so many different kinds of databases and demographic data, health data, pollution data, with different people -- it is like parts of a computer, some people are experts on various components, but who could build one from scratch.

So I guess I would like to see -- or, like to know, at least, to have confidence in this indicator, who the reviewers are, what the diversity of their expertise is.

MS. HYDE: Okay. I am not going to be able to remember all those right now, so I will have to get back to you. Okay.

MR. MOORE: Thank you. John A. I am going to have to do -- there is two John Rs, so we are going to go with John A. I am just going to do John A for a moment. John, you go ahead please.

(Laughter)

(Members speaking simultaneously)

MR. ROSENTHAL: Well, thank you very much. Thank you for your presentation. I have two quick questions. The first one is, have you field tested your model to actually produce some of those red dots? And the second question is,

in your view, what impact do you see EJSEAT having on the EPA budget?

MS. HYDE: On the EJ what?

MR. ROSENTHAL: On the EPA budget.

MS. HYDE: I haven't really thought about that. In terms of the EPA budget, I am not sure I have a sense of what impact that will have. Maybe others have an -- I have no sense of that.

Regarding field testing, we have done that. We are asking regions to do some comparative analysis to give us a sense of how it compares with their sense and understanding of what is going on within their regions. And so that is ongoing right now and we are getting that information in.

MR. RIDGWAY: I am fairly familiar with these kinds of data effort, and I commend you. This is not simple, I am glad to see this effort going forward. Obviously, there is a lot of interest.

A couple quick points. The RSEI data as one of your subsets, it was my understanding that that almost got unfunded by EPA. So I hope that there are conversations to see these datasets get supported more into the future. And I don't know the details, but the point is, if you are going to rely on these datasets, I hope that you have a plan to encourage their ongoing collection and enhancements.

Second, you reference census tracts and census blocks, but everything I see up there is about census tracts, which are much bigger areas. So I would suggest you get rid of the word blocks, because in rural areas, there is a -- one census tract can cover a huge, huge area. Otherwise, you are going to set up false expectations.

Third, I definitely agree with other comments, you should at least share these scores as broadly as you can so everybody knows what you are looking, whether or not you are sharing the details of the model right away, until it maybe goes through further development.

And last, and I think most important here, is context. A lot of people are going to interpret the model in different ways. They are, I am sure, concerned that it will drive decisions, irregardless of what people see on the streets. And we have gone through this in our state where you have to constantly remind people that this is -- and you have heard this before -- it is one tool. It is not a decision-maker on its own. Or, at least I hope you are not intending it to be.

And I am not hearing that, but boy, the packing and communication around this, would the states who are held accountable for their own compliance work, and to the public, and to this group, I think you ought to keep the expectations

low that this is a major driver for decisions. Otherwise, people are going to read way more into it than, in spite of your efforts, you would like. Thank you.

MR. MOORE: Joyce.

MS. KING: Thank you. My name is Joyce King and I am with the Haudenosaunee Environmental Task Force. I am just going to offer you one more challenge. From my territory, the Haudenosaunee used to call this Iroquois. We don't participate in the census data, so I am not sure how you are going to look at our population.

As well, we still have our home births, we don't use medical facilities unless it is very crucial, and we do a lot of our own healing back at our own territory. So that is one challenge.

The other challenge is I am not sure if you include how we perceive our territory, and I don't think so because you have to go under U.S. law, but there is aboriginal territory that we still have that are sacred to us. And one of them is Onondaga Lake, where it has become very polluted. And I am not sure if you have that scope of including that for especially in indigenous communities.

And, I think, Black Hills is also a territory that there is still some sacredness and we want to make sure that the pollution is mitigated or reduced. Thank you.

MS. HYDE: We do recognize that some of the tribal issues in terms of census and health data, and we have considered looking at other areas. But, sort of re-enforcing what Mr. Ridgeway said, we don't see this as a stand-alone tool, and we expect folks to use it in conjunction with other information that they have in making choices.

MS. BEERS: One of the other groups we were concerned about, frankly, in using census data was the migrant population. Often times, census misses them entirely, so we were very concerned about that as well. But, just to reiterate what Tinka is saying, this is an iterative process, and at this point in time, the census data was the best data we could get our hands on as a starting point.

What Tinka has also explained is that we have sent out everything to the regions. And part of what the regions are doing right now with the information they have been given is doing a little truth testing. What here makes sense? Is it covering my tribes?

And they are working within the region because there is more of an up-close feeling for what is going on to see where they can supplement this tool.

MR. MOORE: Veronica.

MS. EADY: Thanks, Richard. I want to congratulate this Committee, because I attempted to go through the same



exercise. I used to work for the State of Massachusetts, and tried to develop a similar tool. And I know how difficult it is.

I just had a couple of quick comments. When I worked on this in Massachusetts, we actually used block groups. And, Paul, I don't know, you might know a little bit and be able to comment on this better, but I think census tracts have about 4,000 people in them?

MR. LEIGHTON: Six hundred to three thousand.

MS. EADY: Okay, 600 to 3,000. Thanks, Ira.

MR. LEIGHTON: A range of 600 to 3,000.

MS. EADY: And one of the things that we ran into in Massachusetts was that there were some communities, really impacted communities, who were invisible, basically, because they were too small to show up. And what that did was that opened up an avenue for really patent environmental racism which was going on.

So, as you continue to tinker with this tool, one thing you might do is come up with ways to, as you come up with ways to think about including people in Indian country and Indigenous people, also think about how you might be able to reflect those groups that might be missed.

The other thing is a question about whether or not you thought about as one of the indicators English language

proficiency, which is something that is available at the block group level.

MS. HYDE: We have linguistically isolated households which, I think, attempts to get towards that. The challenge with block groups is that while we could probably get a lot of the census-based data from that at that level. The environmental data and, certainly, the health data, and even the compliance data, was going to be more challenging to get down at the block level.

MR. MOORE: Kathryn.

MS. BROWN: I am fretting over my questions. It is my understanding this tool would be used to evaluate the impact of different EPA programs, is that correct?

MS. HYDE: No. No. It is going to be used to help us identify potentially impacted areas, however they may be impacted. Slightly different --

MS. BROWN: But wasn't it in your first slide that you said you sort of had come to the realization that you didn't have a way to assess the impact of different programs at EJ programs? So if I misheard, I am sorry.

MS. HYDE: Well, the impact of the work we do --- areas, and I guess -- I was speaking about that in terms of the environmental benefits we achieve through the work we do.

MS. BEERS: Let me give an example. There is 10

different regions, as you know. One of the issues we were dealing with was the uniformity and identification of what constitutes a community that could be disproportionately impacted according to EJ.

MR. MOORE: Excuse me, Samantha. Could you talk more a little bit into the microphone, I think they may be having problems hearing you.

MS. BEERS: I am sorry, I just so rarely get told to speak louder. I am going to revel in that for a second.

So, what we were trying to figure out is whether or not we could come up with a uniform methodology. Secondly, as I am sure you know, in 10 different regions, we have a planning process.

I will take a second just to put you a little bit through the OECA process. We have a headquarters office that studies environmental data and looks at trends, and looks at impacts from a variety of types of sectors on the environment and on human health.

And they have a suggested -- we like to think of it as a suggested list of places we need to go and do inspections, as well as our statutory list of things we need to inspect every year, or every other year.

The problem came when we couldn't at the end of the year go to the Hill -- we, and the OECA people from

headquarters -- couldn't go up on the Hill and say, of the 100 inspections we did across the nation last year in the --- sector, 23 were an EJ community. We couldn't say that because we didn't have a uniform definition.

So one of the goals of this EJSEAT tool was to allow all the regions to have a common basement or starting point for what would likely be a community that could be of EJ concern.

So, does that help a little bit in understanding what we are doing?

MS. BROWN: Okay. My question is what is the sensitivity of this scoring system? If you want to see change over time, how much would any one of those indicators have to change for the final score to change?

MR. SCHULMAN: Well, the list has changed a little bit over time, but right now we have 18 separate indicators that go into the final score. So, a modest change in any one of them, frankly, won't show up very much.

And that was partly by design, we felt that that gave us a more robust measure of environmental justice concerns to have several different measures in four categories gives us a broader measure. So, in order to see a significant increase or decrease in the score for a census tract, you would have to see probably not just a modest change in one

area. You would have to see a broader change. I mean, that is a general sort of an answer to a general question, I guess.

MS. SCHNEIDER: If I could just add to explain this, again, it is a definitional tool. It is not a tool that is telling us the relative health of the community. So when the agency goes in to take an action, it is going to base that action on demonstrated environmental public health impacts.

And then when we go to assess how the activities of the agency have assisted, it would be against those types of benchmarks, the environmental -- our performance measures, environmental and public health.

MS. BROWN: I guess I hope you heard what John said earlier, because you can't always control, obviously, how this will be used.

Another question which maybe relates to the sensitivity issue, and that is why point estimates? Why a single score as opposed to a range as in the confidence interval?

MR. SCHULMAN: We are just simply not there yet. We haven't developed the uncertainty estimates. It is a challenging problem. We have pretty good uncertainty information about some of these elements, and not very much about the others.

MS. BROWN: Okay, I guess two things. Are there

additional details behind the slides that some of us could get access to if we wanted to? I mean, one thing is the whole scoring from 0 to 100. You know, where does that come from, how do you make those scorings, and so forth?

MR. SCHULMAN: Yes, I mean, we can certainly talk about that. I can maybe give you a thumbnail sketch of that. I am not sure if you are looking for that, or if you are wondering are we going to be disseminating that information in written form.

MS. BROWN: No, I want to know if I and other members of this Committee could see it.

MS. HYDE: I think we are going to have to confer and get back to you.

MR. LEIGHTON: Yes, we are just going to have to discuss that. But you should know that the concern, the request, is being taken very seriously.

MS. BROWN: And I guess I would say that I have grave concern about taking us backwards in terms -- we have heard about risk assessment and what people think about risk assessments. And this is -- I understand the need for it, but I am not sure the need outweighs the limitations. And so I am concerned.

One other thing, and that is as you say this is one tool in arsenal, I would encourage you to promote with the

regions and the various communities, the stakeholders, what are the other tools they should be using. Especially, as it relates to data that you don't have for all of the counties. Data you would have liked to have used, and maybe is available in some communities, but not in others.

MS. BEERS: I want to take a second and explain a little bit more about what it is that we do when it comes to OECA, and how we choose where to go. Because I think one of the challenges that we have with EJSEATs is to try to explain how we use it and why.

And one of the reasons it was so important for us to come here is to be able to have that dialogue so that there is a common basis of understanding of what this is going to be used for. And I think we may have accidentally muddied the water more than clarified it.

There are every year enforcement work plans that are agreed upon, theoretically, I think, Granta, they have already been agreed upon between the regions and headquarters. If not, the ACS, the online commitment system is probably due, I don't know, 30 seconds before I turned on the mic. This is the time of year that those plans are in place.

So every region in America across 17 statutes has a commitment level for how many inspections they are currently going to do. That is already in there. EJSEATs is not going

to control where they go. It will, however, be an additional piece of information to help inform folks.

No one is at the stage where they are saying 30 percent of all your UST inspections, and only 30 percent can be in or out of these areas that are highlighted. It is simply an additional informational tool, given the fact that we are going to do a certain amount of underground storage tank inspections across America.

So those inspections will happen, and have happened for the last 30 years. These agreements that we have with OECA have gone on for probably 20 of those 30 years. OECA in the current formulation, maybe 12 years. So this is not going to start something, or stop something, it is going to help inform something. And I think, hopefully, that helps a little bit.

Because otherwise it makes it sound like we have this driver with all the inherent complications and uncertainties. And the fact that it is an iterative process does not help any of us sleep better at night, if it is the driver. But it is not. This helps inform the inspections that we already are going to do. Because we are going to do them in each of 17 different statutory areas.

But wouldn't it be nice to be able to say in some uniform way, of the "X" number of underground storage tank



inspections done in America last year, in a uniform way, at least this percentage was done in the communities of concern? We can't do that now, because a variety of regions have developed their own tools that may or may not match the tools of the region next door.

So what we are striving for is a uniform way to help identify these communities of potential concern, so that in the work that we are already charged in doing by OECA, we have a little bit of a window. It is not the only window.

We are also acknowledging that certain regions, due to the material available to them -- especially, in some tribal areas -- can then layer additional information on top of this tool.

If you are working with the State of -- there are certain states that have amazingly advanced information collection and availability of health data. South Carolina is, apparently, one of those. There are a couple states out there that are just amazing at this already. So, the State of Missouri, for example.

So if you can get that real data and layer it on top, more is the better. Because wouldn't it be great if you were trying to decide which wood refinishing facilities to go to? And you are concerned about air, to be able to lay on additional health information on air that might be available

in that state.

Not to make it worse, but to have a better information track for why you are going to go to three this year and four next year. Which three?

That is what this is to get. Does that help at all? I am trying to explain -- because this is an OECA document, so OECA is charged with protecting human health in the environment using enforcement tools. Compliance assurance tools. Not the permitting tools, not the other tools. So that is where this is coming from. Does that help at all?

MS. BROWN: For the very reason it was important to develop, others will want it. And I think you are under estimating the impact of this model in the larger community.

MS. HYDE: I agree with you. I think we do recognize the challenges that it presents. And, in part, that is probably why it is the first time that everyone is hearing about it is we are very sensitive to the impacts that this is going to have, both internally and externally. It is not a small issue.

MR. MOORE: And I do, as we move forward, just want to say, again, that that was part of what my comment was earlier -- or, several comments -- let's be careful, because whatever we do, it is probably going to be used by the states. And I am not just putting out the states, it can be counties,

the cities, the states, and other federal entities, possibly.

So, based upon that, than let's just be, these questions are very, very important -- somewhat cautious about how we proceed.

So we have got about 10 minutes left. I just wanted to quickly share, we have got five cards up and just to remind also the Council members that we are going to re-engage again in this discussion. It will be on tomorrow's agenda.

So could I suggest with the five remaining cards that we identify the question or the comment. Just make the question, or make the comment, and then we are going to attempt to respond to those in this short period of time, and then if we can, we will re-engage back in those discussions tomorrow on the agenda.

And then as I do that, Shankar, just keep in mind Council members, these questions here. They are in your binders, National Environmental Justice -- NEJAC EJ Integration Discussion Questions.

And, again, as a Council, we are going to want to look at those and also engage in response around these particular questions. Now, everything doesn't have to happen between today and tomorrow, but we are going to try to get as much done in this face-to-face meeting between today and tomorrow for all the right reasons.

So, I am just going to run down the list. Shankar, Sue, Chris, Omega, and Chuck. Okay, Shankar.

MR. PRASAD: Richard, thanks. I appreciate that and it was a good presentation. I sort of want to indulge here where --- in the sense that this is too an important subject to pass off to tomorrow, or some other time, unless the staff, all the people are present and be able to engage a discussion on this.

Every member has to feel comfortable enough to have had the opportunity to convey that, and so if tomorrow all of these people will be here, that is good. But otherwise, just to state our questions and so we will move on it will not be -- I am very scared. I am fully supportive of this screening tool, but at the same time, I am so scared.

So, there are many issues that need to be said, and some of those questions probably we will hear after hearing those questions others may react. So it is very important for us to take the time, and if necessary, carve out the time from the other presentation of the integration, or something else. But to focus on this aspect. And any number we put, we know that they become sacred. The first time a number is put there, it becomes sacred.

So I just want to say that and so you decide between ourselves how you want to proceed. I don't know, maybe I am

the only one who has that opinion, and if the other members do not feel that way, I am sorry.

MR. MOORE: No, I mean, I think there is others that feel the same way, quite frankly. So we are going to move the discussion, we will take this discussion to 12:15, and then in regards to your response, if we need to re-look at the agenda, then we will take a look at the agenda. So let's continue. Shankar, you had your card up. Please proceed and we will go to 12:15. Okay?

MR. PRASAD: Thank you, nice presentation. First time I am seeing your presentation on this. Do you have any samples that you have tried in some areas that we can look at? Would you be able to present this is what it looks like if we apply it in a given area? And that is one question.

So I will run down the questions and you can give your thoughts. And you use the word many times in a couple of indicators population weighted. That scares me because if you have 500 people in a census block, or track, whatever that you base unit, and had an o-zone concentration of .08, or an accedence of this candor, you are going to population rate --- increases.

On the other hand, if you are to be having only 100 people in that census block, you are very weighing it down. It is weighted less, but 100 people might be more exposed to

that higher level, but you are giving a lower weightage, because the number of people are less.

So it goes in the direction of a gain proving and tying of whatever we are trying to get at. So you want to be able to sort of clearly, whether you use the cut-off point of 1 to 100, however you want to put it -- or whatever, just look at those alternatives and then the whole -- if your intent is to focus on identifying the areas where there is a compliance, or a non-compliance, and where there is a concentration of facilities, knowing that most of the decisions are the health impacts that we are trying to address are mighty factorial in origin, why do we need the health data?

You can, basically, do the same mapping without the health data based on your emissions and your dispersion modeling, and putting it on the overlay of the demographics, economics, and so on. And see in your trial method, does it change? Is it necessary?

So, those are the kind of things that you want to go through before -- and for us to present that kind of a screens that you have done this evaluation, that evaluation. So put it in that draft form among yourselves so that everything is out for change.

For example, I know that this was used in Kettlemen City analysis, and they came out with some -- based on this

analysis, it is not an EJ area. Is that a right statement? So it is already gone in, and has been utilized, and been presented in a public forum.

It is very important for us to kind of see those various things and give an opportunity, as ---- said, to the academics and to utilize with some input from GSI -- GIS System Specialists, and statistical people. Get their input, or workshop, and do something before you kind of bless it within the office.

MR. MOORE: Okay. Now, just while you are getting it there, there has been several references made to Kettlemen City, and I made those references on several occasions. Either Laura, or someone else, not to put you on the spot, Laura -- but could someone respond just to that? I mean, in a brief way?

MS. YOSHII: Yes. I think the words of caution on this are well taken, and kind of painfully learned as the region tried to use some of the data for it to kind of assess the situation at Kettlemen City. And there are a couple of lessons learned, I think, from that.

One, is that any tool that is used in the process needs to be engaged with the community, so there is full understanding of the different data points that are being applied. And then also, the other points that have been made

here is recognizing the limits of the tool.

And that is always the value of the community input, what are the other considerations that aren't reflected in the data. And that was the big issue with many of the community members at Kettleman City. I mean, the health data that was available was limited, but they have plenty of anecdotal health information that is really important to them to have been considered.

And, frankly, that is a whole other conversation for us. How do we recognize those and build some of that consideration into the decision-making? I mean, I think that part, frankly, and another lesson learned in that is the reality that our current regulations don't adequately address some of the concerns.

And, you know, what do we do in our EJ efforts to try to engage -- I didn't have an opportunity last night from the person from the business association that was here, but one of my thoughts was we need to get to that other level of the discussion if we are going to collectively move and address some of the more pressing issues to have the conversations during those processes that might get the facilities to go above and beyond.

And whether that is under a Good Neighbor policy, or by sharing that data so they can better understand the true



impacts, that is how we are going to make headway. So, the point is well taken, Shankar.

MS. HYDE: Andrew is our statistician on this project, so I just wanted folks to understand that we do have somebody with that background working on this.

(Laughter)

MS. BEERS: You were afraid it is just a lawyer and a ---.

MR. SCHULMAN: Well, Shankar, your questions are good about the health data and about the population weighting. I think they are ones that we could talk about for awhile. I will try to briefly answer them now.

About the health data, we have run sensitivity analyses, looking at -- in turn, removing each of these indicators and seeing how much the score changes, so we evaluate how much each of them matters.

And, particularly, with the health data because of the question about the county level of it, we tried taking out the entire health category. And that was, of all the different analyses that we ran, all the impacts that we looked at, that was the largest one. And I am trying to remember what the results were.

I believe it was when you take out the health data, then looking at that band that we look at of the census tracts

that fall in the top 20 percent within their states, there was a shuffle in and out of that band of about 20 percent. So, 20 percent either came up or dropped out when you took the health data out. That was the largest such result. So our analysis is that the health data are important. That is the short version of that.

On population weighting, I am going to speak for myself here as a statistician. I don't believe we want to weight by population. What we are interested in determining is are there potential environmental justice concerns in an area? That is a separate question from, and then how many people are affected by those concerns.

So, in general, throughout this there is no population weighting. Now, there are two of the environmental indicators that are population weighted. The o-zone parts per million, and PM2.5. And, you know, honestly, I am trying to remember why we included those already population weighted. Whether that was because that was all that was available. I want to go back and look at that.

That is, I think, a reasonable criticism. It would be better to have non-population weighted data throughout, and then if you want to apply the population weighting, anybody is free to do that if they want to ask that question as well.

MR. PRASAD: Thank you.

MR. MOORE: Okay. What time do we have now?

MR. : Five after.

MR. MOORE: Okay, now we have got four more people. Let's look at it at 12:15, see where we are, and then we will make a decision whether we want to extend it for a little bit more time. Okay, so Sue, Chris, Omega, and Chuck. Sue.

MS. BRIGGUM: Yes, I would like to go back to what Samantha said, because it seems to me if you introduce this tool -- I am going to reflect what Mike Steinberg said from the business community last night -- as a way to both expedite enforcement of the laws, and assure that there is special efforts to make sure that the potentially most burdened communities get that special enforcement effort, because those that reflect the factors that you have in EJSEAT are probably the ones for whom enforcement is going to be most vitally important in terms of preserving health and the environment.

That makes an enormous amount of sense to me, and I think it really improves the consistency of the program, and it targets resources.

If it is used beyond this though, then all of the factors become extraordinary important because if it is a you are in the 20 percent, or the 10 percent, or you are out and it is anything other than let's make sure we have enforced their -- and, maybe, a secondary -- how many benefits are

available? Can we make sure that when we have small grants beneficial programs, we are making sure they go to these communities that are most in need of EPA and state attention and support? That is when it all falls apart.

I feel a little like the cheese stands alone here. Everybody knows Kettlemen Hills is my facility. And I don't think that this tool, or Paul's tool, or the original United Church of Christ is going to address those issues. And I hear what Richard is saying, because environmental justice will continue to be an issue in which we need to engage, and we always seek everyone's help in trying to be constructive and pro-active.

It won't be included by most of these tools, the community is four miles away. Anything that you do distance-based alone won't resolve the concerns. And my fear, thinking about the corporate use is, Richard, you don't want my company to say, okay, well, take this tool, okay, we don't have to worry about this facility any more.

We don't need to go beyond compliance. We don't need to engage with the community and have resources, and listen to the concerns, and do the best job we can to be a good neighbor. You want to make sure we continue to do this and have no disincentive.

So, I urge you to think about the way that you are

going to use this in order to make sure you have all of the leverage of all of the programs to incentivize the best practice imaginable, but at the same time, you have the ability and the consistent way to make sure that you are deploying your enforcement resources to a health benefit that you can then brag about in terms of accomplishments.

MR. MOORE: Thank you, Sue. Chris.

MR. HOLMES: To follow-up on Sue's point about the way you are going to use it, I am struck by how are you going to explain it. We were talking about this a little bit, but what really impresses me is you are right on the cutting-edge of so many aspects of science, information technology, chemistry, biology, but you are also right on the cutting-edge of sociology.

And from my days at EPA, I remember that there wasn't a lot of resources to hire a lot of sociologists, or build up that capacity. It was really tough. And I would be surprised if it has become any easier over the 75 years since I was there.

(Laughter)

MR. HOLMES: But it is really going to be important for you to have that capacity when you roll it out. And you just see across so many disciplines now, where people are stumped by how they integrate the social concerns into the

heart science concerns, and the NSF is pounding away with all the academic institutions now to do that. And it is a real challenge, but it really couples in with the point that Sue and the others have made this morning. Good luck.

(Laughter)

MR. MOORE: Thank you, Chris. Okay, Omega.

MR. WILSON: Yes, my comments or questions ties directly into what Sue just said. And it has to do with the gap involved in our area and in our communities. We, basically, had to prove that we were on the map because of self-reporting, for demographic information, from local governments.

So we have minority issues -- low-income minority issues -- so when you ask "the powers that be" the people who are supposed to have the information, public health offices, state agencies, then know we do not have a child that we have just beaten in the closet. You know, everything is fine, the police can go away. That is part of it.

So, we are expecting to create the database and the information on low-income minority communities from the self-reporting process, then I have some question about that. Because a very perfect example, in our method of coming up with our own community-based research process, on our own with the help of EPA, I guess is one of the reasons that we are --

I am sitting in the first place.

It just kind of flew in the face of all the data machinery, and all the databases, because we didn't speak data-speak. So we had to create our own language, I guess you might say.

The other part of it is in identifying the areas that are impacted, what we found is non-compliance was a key part of it. So, is there a footnote on every page of data that says that, based on our information, there is non-compliance reporting from this many industries, and this many risk producers in this community?

Because when we started releasing our information it was poo-poo'd by local government, state government, and everybody else. And all kinds of non-compliance issues begin to fall out of the closet that existed that weren't reported to EPA or anybody else. Such as human waste in municipal water. It had been there for years, but not reported to the consumers.

You know, I am saying, missing pieces of it sometimes, as Shankar said earlier, it may look like a little piece on the map, but to the impacted community, it becomes the whole story. In a very, very dramatic way.

I am not sure how that part is built in, because from the community point-of-view, how come ground truthing

takes place, and our case told more of the truth than the databases. Even the data that it was friendly to us didn't really tell the truth about what was actually going on until we got involved and started talking common sense rather than database.

MS. BEERS: One of the component pieces here when it looks at number of inspections is how long has it been since you have been inspected. It is not -- I am sorry, it is not, when were you inspected last, it is not how often you are inspected, but if there has been a gap, then you haven't been inspected, you get a higher number not a lower number. So, this tool is geared towards us taking a look at places that, perhaps, we haven't been to.

Let me give you an example. Let's say you are looking at one particular sector or industry, and there is 50 facilities. And you only have resources to do 7 a year. One of the things this tool helps you look at is where you haven't been in 10 years.

And then, hopefully, when you go out there, you are going to be able to truth test it because you have guys on the ground, staying at the local motel, driving around, taking a look and finding the human waste in the stream that they hadn't seen that wasn't in the database.

So this actually helps us go places we hadn't been



in awhile. Because realistically, you don't go everywhere every year, and you don't sometimes go everywhere every three years. So that was one of the indicators that we tried to pick. This is an enforcement tool, isn't it good to go places that you haven't been.

MR. WILSON: Well, I guess, my concern is the reporting process. I mean, one of the things that we know from working for OEJ and so many other agencies that have worked with us after we got started on this process, is that there is only so many staff people, there is only so much money. You know, we have to have the capacity to report and inform in an organized way to EPA and other agencies to start getting things addressed, right?

So, I can imagine an army of people trying to fill in the blanks to make this work, based on what you just said. I mean, there has got to be some reliance on local government, public health officials, all of the other folks that are supposed to be doing what they are supposed to be doing.

And I know I may be singing, preaching, whatever it is, to the choir, but in our case -- and other communities are saying the same thing -- the people who are supposed to be reporting the information and even, in fact, have -- are hiding cards up their sleeves, if I can put it a polite way.

They are just not telling the truth. That is what I

am saying. They are lying, in fact.

MS. HYDE: Well, I hear what you are saying. You are absolutely right, if the data is not reported, we don't have the data. If they are lying, that is a form of non-compliance and maybe we will be able to address that.

But, if the information is not submitted to any of these databases that we are pulling from and using to do this, you are right, we won't have that perspective. That is why, as others have pointed out, we cannot use this as an individual tool, but it must be used in conjunction with locally available information.

MR. MOORE: Chuck.

MR. BARLOW: I can be very brief. I just want to make clear, I think what I hear you saying is that at this point, even the tool within EPA is going to be used for enforcement mechanisms, but you don't have a plan to send it over to the permitting guys right now.

MS. HYDE: Correct. We are using this in the enforcement program at this point. We still have, obviously, some issues to work through and some testing we need to do before we go beyond that at this point, I think.

MR. BARLOW: Okay. And two other very quick things. One, I don't know -- I mean, as I see this, I don't know that it is really going to change the way the major facilities -- I

mean major as in EPA major -- are really going to be -- the large facilities, especially, in areas that are not heavily industrial, are visited quite, quite often anyway.

So it might be the more, I'd say, in areas that are probably very heavily industrial where some people don't -- or aren't inspected all the time. Or, for the smaller, the mid-range, or maybe the mom and pops is where I would see a big impact.

And the third thing I just want to say is, please don't take -- I don't think the folks on this Council intend to chide you for trying to do what you are doing. You know, I was a regulatory for a long time at the state level, and had I had this information, I could have made better decisions.

Every decision isn't going to be right, I have got to be mature about how I use a tool like this. I have still got to listen to the people who live in the communities, but this information would have helped my state, and my agency, to do a better job.

So, thank you for what you are doing and keep it up, please.

MR. MOORE: Thank you, Chuck. And I think with that, we had Charles -- but I just wanted, Charles, let me make this a very brief comment. I just wanted to commend you for the work that you have done. I just want to follow-up on

where Chuck was there.

You see, you feel, you are experiencing hesitation based on experience. And earlier, I mentioned that we are seeing a trend that some things are beginning to be used against environmental justice communities.

So that is where we are actually coming from, we are in that spirit of that and we just want to encourage -- and we know we will -- that we want to encourage discussion and dialogue from this NEJAC Council.

And then some of the testing and modeling that we have talked about, before anything is actually put out there to be taken into consideration. That is just where we are coming from. Charles.

MR. LEE: Well, first of all, I just want to say from the point-of-view of the Office of Environmental Justice, and the Environmental Justice Program, I would really want to express my appreciation for the work that is represented here.

I mean, for the longest time, we have been working to find a consistent way to identify areas of environmental justice concern. And that is one of those big lessons I outlined yesterday.

And this is a huge challenge and you just have scratched the surface of what the challenges are. So, I just want to thank and I want to ask everyone to give this panel a

round of applause for all the hard work they have done.

(Applause)

MR. SCHULMAN: You are very kind.

MR. LEE: And then what I want to do is just kind of put this in the context of what this discussion means for this meeting and for the NEJAC. So, like I said earlier when we had the tele-conference, what we want you to do and what you have been doing is to do that.

Is identify issues that you think EPA should be looking at, should be considering as we move forward in the development of this tool.

So that is the major part of the discussion that is going to take place tomorrow after you have some time to really think about this. So, we want to also ask you if you can find a way to communicate that to EPA in a way that is systematic, it would be really helpful.

Because what this all is leading to as we mentioned also, is that we want to establish a workgroup under the NEJAC to more systematically look at these very difficult issues, and to recruit the proper people to come and help address these.

And that is that your communication back to us around the issues you think we should be thinking about is very instrumental for us, formulating a charge for that group.

And we don't want to constitute that group until we are clear about the charge, because we want to find the right people who will really be the most qualified, the most knowledgeable to speak to and address those particular issues.

So that is the process we have in mind. It is, essentially, the same process that is going to be used towards the discussion about EJ program reviews.

MR. MOORE: Okay, I think we are prepared -- Granta, did you have any comments?

MR. NAKAYAMA: Thank you for your comments. That is exactly the kind of input we appreciate. And I sincerely mean that.

MR. MOORE: So I think then we are prepared to break for lunch. I think it is what, about 12:25, or 12:22, something like that. We are going to reconvene back here at 1:30.

I just wanted to mention -- Jen Thomas, can you identify yourself please. The NEJAC Council is going to be having a lunch discussion continuation with Granta and some of the staff.

So, Council Members, if you could please -- Jen is going to direct us to where we are going to go. If we could kind of do that because we are going to begin the session.

(Whereupon, a luncheon recess was taken)



A F T E R N O O N   S E S S I O N

(1:50 p.m.)

MR. LEE: Okay, good afternoon. I apologize to those in the audience who had to wait for everyone to get back. But this afternoon, we are going to focus on the second major item in terms of Programmatic Integration efforts at EPA. And that is EJ Program Reviews.

And this is going to be divided into two major parts. The first is presentations by Yvonne Watson, who is from the Office of Policy Economics and Innovation. Basically, an introduction to program review. And then Margaret Schneider, who is the Senior Advisor to the Assistant Administrator at OECA, to Granta, providing the overview on EJ Program Reviews.

And then a number of the EPA Deputy Regional Assistant Administrators are going to provide presentations, after which there will be a discussion.

Those presentations will be moderated, and the discussion will be moderated by Lynn Buhl, who is the Deputy Assistant Administrator for OECA. And as I said yesterday, she is the Co-Chair for the Environmental Justice Executive Steering Committee.

Before I turn it over to Richard to moderate, I wanted to take a moment of personal privilege to just kind of



offer my thanks to Margaret and to Lynn for their efforts in supporting environmental justice. Granta had asked Margaret Schneider, who is presently the Senior Advisor to Granta, but before that, was the Acting Administrator for the Office -- oh, Acting Assistant Administrator, I am sorry.

Remember, you have got to change the transcript. The Acting Assistant Administrator for the Office of Information, and the Deputy Assistant Administrator for the Office of Pesticides Prevention and Toxic Substances.

So she was asked to head up the effort at EPA around these Environmental Justice Program Reviews. And both she and Lynn have been really supportive of the Environmental Justice Program. And, you know, I have only been on this job for about four months, and during that period, that really helped me through the transition of becoming the Acting Director.

So, with that, Richard, I want to turn it back to you.

MR. MOORE: Thank you, Charles.

I wanted to begin just by introducing -- Larry Starfield has joined us at the table, the DRA from Region 6 in Dallas, Texas. Welcome, Larry, it is great to have you here.

I think we are ready to go right in. Yvonne, if you are ready to roll, we are ready to begin. Thank you.

**Introduction to Program Evaluation**

*by Yvonne Watson*

MS. WATSON: Good afternoon, everyone. I am here to, actually, give you a presentation, an introductory level presentation to program evaluation. I understand we are a little pressed for time, so I am going to hit some of the highlights here as well. So, fasten your seatbelts.

(Slide)

So the basic purpose of today's presentation is really just to give you an overview, an orientation of the definitions, the different types of evaluations, and the uses of evaluations. And then, some of the key steps involved in conducting an evaluation.

(Slide)

In terms of assessment agenda, we will really spend the bulk of our time really on Module 1, just to give you an overview so you will be able to comment on Margaret's piece.

(Slide)

This slide really is just an orientation slide. And the title of it is Performance Management Tools. And here, we are just describing a suite of tools that are available to individuals to help them ensure that their program goals are consistently being met in the most effective and efficient manner.

So, in that suite of tools, you have three different

tools: Logic modeling, performance measurement, and then program evaluation. The first one that I will talk about is that first box, is logic modeling. Most of you may have heard about logic modeling, and all it is is it is just a picture of your program. It is a tool, or a framework, that folks can actually use to get a better understanding of how your program actually works.

So, here you are understanding what are the different elements in your programs. What are the different inputs, the different resources, activities, outputs, and then customers that you are trying to reach, and then the outcomes that you are trying to reach.

The next tool available to you is a performance measurement. So here we are talking about learning about the different performance measures, or indicators -- people use those terms interchangeably -- that will help you better understand what level of performance your program is actually achieving.

The next piece of that puzzle is program evaluation. Once you understand what level of performance that you are achieving, program evaluation helps you understand why you are seeing this result.

So there is a suite of tools. First, evaluations typically start with the logic model because it is difficult

to either understand or evaluate, or even develop performance measures for a program that you really don't understand. So what you do is you use a tool, called a logic model, to help you get a better understanding of how that program works, what are the different pieces.

Then, once you have that logic model, you can use that to build to help you develop the appropriate performance measures so that you can identify what measures you should be targeting, or what level of performance. And then you want to go in and after you have collected the appropriate amount of data, you can then go in and evaluate that program. So, simply, this is just a nice orientation for those three pieces.

(Slide)

So what is program evaluation? Program evaluation really is just a systematic study that uses measurement and analysis to answer specific questions about how well a program is working and why. The key here is how well a program is working and why. It is systematic in that it uses a different type of methodology and a framework to help you -- different steps that help you understand how to evaluate that program. But, the key is it tells you why.

Performance measurement, on the other hand, is an ongoing monitoring and reporting of program progress and

accomplishments using pre-selected performance measures. So the two, actually, go hand-in-hand. So, think about it this way, performance measurement tells you what your program is doing, and program evaluation tells you why you are actually seeing those results.

An example that I usually use when I am teaching this course to other individuals is that if there is a car, for example, that I am interested in purchasing, let's say a Hylander -- a hybrid, of course -- I want to go actually and purchase that. I go to the dealer, I put my money down on the table, and I understand that the measure is that I am supposed to get 35 miles per gallon.

So I keep meticulous records, I drive the car off the lot, drive it around for awhile, and then I am noticing that instead of getting the 35 miles per hour -- miles per gallon, excuse me -- I am getting 25. So, what do I do?

I take it back to the dealer and I give it to the mechanic and the mechanic pops the hood. So, the measure there was the 35 miles per gallon, that is the target that my car should have been reaching. And then the evaluation is giving it to the mechanic, someone who knows about that car, to actually investigate, to understand why I didn't achieve that target.

So that is the relationship between measurement and

program evaluation.

(Slide)

This next slide really just talks about the differences between measurement and evaluation. I really won't spend a lot of time on this, other than saying that measurement data is helpful in that it can serve as an early warning to management to give you flags to help you understand whether or not your program is achieving its goals or objectives, or not.

(Slide)

So, again, the relationship is that the performance measurement tells you what your program is doing, evaluation helps explain that concept.

(Slide)

Again, the relationship between the two. They are all in the same family. You really need really good, solid performance measurement data in order to make sure that the evaluation results are more conclusive. So that is the relationship between the two.

We have, in the past, evaluated some programs where you really didn't have a lot of data, but that was very qualitative. So, again, the more conclusive you want your data to be, and the results to be, the more data you actually need.

(Slide)

There are different approaches for and reasons why you might conduct an evaluation. There is an accountability approach, or orientation. And then there is a learning and program improvement effort. Accountability is -- when people think about that, you think more of a gotcha, you think more of the Inspector General breathing down your neck.

But, there are some things that are good about accountability because we are in this age of accountability at this point. So you need to be able to share with your managers and stakeholders how you are using your resources. What impacts and effect that your programs are actually having.

The other orientation is a learning and program improvement orientation. And within the division that I work in, we lean more towards learning and program improvement. In fact, the pendulum has actually swung to the middle. Learning and program improvement is you are really trying to better understand your program.

How can we make this program a little bit better? What is the level of performance that we are achieving? Are we achieving our goals and objectives? How can we improve it? What context actually exists and what role did context play in my outcomes so I can better understand how to make this

program work?

(Slide)

And then what can be evaluated. Programs can be evaluated, projects and different initiatives can be evaluated, as well as products, tools, and services as well.

(Slide)

So why do we evaluate? The first thing we tell people is it is just good management. It is good program management and, in this day and era, it is survival skills. So you really need to be able to understand is your program achieving its goals and objectives, it is effective or not, are we really yielding the biggest bang for the buck?

Provide information for accountability purposes as well. You know, we are all under the gun, we are held to the GPRA, which is the Government Performance and Results Act, which requires that not just EPA, but all federal agencies provide summaries of evaluations that they are actually going to be conducting in the future. It also requires that we provide information on APGs, or Annual Performance Goals, and performance measures as well.

In addition to that, there is an Environmental Results Order, 5700.7, that really gets to the measurement piece, but awhile ago, EPA was dinged because we really were not doing a good job of communicating how the outputs and



outcomes were being -- what the outputs and outcomes were from the grants that we were actually giving out.

So, it required that we at least put things in place, measures in place, so that we can collect the type of information that we need to position us for evaluation as well.

(Slide)

There are different types of evaluators. There are internal evaluators, as well as external evaluators. If we go back to that analogy of a car that I told you about, you know, there are some people who are mechanics and there are some things that we can fix in your car.

And very easily, you can change your oil, you can change some of the spark plugs on your own, but there are some things that you really need someone with some expertise to actually do.

So, think about that in terms of the different types of evaluators. You can have internal evaluators within the organization that can actually conduct an evaluation of your program, or you can bring someone outside, with some outside evaluation expertise to evaluate that program as well. That is all I will say about that slide.

(Slide)

And then in terms of types of evaluations, think of

this as two different broad categories of evaluations. One is a formative evaluation, the other is on the other end of the spectrum, a summative. Think about formative as the types of evaluations that will generate information that will help you improve your program. That will help form or shape the program.

And then think of summative as information that has been collected that is going to help summarize the program. The outcomes that you are actually seeing.

Again, one is diagnostic, it asks questions such as where are we, where do we want to be, what are we doing? Summative, on the other hand, asks what did we do, what did we achieve, were we effective at that or not, and at what cost.

(Slide)

I will stop here just to say that this, actually, is a framework that we use for conducting an evaluation. So it identifies some of the key steps. We won't go through all of these at this point but, typically, you start with selecting a program to evaluate determining if the program is even right for evaluation. And then you identify the team members, do you need people with some special expertise. You describe the program using the logic model that I discussed earlier.

And then key are developing the evaluation questions, because that is really going to help guide and

shape the information that you are collecting. And then think about the evaluation design. And then developing an evaluation plan.

(Slide)

So here, this slide talks about assessing whether to evaluate your program or not. Here, we are really just getting at, is the program right for evaluation or not. What size program, how many people are served by the program, is this an innovative program that you want to then scale up, will you need to actually invest resources to evaluate and see what results occurred.

Is there sufficient consensus among the stakeholders about the program's goals and objectives. Because you need to have something against which to measure, and there should be agreement on that as well. Are there sufficient resources to conduct the type of evaluation that you want to conduct as well. And again, most important, are the data actually available.

(Slide)

And this is a very humorous slide that we use when we do our training. Just to give you an idea of the logic model, most people know what goes into their programs. So if you look to the left, there is a little equation there, we know what resources go into the program, the stake that we

have, the budget. But then on the right-hand side, we see the outcomes.

But what happens in the middle? A miracle occurs. And that is where you use the logic model that I talked about earlier. So, as evaluators, we come in, we don't know that much about the program so we develop a logic model, which is a very simple, snapshot picture of your program, how it actually works. So we try to de-mystify the mystery that occurs in the middle and then that helps us develop performance measures, it helps us with evaluation questions as well.

(Slide)

And this is a very basic level logic model. I am not going to spend a lot of time on it, but I mentioned earlier, you look at resources of the program, for example, the number of staff that you have. You are also looking at the activities, the day-to-day activities that the program is involved in.

And then what outputs, or products or services result from those specific activities. What customers is that program designed to reach. And then, what are the short, intermediate, and long-term outcomes that that program is trying to achieve.

So as an evaluator, we would go in and we would actually try to get a better understanding, a clear picture of

how this program operates. And that will help us understand, do we want to evaluate issues related to resources, do we want to evaluate issues related to the types of products, and services, and goods that are being produced. Or, do we want to focus on those outcomes that are being produced.

(Slide)

And then the last slide that is here, or next to last, is an overlay of the logic model that you just saw and the different types of evaluations.

So you can conduct a design evaluation, which is an evaluation of the program before it actually begins. You could use a design evaluation to help you understand how you should even design this program if it doesn't exist. Or, if it does exist, you can evaluate the program to determine how can you improve that design.

You could also conduct a process evaluation, where you are looking at the activities of the program, the outputs of the program, just to determine is this program really operating the way it was designed to, the way it is supposed to. Are you really getting to the right audience and customers.

You could then also conduct an outcome evaluation, where you are really focusing on the outcomes of that particular program. Are we closing the open dumps within the

Indian country, are we really recycling the way we are supposed to.

And then the last type of evaluation that you can conduct is an impact evaluation, which is really a little bit more challenging because you are trying to determine what would have happened had your program not existed. You are trying to establish a causal link between the outcomes that you are seeing, and the actions of your specific program.

Those are a little bit more challenging, they are also very costly as well. So there are different types of evaluations that could be conducted along that entire program and at different points in the life of the program.

(Slide)

And then the last slide -- there is one more slide. There you go. So this is just one last slide that shows you the different types of evaluations, and then the types of questions that you could ask related to those evaluations. For example, the design assessment that I talked about earlier. Is the design of the program well formulated, feasible, likely to achieve the intended goals.

In terms of process, you could ask is the program well-managed, what progress has been made in implementing new provisions. With respect to outcome evaluations, you could ask are desired program outcomes obtained, what role, if any,

did the program play, what role, if any, did the context play. You could also ask questions about the net impact, did the program cause the desired impact or not. And, is one approach more effective than another.

So that is the last slide that I actually have, so if there are any questions for me about what I have presented -- I know I went through that a little bit quickly. Make sense?

(No response)

MR. MOORE: Okay, Yvonne, with your permission and the Council Members, I would like to suggest that we proceed with the second presentation for the sake of time, and then we will open up for questions across the board, and then take it from there. Margaret.

**Overview of EPA's EJ Program Reviews**

***by Margaret Schneider***

MS. SCHNEIDER: Well, unfortunately, there isn't a second presentation, it's just me.

(Laughter)

MS. SCHNEIDER: And, actually, all three of these pieces this afternoon link together. In a lot of ways, we are doing multiple steps in a lot of the flow diagrams that Yvonne showed at the same time.

But a couple of things in premising this discussion. It is true that the IG told us to do program evaluations, but that is not why we are doing them. We are doing them because it is a good management activity.

It also is critical in the discussion that is going on as we talk about how we are going to integrate environmental justice factors and considerations into our program. Again, the more we integrate, the more the program evaluation will be helpful to us and the whole group gets closed. So, that is why all these conversations go together.

The other thing I would like to say before we start is that we are coming to you all to help us think about what we might do with the results of program evaluations, however they play themselves out. And there will be multiple, different varieties, as Yvonne's presentation laid out.

The process itself, we are going to, I think, use a number of different approaches in doing this. But, I think, the real key is that we are doing this because we want to figure out what works, and what doesn't work, and why it works in one place, and is it replicable in another place.

And, I think, that is probably the interest of this group is, how do we take areas that have been successful, what made them successful, and how do we replicate them and integrate them into the Agency's activities.



So, that is our goal here. We do, of course, have a commitment to the IG, so I will back up a little bit and tell you what we have been doing since we responded to the IG this spring.

First of all, it is fairly remarkable in that when we started to convene groups within the Agency to work the environmental justice reviews -- it was one of my early days in OECA, I am fairly new to OECA -- we managed to have 61 people from the Agency, from the regions, from the program offices, environmental justice coordinators, and a whole variety of technical, scientific, permitting people, enforcement people, come together.

I think right there is a true demonstration of what Charles has said, and what Granta said earlier, about the momentum we are getting now towards environmental justice. And we had a -- was it only two days? A two-day working session with everyone very engaged. And people who don't normally talk to one another to work through how we would approach this problem. Or this challenge that we had for program evaluation.

We have initially decided that we would look at some of the major areas of activity that the Agency does, rule writing standard setting, permitting, enforcement, and clean-up. Now, we recognize that those are not the only areas, but

that was our starting point.

And from there, we started to have this group work -- and they worked very diligently on a set of protocols that would help us -- it is, essentially, a series of questions to ask, as you are looking at a program or activity and trying to consider what was success from an environmental justice standpoint, what wasn't as effective.

We have those four protocols which, again, I think we know we need a few more, or we need to mix them with some other things. But we are going to now try those out internally. And when we went to try them out, what we really wanted to look at is the Administrator's environmental justice priority areas.

Could we do a pilot evaluation that matched up, and those eight areas -- there is a sheet just before Yvonne's presentation that lists those areas. So, for example, Jim is leading a program evaluation that will look at many facets of our lead program across the Agency. And reduction of blood levels was one of those priority areas.

So we will be looking at, both from a problem standpoint, and from was it a permitting standard setting, compliance, or enforcement, or other areas. And trying to evaluate specific activities.

We are very much just at that stage of beginning

down to try to formulate these program evaluations. Then the Executive Steering Committee -- many of whom are here today -- will come back together and think of sort of the overall approach we are going to use in the Agency.

And, I think, the important linkage to the discussions that is going to happen next is what we want to do is link up with what are the program activities that are happening, what are those performance measurements, how do we evaluate them. And that is the integration cycle that we are trying to do for the EJ areas of concern. So, that is the continuum linkage that we are looking for.

At this point, we expect to have some feedback on the protocols around the end of the calendar year, and then we will have the Executive Steering Committee coming back again and refining the approach to evaluation, with the idea that once that approach is refined, each region in each program office will start to build that into their planning and commitment system, and be evaluating programs or activities as they become right for evaluation and --- this continuum.

I think that is the highlights.

MR. MOORE: Well, thank you. And I just want to, as we kind of open up for discussion, just to remind the Council that -- let's see, we are on the tab, Environmental Justice Integration. The last document paper under that tab is the EJ

### Integration Discussion Questions.

Please keep these in mind as we move forward. As we said earlier too, this will not be the last time that Council Members will have the opportunity to input into this discussion.

So now, I think with that said, I think we are ready to open it up for discussion and dialogue. Jim R -- sorry, John R.

MR. RIDGWAY: Thank you. Too many Johns in the world.

Just to your last comment, Margaret, you mentioned looking at EJ areas of concern. And I wrote that down. Now, do you mean issues, or do you mean geographic areas, or both?

MS. SCHNEIDER: I mean I think you are going to see a variation on how the regions might approach an evaluation, from how a headquarters program office might do an approach. From the headquarter's offices, it is probably more likely that we will take a problem that is national in scope and issue.

We will give the regions the flexibility to decide whether they want to be evaluating a collaborative problem-solving activity, or program working a community, or whether they want to be looking at a program, or a more specific activity. And we don't want to define that. Certainly, not

yet. I will let my other colleagues here chime in.

MR. MOORE: And I should have said that please, when a question is addressed to an individual, if there is any other responses from others, please just jump right in there on the response.

Okay, I am going to start down here with Omega and Sue. And we are going to come around that corner a little bit, or we will do vice-a-versa if there is discussion. Sue, you start off, and then Omega, and then we will come back down to this side.

MS. BONTEMPO: He is doing ladies first. Most companies do these kinds of -- we don't call them program evaluations in metrics, but we do the same sort of thing. And observing it over the years, one of the classic phrases is, you can't manage what you don't measure. And, unfortunately, sometimes you only manage what you measure, which, is always unsettling.

So, as I look at this, I heard the four categories, and then I was trying to cross that, block that with the sorts of the things we have been talking about with regard to environmental justice.

And I am not sure how the match goes, because in addition to the standard setting, permitting, enforcement, and clean-up, you know, what about -- we have talked a lot about

capacity building, and that may indirect assist those enforcement, and other things, but would you separately measure that so that it was a goal that received budget priorities?

Collaboration and partnerships, that takes a lot of resources. It may not get to any of the others, but we have said it was really important. Prior NEJACs have focused on pollution prevention, and innovation, support for technical innovation.

And EPA has departments that do an enormous amount of really valuable stuff in that regard. So I am wondering how you capture all of the goods that are accomplished within those sub-categories?

MS. SCHNEIDER: And I think that is -- to start with the four categories, I think were kind of decided on awhile ago. And as we have been working through with the revitalization of the Executive Steering Committee, we all realized that those are not comprehensive.

That said, I do want to recognize the huge amount of work that the teams put into this, and it is an excellent starting point. And I think that is what we are going to do now with matching, looking at a program or an activity, up with those four protocols. Is we will clearly see that there are other areas we should be capturing.

In fact, it has been a robust discussion in the Executive Steering Committee, and we definitely will go back. Because we recognize that a lot of the other activities are not necessarily falling under -- perfect example, collaborative problem-solving, or technical assistance, or others aren't falling in.

So that we have designed these pilots to be able to clearly see where those holes are, and that will be exactly the part that comes back to the Executive Steering Committee in the fall to determine how do we mesh these four areas that we have, knowing that they are incomplete, with do we do a fifth or a sixth, or do we somehow just restructure the approach.

MS. YOSHII: And I will add to this because, see you put your finger right on an area that has been a robust discussion in how we approach that. Because a lot of what you eluded to are some of the regional activities implementing environmental justice.

So, one of the things we have talked about is sort of piloting the regional implementation of some of those things, and working with Jim, for example, on the lead issue. And saying, well, how have some of the collaborations -- because we don't want to lose, kind of best practices, lessons learned.

And they hit on many of the topics we have talked about earlier during the session. I mean, things like leveraging, bringing in the other federal agencies. And we will try to capture that, to what extent we still have to discuss. But I think we recognize the importance of looking at that.

MR. WILSON: My question piggybacks on what Sue said a moment ago. And it has to do with outcome evaluation related to long-term strategic planning. One of the things, of course, that environmental justice communities and groups are concerned about is from day-to-day how they literally stay alive. How they keep going to maintain what they are doing and address the next thing.

And sometimes you seem like you never get to the next thing because you are still cooking the soup you cooked 10 years ago, so-to-speak.

But in any case, included in this, is there a consideration, or how do you consider outcomes based on something that is identified as part of the process? In other words, this outcome is evaluating a process, how you approach it, how you get something done, right. The other one has to do with physical barriers.

Something that is a tangible thing that you actually got addressed, that you got physically moved, or stopped, or



torn down, or improved. It's an environment, it creates an environmental hazard. That maybe when you evaluate it, it is a long-term thing, it may be an infrastructure change that is there for 50, 60, 70 years.

You know what I am saying? Is that a part of how you are evaluating outcomes? I know on the chart, and in the PowerPoint presentation, and after that, it wasn't anything there on the chart -- and maybe this is something you have discussed, or in-house discussions about how you move that to the next level for a long-term strategic planning, based on things that you have been working on that are physical changes, and they have been changed.

And the process for addressing those, because low-income -- a lot of these groups in low-income and minority communities, we have gone through long-term strategic planning, you can kind of probably hear it by now. And focus very often on issues rather than how you operate. And that is what I am addressing the question to.

Is very often, we are not structured, or don't have the capacity, or haven't been trained for the capacity to deal with how we operate rather than dealing with specific issues.

MS. SCHNEIDER: Well, I think on the -- anything in program evaluation, we would be looking at what are the performance measurements we want --which we would identify

upfront -- but we are also looking at how we implemented that. So, in the parliaments, we often talk about the business processes.

And, I think, in evaluating a number of these projects and activities, we will be needing to look carefully at the processes, the interactions, the information provided. I think this is getting at your question.

That is part of what made it successful or not successful. Is the delivery mechanisms, or the procedures. Is that getting at your question?

MR. WILSON: Yes, that is part of it. That is the way things have, in our experience, have been traditionally measured. But what I am talking about is, does it include -- well, maybe you were answering the question any how -- does it include the tangible part of it, the three-dimensional part of it?

For instance, when we were talking about the Goods Movement. We were talking about the Goods Movement, and sometimes a Goods Movement, as Shankar has talked about so much, involves changing infrastructure, modifying a physical dynamic, a physical indicator. The indicator is we have so many millions of trucks who have been retrofitted. I mean, that is a physical thing.

The process is, this is how we do it, this is how we

are going to get the money, this is how we are going to get the people to the table to plan to do it, this is who is going to finance it. And the process -- everything is successful, with a physical change that takes place. And that physical change can last a whole lot longer than the process of getting it there. That is what I am talking about.

MS. SCHNEIDER: Well, and I think in that situation what, from EPA's vantage point, what we would be looking at is the environmental and health indicators associated with, let's say, the reduced truck traffic. There should be physical things that we can measure in terms of emissions, noise, whatever indicators you want to identify.

And that you would set out to measure those, and you would recognize that there is a time lapse, a considerable time lapse, as we often find in environmental and public health work. Between the time you initiate it, your activity, and the time you may actually see the benefits, or the impacts.

I think one of the challenges we are going to have in doing program evaluations is, in fact, to pick the appropriate time to do the evaluation. Because of these lag times in seeing results.

MR. MOORE: Thank you. We had Shankar, Joyce, and Donele.

MR. PRASAD: Margaret, good luck in this challenging effort. I really appreciate it. It is a major challenge. I mean, the problem it faces is we are not defined the target. You have, for example, in enforcement, you have a facility, number of enforcements took place, or that something that could be quantifiable here.

In this whole process since the Executive Order, we have said what we want in loose terms, or even in our statute, or something -- we have carved off, gone on a process, but without clearly identifying where we want to be. And all of us are still in this phenomena of how to go there. So we are still making a process, and a collaborative problem-solving, or the other issues.

And my question to you is, while you have a steering committee, and you are trying to do that, and you are also wanting to give some flexibility to the regions in how they want to put it, so when you bring the 10 regions and then want to have those reports and somebody to comment on that, they will not be the same.

So, in some form or fashion, the steering committee has to come to grips and say that this is the framework, these are the different things that you want to address in your report, or in your evaluation, and then if they want to add on to the other things, the other activities they will pursue,

they can do that.

But in the context of permitting, I am not sure how much really is there. Will we be in a position to say in consideration of EJ, "X" number of permit conditions were modified? Or, "Y" number of permits were denied? Or something else took place?

Or, in the standard setting process, can we ask a question, in this particular standard setting -- which we have done in the last 15 years, at least three different standards have been visited, and reviewed, and modified, and a PM 2.5 has been introduced, were the EJ considerations taken?

So there are some parameters, but I think they must be clearly defined in the steering committee process. But I really appreciate, and also wish you luck, in this monumental task ahead.

MS. SCHNEIDER: Thank you. And you have raised some of the more difficult ones. And I think we need to make clear that we want to have a framework that is useful, but also flexible. Because, again, program managers and regional managers will need to decide are they looking at an activity, are they looking at a program, are they looking at a geographic area. What are they looking at.

And they will need to pick and choose from the menu of potential evaluation approaches and tools, which one

relates to that particular activity. So there is not going to be one set format for an evaluation, but they will all have elements that are similar.

And I think this is part of what will become -- is becoming increasingly clear to us as we work through this -- that we need to wrestle -- and as part of the integration issue -- we need to wrestle with if we are writing a regulation, what is our expectation about the environmental justice analysis that should be done upfront.

And how are we going to then think about whether that was appropriate and effective. What is that going to be, five years after the rule went into effect. Or, all of those questions will have to get asked.

And there are going to be some areas that are very difficult for EPA as a federal agency to deal with. The permitting being the biggest because our permitting role is largely state driven.

MR. MOORE: Joyce.

MS. KING: Thank you, Mr. Chair. I have to give you just a little bit of background. I am part of the Haudenosaunee Environmental Task Force. Haudenosaunee is a composition of what you knew as the Iroquois Confederacy and its six nations together. Those nations don't accept federal funding, except through the vehicle through HETF.

HETF by EPA standard is called a Tribal Consortium, where we cannot go after incorporation because it becomes like incorporated under the laws of whom? So, I don't think we are eligible for EJ programs, but maybe you can correct me on that.

And then I am talking about performance measures. You know, through the National Tribal Operations Committee, which I also sit on, we are looking at those performance measures and realize that we are excelling, or exceeding those measures.

I am wondering if when you measure the program and evaluate that program, are you also measuring the limits that we have exceeded. And if we have exceeded those limits -- because within Indian country, we have less money and we do a lot more work with it. So I am not sure if your evaluation reflects that. Thank you.

MS. SCHNEIDER: Well, first of all, the evaluation, again, we want to keep focused on what works well, and what hasn't worked so well, and what were the circumstances that made it a success or not, rather than a did you meet a number, or something like that. Again, we are trying to do the lessons learned component of program evaluation and be able to then roll that back into new programs and activities.

So, I am not sure that the absolute measurement

issue is going to come up as to whether or not you have done better or not, it will be important to know if you have gone beyond your goals. What factors lead you to be able to do that, and to go back and look at that process for that reason.

The grants issue, at this point, we are going to be doing the -- it is EPA's responsibility to evaluate some of its activities; although, of course, associated with any grants that come from the Federal Government, you need to be setting performance measurements and have evaluation components. I don't know about the specific question on eligibility, but I am sure Charles can get back to you on that.

I should introduce Louise Weise, who is the Deputy Associate Administrator in the Policy Office where Yvonne works. Is there anything more general you want to say on the evaluation point there?

MS. WEISE: Well, another thing is that there is evaluation of a program to see if it is meeting its outcomes. But in this case, we are talking about evaluating to see how well we have incorporated environmental justice considerations. So that is our concentration for this, which I think it is a little different than just looking at whether your program is succeeding.

We do evaluations other than EJ which would look at



outcomes. And there is an expectation that every EPA program do evaluations. We have a network devoted to that, so we do expect every program to do that. But, again, this is concentrating on how well we are applying environmental justice considerations.

MR. MOORE: Louise, I would have to also apologize for not identifying your presence at the table when I did earlier introductions. It is great to have you here.

MS. WEISE: Glad to be here.

MR. MOORE: Okay, Donele.

MS. WILKINS: Actually, Louise may have answered my question. I can really appreciate how huge an endeavor this is going to be because we just did a really, really small process with a logic model, and all this kind of stuff, for a little, little program at the community level. So I can't even imagine what it is going to look like on a bigger scale.

But, I was curious about when scope -- and being reminded about the scope of the evaluation and I am clear about that. That this is really how you can track the environmental justice integration in impacts and outcomes.

One of the things that I am wanting to get some clarity on is in terms of sort of there is always a big picture involved in doing evaluations. Because, you know, on the Agency level there is a vision for this country, I have to

say, about how to achieve an optimum environmental quality for the country.

And then there is this on the program level, in terms of environmental justice, how to work to bring these vulnerable communities and populations up to par so that they can even be sort of looked at in the bigger vision.

And I think, getting to some of what Omega was asking, there is the short-term, sort of needs that occurs because there is continual crises and whatever, the people -- once someone coined it like this, we have to build a bike and ride it too, all at the same time. So we are putting this bike together and we are trying to ride it in incremental stages until it is fully formed.

So, communities are trying to grapple with sort of the urgency and the crises, and whatever. So, to me, there is a need for short-term, intermediary evaluations where there is some opportunity to impact or effect whatever those issues are at that level. And how to manage that is beyond me.

And then, of course, there is the long-term, bringing these communities and environmental justice up to par so that it can then enjoy the fullness of what optimum environmental quality is going to look like for the entire country and, consequently, as people.

So I don't have a question about that, it may be

something that we just need to think about. The short-term, intermediary, and the long-term. And at what points would we get some understanding about where we are with each level, if we can agree on what those levels are. So, I don't know if I complicated things, or made things harder or easier.

MS. WATSON: And I think it really depends on the type. As you mentioned, there are several types of evaluations that you can conduct. Design evaluation, process evaluation, outcome impact, depending on the data, depending on a number of things. The types of questions that you are asking. Some can be completed in less time than others, and so it depends on the type of evaluation that is being conducted. It depends on the purpose of that evaluation.

But I think definitely, Margaret and her team are available and willing to share whatever information comes out of that. Again, depending on what your focus is with that specific evaluation. It may be able to be completed within a year, it may take two years, it depends. But I think you are right, those results can definitely be shared with the broader group.

MS. SCHNEIDER: And we will be doing evaluations on different scales. Some of them will be short-term, small activities, how did that work. Some of them may be longer-term activities that will have a longer time horizon. I think

we don't want to put ourselves in any one box and say we have to have this result before we go back and evaluate how we got there. We want to be doing it incrementally and learning incrementally.

I think that is one of the challenges for the committee, is it is really the learning lessons from the evaluation, how do we incorporate them back into the work we do on a fairly continuous basis that is the, I think, the most interesting part of this.

MR. MOORE: We have Larry, you would like to also respond?

MR. STARFIELD: Yes, I think Laura was getting at this earlier. I think you raised a great point, which is that there are short-term and then long-term. And I think that the national look is going to get more at the long-term issues. How do we build things in.

But, as you say, it is a national picture, it is not going to take care of every vulnerable community as much as we'd like. It is just no way you can be perfect about that. So you have the top down look, which is critical. I think what the regions are going to talk about this afternoon, we have those presentations as sort of a bottom up look, where we would sit down with a community and look at some heavily effected community.

If the issue is blood lead levels, we would look at a community that has got very high lead levels and we would say, what rules do we have, what permits do we have, what enforcements do we have. And given all that, what is missing? We haven't solved the problem yet in your community. So, do we need to bring HUD in, do we need to bring somebody else in? What is missing here, what could we do?

And that is a different type of review from a different perspective, but I think you need to come at it -- as you say, ride the bike and build it, that is sort of a great analogy to what we are trying to do.

MR. MOORE: Okay, we had two other cards. John R. and Sue, and then Council Members, I would suggest that we close out after that this particular discussion. We have the questions, and we are going to have, as we know, more interaction around these questions.

I would also suggest when we close that we don't take the break which is listed on the agenda. Somehow we have gotten close to making up the time, although we came back from lunch late. And my suggestion would be is that we don't take the break, we move into the next panel discussion and move forward.

So then the two people are John R. and Sue. John.

MR. RIDGWAY: Thank you. I don't want to be

duplicative here, but following up on Shankar's question, performance evaluation relative to a baseline of goals. And, boy, there is some great stuff in here. But to Yvonne's presentation in the seventh slide, it talks about performance measures where they are given against pre-established goals.

So I am wondering if to this group, or in some manner, there will be clarity on what some of those baseline goals will be. Have those established out there so that then you can carry on. How is that going to be built into this process?

MS. SCHNEIDER: I think that is one of the parts of discussion that will come up as the folks do their additional presentations today. One of the things that we are thinking about initially is, as I think most of you know, if a program in a region has an environmental justice plan that identifies the kinds of activities or programs they are going to put in place.

This year in the cycle, we began to ask people to identify outcome measures. And, hopefully, we would do outputs first if we needed to, and then outcomes. We would see the program evaluation being the next step after you have identified your performance measures, you have done some things that you can measure against, let's go back and evaluate it and readjust.

So, that is our current thinking about how we would integrate this in the Agency is, again, making sure that when we do the action plans, they are linked to our overall strategic environmental and public health goals, specific outputs and outcomes for the activity area are identified, and then that is what is evaluated against. And that is not going to happen tomorrow.

MR. MOORE: Sue.

MS. BONTEMPO: I was intrigued by your reference to the EJ analyses, the need to be done pursuant to the Executive Order on all the major rule-makings. I think you mentioned that.

And it would be helpful to hear what you are doing on that. I have to admit, I am routinely surprised and quizical when I see the analysis at the end of a 100-page rule-making and it is one paragraph that says, well, we don't see any concerns.

It doesn't really kind of resonate with the kinds of evaluation and criteria that we hear from OEJ and the Enforcement Office. So, if you could share with us whether that is something you are working on, and then how it is going.

MS. WEISE: Well, one of the areas, issue areas that Margaret mentioned, was standard setting and regulations. So

as a part of this exercise, we have actually come up with protocols for asking the right questions on whether you have considered environmental justice issues as you started your regulation.

We have an action development process in place at the Agency that governs the way we develop our regulations. And it is a multi-step process. And what this protocol does is, essentially, asks the EJ questions at every step of the way so that they are considered early and appropriately at every step.

Our hope is that this will then ultimately, at some point, after it has been piloted and we have looked at how it has been applied -- and, you know, a number of regulatory situations that will guide us in creating the appropriate guidance for the future.

MR. MOORE: Okay, Council, was there any other questions as we move on?

MS. : (Microphone not turned on)

(Members speaking simultaneously)

MR. MOORE: What are the questions, is the question.

(Laughter)

MS. SCHNEIDER: There are many questions. They are in draft and there are many questions for all of these protocols.



MR. PRASAD: Can it be shared or is it internal?

MS. SCHNEIDER: You know, personally, I think we would like to get through this internal testing component of it to see whether we are anywhere close to having it be effective.

MR. MOORE: All right, Council Members, I think we are prepared to move forward. I would like to thank Yvonne and Margaret and Louise for joining us in this discussion and dialogue. And thank you all. If you would like to stay with us, you are more than welcome.

So I think then we are ready to move to the next panel, and the title was, Perspectives from the EPA Environmental Justice Executive Steering Committee Members. Lynn is going to moderate this discussion for us, and Lynn is the Deputy Assistant Administrator at OECA, and Co-Chair of the EPA Environmental Justice Executive Steering Committee.

And as the members that join us, I think everyone might be up here already -- I would, Lynn, before I turn it over to you, like to acknowledge to the Council the fact that two of the DAs that are present on this panel -- our DA from the State of Texas, and the other states that the region enhances.

And also, California, San Francisco, and the states, our Deputy Regional Administrators that I have been familiar

with and worked with, as I stated earlier in this meeting, the states that the southwest network covers is the states of Colorado, New Mexico, Arizona, Nevada, Texas, and California. And that is where our affiliates come from.

They also come from -- our affiliate grassroots EJ groups -- come from, and they are also coming from the northern border states in Mexico.

So, I would like to acknowledge the commitment, Laura, that you have made; not only in your tenure as the Deputy Administrator, but I think in another life, and so on, the commitment to environmental justice. And we continue to look forward to working together with you, with the Administrator, and with the OEJ team in Region 9. And I would like to compliment you all for your work.

For those of you that don't know, Region 6 and region 9, I think it was in 1991 -- I get my years confused sometimes -- in my other capacity as Director of the Southwest Network that we occupied -- physically occupied Region 6 in Dallas -- and we occupied the office in Region 9.

Our attempt was to meet with the regional administrators, that was our primary piece. And throughout those years, we kept getting put to external affairs. We said we don't want to have a press conference, we want to meet with the Administrator. So we do have a long history, and a very

vibrant history.

In Dallas, as Larry is well aware of, we were locked in the stairwell. And many of our leadership from our grassroots groups were arrested. We called on the fire department to cite the Environmental Protection Agency for failure to abide to the fire restrictions for locking the stairwell and locking us in the stairwell while the police came to arrest us.

So we do have a history, a long history of involvement in our organization with the two regions. So again, Larry, I would like to acknowledge your commitment. Jonathan Hook, who is here as the Director of Environmental Justice and Tribal Affairs, the other staff, the EJ staff that are present from Region 9, your all's commitment to working together with us.

And as you all know, some days we agree, and some days we don't agree. But what I will say is that we do agree more than we don't agree. And that is very, very important in doing that.

Lastly, I would just like to share with the Council Members a report that was written, the Environmental Enforcement in the U.S.-Mexico Border Region. It is a community guide to enforcement in Texas and Chihuahua, which is a project that we have worked on in conjunction with Region

6. This is a very, very important document on Mexico-U.S. border issues and enforcement activities for grassroots organizations, both in Mexico and the U.S.

So, Ira, I would like to say all these great things about you. We have met before.

(Laughter)

MR. MOORE: If you are going to be occupied, let us know during the break, and we may stop by and visit. But we would also like to acknowledge yourself and the others that will be participating in this panel. So, with those comments --

MR. STARFIELD: Richard, can I just say for the record that I was not in Dallas in 1991 when you were locked in the staircase. I had nothing to do with that, thank you.

(Laughter)

MR. MOORE: That is true. That is true. I don't think -- I was in San Francisco and Dallas, I have got to say that to do that. But thank you and welcome to all of you. I will turn this moderating panel over to you. Thank you.

**Panel: Perspectives from EPA EJ Executive Steering Committee Members**

***by Lynn Buhl, Moderator***

MS. BUHL: Well, good afternoon. I know we are sort of in the post-lunch, mid-afternoon, blood sugar level low, but I think you are going to find that this is a very

interesting panel. Yesterday, I think you had a chance to meet Kathy Callahan, who is the Deputy Regional Administrator in Region 2.

I am the other Co-Chair of the Environmental Justice Executive Steering Committee. And this committee is the senior policy and leadership body on environmental justice in the Agency, and it is comprised of all of the deputy assistant administrators at headquarters, and then the deputy regional administrators.

And those serving on the panel today, I did a quick review of all the bios, and everyone that will talk to you today has been with EPA between 20 and 30 years, so they have got a lot of experience to bring to this issue. And a lot of, I should say, lessons learned.

And I think you are going to find they bring slightly different perspectives, based on their program specialties or, literally, their regional experience. So I, for one, am interested in hearing the different approaches.

And Larry did just steal my thunder just now when he said, you know, you can approach EJ sort of from the top down, and I think there was an expectation back in 1994, when the Executive Order was passed that, you know, headquarters folks would figure out how to do this and maybe pass a rule, do whatever, and then everything would go smoothly.

And while some good things have been done at the headquarters level, what I learned when I came back to EPA a year ago is there is a lot of stuff going on at the regions, and a lot of good stuff is bubbling up.

And somewhere in between is going to be how we are going to address this issue, based on some of the experiences, based on some of the more scientific programmatic angles. I think these reviews will be useful. And, Donele, I am with you, I think it is a huge endeavor, but I think we are kind of excited about what it is going to tell us.

So, without further ado, I will introduce -- I should also say any one of these individuals could probably talk for the entire time slot that we have allotted, about what they have been doing, or what they would like to do, or where we would like to go.

But we asked each of them to try and prepare some remarks for five minutes. Now, one of them will make that, I am sure, but maybe ten minutes. The time is five, it will get us in about the time you wanted to start the discussion and the questions from the members of NEJAC.

So, without further ado, Laura Yoshii, our Deputy Regional Administrator in Region 9. If you will start off.

**Presentation**

***by Laura Yoshii***

***Audio Associates  
301/577-5882***

MS. YOSHII: Great. Thank you, Lynn. And I will try to abide by that time frame. I would like to begin by, Richard, acknowledging you, the NEJAC, and the many communities from Region 9 who have really helped us stay accountable in terms of trying to integrate environmental justice.

And what I want to do in the short five minutes is give you kind of a quick overview of what we have tried to do at the regional level to operationalize environmental justice. We see this as a fundamental principle that should be woven through everything that we do, and is part of the mind-set of every single employee in our workforce.

That being said, just kind of to give you the overview of the scope of responsibility for our region, we have California, Arizona, Nevada, Hawaii, and the outer Pacific Islands. It is one of the most diverse regions, I think, across the nation, and has tremendous challenges as we have heard through the last couple days. I will just highlight the big ones.

On air quality, some of the worse air quality challenges, both in the San Joaquin and southern California. We have the three fastest growing states, California, Arizona, and Nevada, so all of the challenges that one faces with growth. And then we share the border with -- the U.S.-Mexico

border, so we have challenges there.

We have 146 federally recognized tribes, and that is an important -- really, really important part -- of our portfolio in terms of ensuring environmental protection for everyone.

(Slide)

In the quick overview, I would like to just touch on what we have done to organize ourselves, to integrate environmental justice, some of the ways we have had to ensure resources get deployed so that we could make progress in this area.

Talk to you briefly about some of the mechanisms or tools that we have used within the region that, I feel, have been instrumental in making sure we do, indeed, integrate it into the work that we do. And then give you just some highlights of some of the specific priorities that we are focused on. And close with quick lessons learned.

(Slide)

So the first, and the next slide, in trying to get attention to this issue, we did need to try to devote some resources to it. And, again, we didn't wait for a headquarters allocation for it, because that wasn't going to happen.

We had to figure out, given our resources, how do we



pluck and pull from different places to enable us, that form a core team that really helps us, have a point of contact in our region to engage with the environmental justice communities, to engage with our state and tribal partners, who have environmental justice leads.

So we pulled together a core team, many of the members are here in the audience. And the director there, Jeff Scott, who serves as the Director of our Community and Eco Systems Division. They play a vital role in being, again, a point of contact so there is access within the EPA for communities and they can help navigate in what the appropriate divisions are to help address the issues.

The other part is making sure we had a key point of contact in each of the media programs. So they play a key role in marshaling a team across the media programs.

I believe also important to this is making sure that the senior management leadership within the region is fully engaged in that. And I will go to the next slide.

(Slide)

And one of the tools that we have used that, I think, has been really helpful to us as a senior leadership team. And that is, when Wayne Nastri, our Regional Administrator, and I make the call, the annual call for a division operating plans, we have environmental justice as one

of the cross-cutting themes that everyone has to consider, and they develop the specific activities and commitments that they are going to make. So that we have some very specific outputs related to the priorities in EJ.

In making those EJ considerations, we try to take into account and use the tools and information that is available. Again, not to get it confused with the EJSEAT per se, but much of the EJSEAT data that is collected, give us very valuable information in terms of where we target our various efforts.

So the team plays a great role for the region in trying to get a picture of where our facilities are, what the overlap is with demographics, and some of the health information.

The other key thing was environmental justice training. Again, in the early years, we made sure all of our workforce had the fundamental training. And now, we have a series of training throughout the years. In fact, we just brought in some of the university researchers on "still toxic after all of these years." But it is an ongoing learning process, so we have our science counsel working with our Office of Environmental Justice keeping our workforce informed of the various issues.

The other important thing I wanted to mention here,

because it has been so helpful, we are very fortunate to have a very diverse workforce. And so the passion that they bring to this issue -- and that has been important re-enforcing the importance of our diversity and our recruitment in enabling us to have an ability to tackle these issues.

They have formed special emphasis program groups, and through our various heritage months, they have been really instrumental in bringing in community groups and resources to our attention.

Again, just the specific example, the Latino Network was able to bring in the Latino media that our Office of Public Affairs may not have ever kind of really focused on. But Telemundo, and all of the big audiences were there.

The Asian Pacific Environmental Network came as a part of our Asian Pacific Heritage Month event. And that does a tremendous amount of good in terms of helping us understand more the specific issues faced by those we serve.

I did want to highlight a few of the really big priorities. Again, this next slide doesn't -- it is not intended to be exhaustive.

(Slide)

But one of our big priorities, just given the sheer number of tribes that we have, is serving tribes. And the top three really were focused on because they are all areas where

they were under-served communities. For a lot of historic reasons, whether they did not receive the funding and support from the agency that they need to put them on par with basic services. Whether it is water/waste water infrastructure, solid waste issues. We are talking fundamental services, environmental protection that the rest of the country enjoys.

And you know, thanks to many of my DAA colleagues, and the DRA colleagues, we have been very fortunate to get support at all levels. I mean, I could give you the anecdote, when we started, there were 4 tribes of the 146 that receive funding support of their environmental programs. There are not 136 funded tribes with -- this comes from the Office of Water American Indian Office.

From that initial investment has come now involvement in almost all the media programs. And that, I could say, the number of environmental professionals that we now have working in tribal country, playing huge roles within now their own governments, is a tremendous accomplishment.

Again, not to rest on those laurels, there is a lot more that we need to do. But, I think, it is one of the agency accomplishments we can be very proud of.

Pacific Islands present another kind of challenge because, unfortunately, I think their resources get restricted by congressional caps on how dollars are allocated. But,

again, we feel it is very important to invest some of our resources there because they are way under-served. They don't have the basic water and waste water infrastructure.

Their collaborations has been key to us to work with agencies. And I will give you a good example there. Guam, there is the Department of Defense is starting to have an investment there. So there is opportunities, perhaps, to leverage some of DOD resources to then work with other agencies, like the Department of Interior to develop creative mechanisms for funding.

We have been in discussions with them on bond banks, and other alternatives, to get the funding available to deal with their issues. U.S.-Mexico border is a huge priority. I think most of the people around this table know that the water and waste water issues, some of the air quality issues, and importantly on this one, the 26 border tribes that are impacted by this.

Especially, Tohono O'Odham Nation that is plagued with a lot of the solid waste issues from the cross-border crossings. And we have a number of collaboratives going on and work with our states. There is a Border 2012 program that we are dealing with that.

The ports, and we talked about that a lot yesterday, so I won't belabor that. And then just sort of the last

category, and again, this is not meant to be all encompassing, because there is many other geographic-specific places.

I only want to highlight here the importance of the care grants and the CPS grants that have played in supporting the regions to get at those collaborative efforts in focusing on issues and specific places.

(Slide)

And let me close in talking about some of the challenges in integrating environmental justice within the Agency. You know, the powerful thing about it has been, I think, it has helped us to think about how we carry out our basic mission of environmental protection better.

And looking at it from an EJ perspective and community-based perspective has taught us is that there is so much intersection between whether it be the media programs, other bigger things like economy, environment, that has just re-enforced for us the importance of collaboration.

(Slide)

And then if we go to the next slide. So, team approaches, being able to build our own capacity to be better at teaming people it is, frankly, a different skill set, so our investments, we have to make human capital investments in that kind of collaborative training.

Community-defined programs, or projects, where you

could really point to specific results or improvements at the end of the day to those communities, I think, has been an important lesson learned.

And with that has been the fact that it does take an investment, it does really take an investment to help those collaboratives be successful, but that there is a huge pay-off. And the pay-off is in what we have, again, talked about over the last couple of days.

And that is the capacity building, because we don't want to just solve the problem because there will be another problem. It is building the capacity so that there is more people that have the ability to solve these very challenging problems for our future. And, our players at the table, they are our future leaders.

I mean, we are fortunate to have Bryan here from West Oakland yesterday. I mean, these are now leaders in our communities.

And the last thing I would mention that has served our region well, we have used the inter-governmental program to actually work with the State of California when we had --- out. So as the states are building their programming, getting EJ laws and that passed, we are playing a role there. That is an important regional role is to build that kind of capacity.

And then to place base people. We had a very

successful project in east Palo Alto where we assigned an EPA person along with HUD to work with the local government to make real changes in that community.

So that kind of gives you a sense of some of the efforts that we have made to really try to integrate environmental justice in the work we do.

MS. BUHL: Great, thank you, Laura. We will now turn to Jim Jones, who is the Deputy Assistant Administrator in the Office of Pollution Prevention and Toxic Substances. Take it away.

**Presentation**

***by Jim Jones***

MR. JONES: Thanks, Lynn. The next slide --  
(Slide)

The primary roles and responsibilities of the office that I am in, I wanted to spend one minute talking about, to help give you a sense as to how I view our greatest challenge that relates to EJ.

We are responsible for ensuring the safety of industrial chemicals and pesticides. We do that in two fundamental ways. One, is we make sure that new products coming into the market, whether pesticides or industrial chemicals, are safe. And then we are continuously evaluating existing industrial chemicals and pesticides to make sure they



meet safety standards of today, as those standards have evolved over time.

We also manage the Agency's primary pollution prevention program through partnerships and collaborations. The first two items up there probably constitute around 70 or 80 percent of our resources and they are, basically, sort of licensing and safety approval processes.

So, when I came to this position, which is only about six months ago, and had responsibilities around EJ, I began struggling with, well, how do we integrate EJ into our core work.

I think, heretofore, although we had a lot of interesting EJ projects going on within the organization, they were sort of small, almost boutique little activities; yet, this is what we do. We make sure that industrial chemicals and pesticides are safe.

So the big challenge for this program is making sure that we are taking into consideration the factors that have the potential to influence environmental justice in those decisions that we are making. And I think that that sort of represents the largest challenge for this program.

The other thing is it has helped me to develop a greater sensitivity. As you can see, this is very headquarters-based operation. These are decisions that are

being made, essentially, in headquarters because you want uniformity.

You do not want -- well, actually, some people may want, but the U.S. Government has decided if we are going to make chemicals safe, we are going to say it's safe. If it's not safe, we are going to make restrictions and we are going to do it at a federal level.

States are able to go beyond what the Federal Government does in both industrial chemicals and in pesticides. But, we are going to do it one place in EPA so we will have one consistent decision.

So I have this very headquarters biased experience. Fortunately, we also managed the --- Pollution Prevention activities. And when we get to the next slide, I am going to talk about CARE.

That has helped really bring to my experience many of the issues that you are hearing from my regional colleagues. The need for collaborative, community-based solutions, our Pollution Prevention Program is very much focused at those kinds of grassroots, on the ground, solution to environmental problems.

(Slide)

Some of the very specific activities that we have within our organization that are very much focused on

environmental justice, the first is -- you have heard a couple of things about it already today -- and that is the CARE Program.

This is with my program because of the way EPA has designed CARE's leadership which, I think, has been very insightful and it gets to one of the challenges Laura mentioned. In that, environmental justice community-based environmental problem-solving doesn't respect the EPA Org. Charts. You have to get out of what we often refer to as the stovepipes.

The air, water, waste, chemicals, they can all be involved in any given community problem and you need to have ways to sort of break through those organizational barriers. And one of the ways we are doing that as a management team at EPA is we are rotating the CARE Program through the leadership, the media offices in the headquarter's program, even though the program is actually ultimately operated through the regions.

So, sort of forcing all of us in headquarter's programs, by the way we have set up the leadership of it, to be working across all of our headquarter's programs, and with all 10 regions.

The CARE Program in a nutshell is an effort to, through community-based grants, provide resources in the form

of grants to communities to first set priorities around their environmental issues. And then, secondly, if they succeed in that first step, to give them some resources, a larger grant, to actually solve those environmental issues that they have identified.

It is collaborative, it requires that the successful grantee bring together all of the stakeholders who have some role in the environmental issues that are identified, and to work with all of the stakeholders in crafting solutions.

EPA brings some money, --- grants the phase one grants, which is about priority setting, or about \$75,000.00 to \$90,000.00. And the phase two grants where the problem-solving occurs, or about a \$2.5 million, to bring some dollars, but we are also bringing some expertise.

Some of the expertise we talked about this morning. It is the expertise of how to bring people together. It is the technical expertise that lies with EPA to help communities make informed decisions about their priorities.

Although the priorities are the community's choice, we are bringing our access we have to information to data, to assessments, to other governmental agencies, then they have knowledge to bear, programs to bear.

That is what we are bringing to the table, we are the convener. And we come not only with the skills of

bringing people together, but also access to a lot of information that often communities have a hard time accessing otherwise.

This is a program right now in its third year. We are in 51 communities across the United States, all 10 regions. I tell the people in EPA who are working on this who are some of the most engaged, energetic, high-energy individuals you will find across EPA, that it will be a great thing if we are able to help 51 communities solve their problems.

But, it would really be an awesome thing if we can figure out how we can do this in 1,000 communities.

Well, we are not going to do that with just EPA. So the long-term objective of this program is to figure out a model that can then be used by others in government, federal, state, local. While we are figuring out that model though, hopefully, we are going to solve a lot of problems in a lot of communities and learn a lot along the way.

So that is one of the, I think, very important programs that we now have, leadership within EPA that has real relevance to environmental justice.

We also manage a number of grant programs. In particular, all three of these grant programs here are lead grant programs. There are lead grants that we give to states.

There are also lead grants that we give to tribes, and then we also run a competitive targeted lead program where we are trying to get some grants into communities that have disproportionate high blood level in their communities.

I would also like to say that the Agency's lead program itself could be characterized as an EJ program. It is fundamentally about how to correct disparate impact as it relates to blood lead level in the United States. And all of our efforts in that program are fundamentally about how to rectify that situation.

We are actually working on a rule right now related to how to manage renovation activities in homes in a way that minimizes exposure to lead through paint. That is an activity that we have got going on right now in our program.

And the reason I bring this up, we also have the training, which is very important -- it may seem, well, that is kind of small, you are just a little training program. That is one of the three elements of your EJ program there, and ---. Well, the reason I think this is so critical to our efforts to integrate environmental justice into our work in chemicals regulation in EPA is that we do chemicals regulation in EPA and, certainly, in OPPTS, based on risk assessment.

We are, whether you like that or you don't, that is how EPA has been. We are very sort of invested in that. We

are evaluating the risk of the chemical and we are determining whether or not we believe we can establish safe levels.

And so what we decided we needed to do was to incorporate the principles and the concepts of environmental justice in how we do our risk assessment. And we began this effort about a year ago, and one of the first things -- and one of the other things you get out of this is that you, basically, engage almost everybody in the organization. Because most of the people who work on our program are doing risk assessments. It is not just the EJ person's job, it is everybody's job.

One of the things we found out is we actually are doing a fair amount of it, but nobody was calling it EJ though. It is about sort of understanding sensitive sub-populations, it is about understanding the high end of exposure, which are things that are core to our program. Always making sure we are finding the most sensitive sub-population, looking at high ends of exposure.

But then there are other things we weren't being particularly effective at in as it relates to, for example, diets. And when you are looking at pesticide risks through the diet, what kind of matter is what you are eating. It also matters what is on what you are eating. The pesticide.

We sort of had that part down, but not everybody is

eating the same thing. And although we have very good data in this program as it relates to diets, it is coming from the CDC, there are certainly some foods that are disproportionately consumed by certain sub-groups that we had no information on.

So, by consciously thinking about how we consider environmental justice in our risk assessment, we are raising our awareness of the potential impact of our decisions on various communities. Which is, basically, sort of my segway to the final slide.

(Slide)

Which is we are also doing some of these EJ reviews in OPPTS, in particular, on the lead program. And I definitely agree with what Larry was saying, and Lynn, sort of this top down, and this bottom up approach. Both are necessary.

If you are not doing one, you are just going to send all the problems to the other. If you are only doing it at the bottom, there are things you could have solve much more easily from the top that you just missed. So all the work ends up at the bottom.

So we are doing EJ reviews in OPPTS around several activities related to our lead program. And from that, we are going to be looking at a couple of rules, a couple of



enforcement activities in our regions, a couple of clean-up lead focused activities, and a RCRA permitting activity.

And it is not so much about the lead program as it is -- although, we will learn things about our lead program in this in that we will take those lessons and do things with them, in my mind, it is as much about how do we do regulation permitting, remediation enforcement, generally.

And, do we take into consideration the appropriate environmental justice related issues, disparate impacts, in those programs so that we can make informed rational decisions?

Or, are there things we just skipped? We just don't include? And if we find that there are things that we are not doing routinely, we can -- as sort of Louise mentioned this earlier -- make adjustments that effect all parts of rule-making, for example. So if we learn something about, you know, in this lead rule, we didn't give any consideration to a particularly effective sub-population, we can build that in to other rule-makings -- you could argue, you could argue you could build that into all rule-makings. So you not only learn something about a lead rule, you potentially have the ability to affect how you do rule-making.

We are very anxious to get this pilot underway. We have just picked the activities. We will be doing the pilot

over the fall, early winter. And I think we will learn quite a bit from it. I expect some of it we will learn is that as a protocol, this one really didn't work very well and we need to retool it. And this one here seems pretty adequate, we can use it more broadly.

And, hopefully, in the allotted time I have described how we are, in OPPTS, are trying to integrate environmental justice in our work in chemical safety at EPA. Thanks.

MS. BUHL: Great. Thank you, Jim.

Next is Ira Leighton, our Deputy Regional Administrator in Region 1, the New England states.

**Presentation**

***by Ira Leighton***

MR. LEIGHTON: Thanks, Lynn. What I am going to do is give you the Region 1 story, and you are going to find similarities to what Laura had to say, and some differences. I would like to proffer the thought of where is the bound between consistency. Obviously, if you are trying to move a national program, you need some degree of it.

And the other side of that coin is recognizing that a one-size fits all approach may not be the right one. Our good friend, Ron Kreizenbeck, the DRA from Region 10 -- to drive it home -- he looks at tiny little New England and is

fond of reminding me of the fact that he has icebergs off of Alaska that are bigger than our states. So, customization is a reality.

(Laughter)

MR. LEIGHTON: I want to acknowledge we are in a leadership transition in our region on this important program. We have the Office of Civil Rights and Environmental Justice reporting directly to the Regional Administrator, and the Deputy Regional Administrator for a reason, that it deserves that prominence.

James Younger, I hope a name that some of you recognize, has been our director for a number of years. James is struggling his way through his fifth knee operation and he is going through a transition. And Sharon Wells -- Sharon, are you here? Give a wave. Sharon Wells is stepping in to act and fill in some really big shoes, but she is going to do a fabulous job.

Let me tell you our story. First slide.

(Slide)

Here is what I am going to tell you. I am going to tell you a brief overview of the history and the approach, some examples of whether or not for the objectives that we frame by that approach, do we have anything to show for it. Outcomes. And what are the areas where we want to do better.

(Slide)

Here is our history. When Richard talked about his attack on Regions 6 and 9. I started to say, oh, my God, if he had showed up in New England, would we have gotten ahead of him? And we might have been at the cusp of figuring it out, Richard, so maybe we would have had a story to tell, but it wouldn't have been all that you would have wanted to hear.

The purpose of this slide is to illustrate to all of you that in my judgment, when I looked across the full array of the things we have done, in my opinion, these are the things that were the most meaningful in operationalizing our environmental justice efforts.

As I dig in through some of the other slides, these thoughts will pop up further down stream. And if you wanted to know what exactly is means by these things, we can do it off-line.

(Slide)

Okay, we did six things to make environmental justice part of everybody's job at EPA New England. And these are the six things that I think work the best. We tried some other things that didn't work, by the way. But here are the strategies that I think worked.

Where resource constrained, you have to find a way -- I am on the next slide guys.

(Slide)

This effort of aligning regional and national priorities is critical. Where resource constrained, how do you find a way to make a contribution to a national objective, and still find a way to solve the problems that are most important to the area and communities who you serve at a regional level.

You have got to think in terms of finding ways of alignment. I call it two fours and three fours. In other words, do a piece of work that addresses an important environmental problem in your backyard that can be aggregated to tell a national story.

You have to think about that, it just doesn't fall in your lap. Because you have to put enough eggs in one basket to make a difference. And we found a way to do that and we worked very hard to do it.

Here are the problems that we were able to match up with the national agenda. Asthma. Asthma in the urban areas in New England is a huge problem. One in four kids in urban areas have been diagnosed with asthma, as compared to norms that you might see elsewhere outside of urban areas or elsewhere in the country. A number more like one in fifteen might be what you would observe.

Fourteen percent of the children in urban areas are

dealing with asthma. How could asthma not be front and center for us.

Lead. Guess what? New England has old housing stock. If you take a look at the demographics of lead poisoning and exposures in New England, and you look in the urban areas, in particular, you will find lead levels two and three times higher than what you would observe elsewhere outside of an urban area.

As many as 20 percent of the kids in some urban areas, in fact, are suffering from lead exposures that would impair their health and their learning ability. How could you not be focusing on that?

Urban areas, and dealing specifically with quality of life issues, issues like recreational uses of urban rivers. For many people that live in the inter-city, they don't have the luxury of a vacation hither and yon. Their recreational uses are in their backyard. You have to zero in.

As daunting as the task is to deal with water quality issues in an urban area, you have to do it, because it is a quality of life issue.

Subsistence fishing. Another big issue. Cultural uses of water for our tribes. Probably the number one tribal issue. Water quality standards in relation to cultural uses. Private wells, Northern New England, where in fact you have

depressed economic situations.

Look at the number of people in New England that are on private wells, wells that are never tested. Arsenic, radon, you have got to zero in on these kinds of problems. Quality of life issues.

That is a sampling of this alignment question. We were easily able to do it, when you look at the national priorities.

(Slide)

Next two items, actions we took to institutionalize EJ with our own workforce. Communicating opportunities and expectations and assigning accountability. This sounds like ho-hum, why is that a big deal. I think the most important thing we did, going all the way back to 1999 on that chronology, we zeroed in on the right level of management, the people that could really own and be accountable for institutionalizing EJ, for us, for our organization, it was the deputy office directives.

They are close enough to operations to know what is what, and they are high enough up on the food chain to command resources.

For us, that was a really, really important choice. That group developed the environmental justice compendium, which is the key document that translates our objectives, fair

treatment, meaningful involvement, sensitivity, disparate impacts, on to the ground. They wrote this document for translating those objectives into actual operational practices.

It is a document that has separate chapters written by the people who run the function. There is a chapter on public involvement, tribal consultation, contracts and procurement, state program delegation, grants, permits, clean-ups, inspections, enforcement.

And it is our effort to say to our workforce, this isn't vague, that it is part of your job. We are doing the translation, here is how you should think about it. The deputy directors deserve all the credit for that. And it has been a relay race. These people come and go, but as they have succeeded one another, they have kept the path forward.

(Slide)

The next three things that we did to make it work internally were training, providing desktop tools, and tracking and communicating results. We executed a mandatory environmental justice program. Seven hundred and ten people, and every new employee, goes through a one and a half day program.

We built the program in a customized way, building off of what national programs and other regions had already



had done, and what our states had done. We did not re-invent any wheels. And the first three times we tried it, we failed miserably. The reviews of the program did not work.

After the fourth try, we finally figured it out. And we think we have a program where front-line staff, after they take the course, really see value added. One of the real keys is a half day in the field. You spend one day together, and then a half day visiting in environmental justice problem or community, listening to the community players describe what the issue is and why it matters to them.

Without the field trip, it didn't work. And you really need to build that in. We are now at the point where we are able to bring in states, industry, and other environmental activists to be part of the training program. And the richness of the conversation has gone up four levels by having done that.

Veronica Eady, I wish she was still here, she was one of our featured instructors, and did a fabulous job. Offering a slightly different perspective than the one you would get if it was just EPA people doing the training.

Desktop tools. Samantha mentioned that some regions have desktop tools. We have had them since 1999. We executed a workgroup to build these tools. We tweaked it again in 2001, we are looking for the nexus with EJSEATs. But on the

desktop of every Region 1 employee, is a tool that is -- and what is the tool used for?

We went to great lengths to describe what it was, and what it wasn't. So that conversation earlier really resonated with me. We spent as much time on what it wasn't, versus what it was. But what is it? What it is is a tool down to the census block level, which is critical. If you are not down at the census block, you don't have a tool you can do anything with, if you are really trying to put it on the ground.

And what we do with this tool is I view it as our engagement tool. It identifies areas where there is the potential for what could be disparate impacts. It looks at income, it looks at race, and it slices the census block down onto a map.

And what we use it for is our way of engaging the outside world in terms of identifying communities where we need to be more involved. And, of equal importance, it engages the inside world.

An absolute home run on the map is an individual who works in the drinking water program, and they are in the business of source water protection. They are protecting source ground water, or wells, or surface water. And they look at that map and there is an inspector or a permit writer.

And they all come together with the realization that they are doing business in an area where there could be a common receptor.

It also allows us to identify holes in the map, places we haven't been, either in the form of a grant or an inspection or a permit. And it allows us to reach out to the community and engage them to try to figure out how do we close the hole and figure out and understand what is of importance to them.

So, we put a lot of effort into this, and I think it has been a real key to the success we have enjoyed. I am going to shift to the outside world, those six ideas.

(Slide)

Here is what we have done to engage outside stakeholders. I think one of the key things -- and Bob Varney deserves a tremendous amount of credit for this -- is we developed and put a fair amount of resource in developing an urban environmental program. It is a nucleus of people that engage people at a community level, and attempt to build models of engagement that can be exported to other communities.

And the definition of success, perhaps, and Laura said this in her comments, maybe success isn't the number of times that EPA solved an environmental problem, maybe success

is the number of communities who we helped build the infrastructure, the knowledge, the tools, the capabilities to solve their problem. We have a totally different definition of success as a result of thinking of this model this way.

(Slide)

Here are two very specific things that flow out of the urban engagement. We developed a Healthy Communities Grant Program. Instead of nine small pots of grant money, pesticides, tools for schools, scattered all over the place, with a community that is scratching their head trying to figure out the grant regs, trying to figure out how to apply for it, wonder if you do one-stop shopping.

Where you put out an RFP and the communities can look in one place and find a streamlined way of figuring out how they can engage in a revenue stream.

This program -- it's an RFP issued annually -- nine separate grant programs, every year we try to add another grant program. And it gives you the ability to really make this connection with local problems. The RFP is targeted to strategic issues.

The next point that is driven up there is the whole issue of gathering data and information. Here is my hypothesis. If there is any role for EPA to play, it should be in the business of helping communities obtain information

and data that converts a general description of a problem to a specific statement of what the problem is so it becomes solvable.

This has been a major, major emphasis of our EJ program. And I am going to show you two slides. I am getting to the end here, I know I am over doing it.

(Slide)

Boston lead. Here is the story. For a long time, there has been a lot of articles and a lot of dialogue. It is an old city, a lot of old housing stock. Boston has a lead problem, isn't it a shame.

Until we joined forces with the health agency and drew our mapping tools, GIS tools, together with street address information and blood lead levels for kids, and formed a coalition, we converted the statement of, Boston has a problem, into five specific neighborhoods, specific streets, where 70 percent of the lead problem was there. It wasn't a general problem, it was a precise problem.

And because we did it that way, the progress that was made is off the chart. Because you can begin to manage the strategies and the coalitions of forces that it becomes solvable. It is not the City of Boston, it is these five neighborhoods. We brought technical and mapping tools that made that happen.

(Slide)

Volunteer monitoring. Water quality monitoring. We developed -- and Bob Varney, again, deserves the credit, it was his idea -- we have a lot of expertise and equipment that we can loan to communities that can help them get involved in sampling; especially, in the water quality area.

Mike Shapiro, God love him, gave us \$60,000.00 and we have done -- we are in our fourth RFP -- we solicit to local communities the availability of this equipment. We get large numbers of applications, we pick approximately 11 communities on each cycle, a healthy dose of urban in EJ in the areas of the target. But what happens when you do this, again, it is part of the phenomenon of a general problem becomes a precise problem.

And that is how you solve problems. And you also engage communities and kids -- kids -- where they are beginning to realize they understand the problem that effects their environment, and they begin to realize either in their future education, their future careers, or what they do today, that they can be part of the solution. It is not impossible to be able to make a difference. So this is a huge emphasis for us.

(Slide)

Last slide. We have a lot of things we need to do

much better on. The EJ training program isn't worth the powder to blow it to high Hell if it is a one-shot effort. The answer that has worked is a continuing monthly EJ speaker series. We bring in university people, community people, state speakers, and you keep stirring the pot.

These sessions are played to a packed house. You couldn't get in the door if you tried. And it is the stimulus to keep the conversation going and moving. Your ability to leverage those funds.

We have a grant competition policy, "It's a good thing, it makes you focus on results," is the national policy. It presents challenges because all of our grants have to be done competitively. It makes our healthy communities grant program a significant effort, and we will overcome that effort, but we have to work harder on it.

Strengthening the connections with the state agencies. We have an EJ newsletter jointly published by the states and ourselves. We don't talk about our stuff, we talk about their stuff, you build a coalition. Every PPA and PPG in our region has an EJ component to it. It is built in.

Exporting the model to more urban programs. I know, we are running out of time. I am out of time. We don't have enough resources to be able to hit more communities, I wish we did. We are going to keep trying. I am done, thank you.

MS. BUHL: You know, when we first asked Ira if he would come down to speak, he wasn't sure anyone would be interested in what he has to say, and he has got a lot of energy and a lot of wonderful experience.

But I am failing as a moderator because we have already used up 45 minutes between three people, but with that, if you could just speak as vigorously as Ira, and maybe even faster.

(Laughter)

MS. BUHL: Mike Shapiro is our Deputy Assistant Administrator in the Office of Water.

**Presentation**

***by Mike Shapiro***

MR. SHAPIRO: Thank you very much. To begin, let me just say, the Office of Water is delighted to be able to participate in this discussion. I think this has been a really useful conversation for me, and we'll have many more in the future.

The Office of Water has some simple responsibilities. We have to make sure that the waters in the United States are clean, suitable for the environment, and for human recreation and other activities, and that our drinking water is safe to drink.

In addition, we house the agencies, the American



Indian Environmental Office, so we have kind of a dual responsibility there as well, which has been actually very complimentary and helpful to us in our environmental justice responsibilities.

(Slide)

I can see our graphics didn't work with these colors, but I can read them.

(Laughter)

MR. SHAPIRO: Anyway, first, this makes the point we have a history with NEJAC. We have benefitted in the past for a number of years with our involvement with one of the subcommittees, the Air and Water Subcommittee from 1999 through 2005. We got some very key inputs and advice on a number of critical issues for us, including the concentrated animal feeding operations, mercury issues, as well as fish consumption issues. And we have benefitted greatly from those.

In particular, we received a lot of advice and input on the issue of fish consumption and environmental justice, and we have actually spent a lot of time and attention since then within the Agency, working to address a number of those issues that were raised. And we are, certainly, looking forward in the future to bring additional questions and issues before the NEJAC.

(Slide)

Environmental Justice integration, as all my colleagues have also mentioned, we really view the key to success in the environmental justice area as getting environmental justice issues embedded into our national program.

Within the Water Program, I think we take pride in the fact that we really have put a lot of effort and attention into developing a series of strategic measures and objectives for the program. In metrics in those measures that essentially are, define the game plan by which we will operate as a program and measure our success.

So, to us, integration begins with the fact that we identify and get integrated into our strategic plan and our program measures. Measures that reflect progress in the environmental justice arena and that are carried forward as Agency and Office of Water priorities. And we have worked hard to do that.

We have, I think, some more work to do, but I think we have got some good measures now. The two that have risen to the level of priorities for EPA overall are, ensure that fish and shell fish are safe to eat, and ensure that the water is safe to drink. And we are carrying forward those priorities.

And, actually, the safe to drink measure is a really good illustration of some of the kind of issues that were brought up earlier in a different context. Is it really matters what you measure and how you measure it. For a long time in the Water Program, we defined water safe to drink as being those communities that have public water supplies, get water that meets national standards.

Which is a very good measure, and still an important measure for the program. But, as a result of our engagement, especially, with tribal communities and environmental justice communities, we realized that there was a significant portion of the population that were missed by that measure. People who did not have access to public water supplies and sanitation.

So we developed and built a measure into our national program that attracts the access of communities to public water supplies and appropriate sanitation facilities. That, in many ways, has changed the way in which we do business within the Water Program, and with our partners.

So, we are still tracking compliance with our drinking water standards, but we are not successful unless we get people who don't have access today to have that access to safe drinking water. And that is reflecting in our program measures, as I said.

We are like other offices have developed environmental justice action plans around our strategic plan. We have an integration committee, which is formed by senior staff across the Office of Water that help develop and coordinate implementation of our environmental justice action plan. That is chaired by our EJ Coordinator, Alice Walker, who is sitting over here.

And we have also, as other program offices, have joined with the Office of Enforcement to figure out how we can develop meaningful environmental justice reviews. And my goal will be that those reviews provide part of the feedback loop into revising our integration efforts and, ultimately, our strategic plan.

We have also been working hard to develop improvements in our training programs. Examples that we have used are cases where we already have successful training programs covering components of our water responsibilities.

And we try to build environmental justice modules into those programs so that people who are learning to do the work of the Water Program, not just at headquarters, but in the regions, as well as in the states, who really implement most of the work of the water and drinking water programs, have the opportunity to get that material in the course of training that they will take anyway.

And a good example of that is our Permit Training Program, which is a week long intensive training experience. I think just about everyone who does clean water permitting, at some point in their developmental process, takes that training course, or a course based on our training. And we have built an environmental justice module into that.

(Slide)

Where are we making progress? Well, we think we are making progress in a number of areas, although, there is a lot more to do. I mentioned the American Indian Environmental Office. They manage the General Assistance Program for GAPS, which are the fundamental capacity building grant program for tribes from EPA. And really, for most tribes, really provide the ground work upon which they build their environmental programs. And that has been hugely successful first step in developing tribal capacity.

As I mentioned, we have been working on trying to address a number of the issues raised in the NEJAC recommendations on fish consumption. One of the areas that I think we are really proud of is our work with the Food and Drug Administration, actually, on developing materials on consumption of fish; especially, dealing with the mercury issue.

We have issued jointly a brochure with FDA in seven

languages now that provide advice specifically to women who are pregnant, nursing mothers, young children, as well as women who might become pregnant that specifically address concerns regarding fish.

And this has been, I think, one of the most difficult policy and communication challenges I have ever seen within EPA. Because not only did it involve coming to a scientific consensus with another leading federal regulatory agency, the FDA, but it also involved trying to convey a very complex and nuance message. The message was not, don't eat fish.

There is enormous benefits for eating the right kinds of fish in the right quantity. So we didn't want to send a message that would achieve overall impairments to health; at the same time, there are very serious issues associated with mercury. If you eat too much of certain kinds of fish -- or some of -- other kinds, it is not a good thing.

So we did a lot of work, did a lot of testing and, again, have tried now to develop these materials in ways that will effectively communicate it to many of especially communities that rely on fish for subsistence.

Three T's, although lead in drinking water is an important issue throughout the country, our examination in lead issues suggested that an important part of leverage for

us was lead in drinking water in school systems. So we provided special guidance for voluntary measures that could be adapted by school systems for testing and taking action if lead is detected.

We do manage, as I did mentioned this morning, several sources of infrastructure funding for local governments. A number of those, such as our revolving loan funds are, actually, implemented by state agencies. The Drinking Water Fund, in particular, has provisions in it that provide subsidies in the form of lower interest or actual forgiveness of repayment to economically disadvantaged communities. And about 18 percent of the funds from those programs go to disadvantaged communities.

A couple of other areas where we have made real progress, the Alaska Native Village Program, which has increased by 20 percentage points. The percentage of the Alaskan Native villages that have access to drinking water supplies over the last five years.

The border environmental programs that Laura talked about, have also made substantial progress. And we have also made a lot of progress in building tribal capacity in the area of water quality standards. Establishing standards for your local bodies of water is the basic tool within the Clean Water Act that states, tribes, and communities have to control their

water environment fate.

Historically, tribes who can be authorized, but have been slow to acquire the capacity. We have put a lot of effort into building capacity within tribes, and we are beginning to see some real progress in increasing the number of tribes that are now federally authorized to develop and implement their own water quality standards, which then become federally enforceable.

As Ira mentioned, I think, a lot of the opportunity to get our staff to integrate EJ thinking into their work really comes about by direct personal experience. So, although sitting in headquarters we do a lot of national policy stuff, we are sitting in an area, the District of Columbia, that has significant environmental justice issues. We have an urban river, the Anacostia River that was severely degraded, that is now the focus of a multi-faceted effort at clean-up.

We have gotten actively engaged in that, together with Region 3, who actually has jurisdiction, but it has become a very personal priority for our Assistant Administrator and for many of our staff.

So we encourage our staff to become part of the process of cleaning up the Anacostia, as well as supporting through funding a number of community partnerships.



(Slide)

This wraps up my presentation. It talks about a particular issue that we are focusing on as a pilot for the Environmental Justice Review Program. It is the issue of setting the arsenic standard and drinking water.

This is a retroactive evaluation of a rule that, actually, was promulgated before I even came to the Water Office. Not without some controversy.

Even today, the implementation of this rule has become extremely controversial because it impacts many, many very small community water systems in rural areas. Systems that are challenged to meet the treatment requirements. Nevertheless, it addresses an extremely important public health issue.

So, we think that this will -- looking at how we interacted with environmental justice issues. And this rule will provide a good task of the draft protocol, and looking forward not to revising the arsenic rule, but to learning from our retroactive examination. Thank you.

MS. BUHL: Great. Thanks.

Larry Starfield, our Deputy Regional Administrator from Region 6 in Dallas, I think, made maybe the biggest effort to change a schedule around to be here with us this afternoon. So, if you will take it from here, Larry. And

then we will have time for questions and comments. Thanks.

**Presentation**

***by Larry Starfield***

MR. STARFIELD: Okay. I will be as brief as possible and will try to race through these. Let's go to the first slide.

(Slide)

The first slide just shows some accomplishments. This is the way it is supposed to work. You get the programs to do the work that benefits communities. Our goal in our environmental justice program is to be the catalyst, but to either let the bigger programs, or to let the communities take charge of their fate.

So here are just some examples that we have done in the Air Program and the Water Program with our tribes in Louisiana to make the situation a little more secure for the people post-Katrina and on the U.S.-Mexico border.

(Slide)

This is a great example of EJ integration. We had a situation after Hurricane Katrina, Jonathan Hook went down to New Orleans, single-handedly created a task force that didn't exist. Told FEMA about a term called environmental justice they had never heard about, and tried to have EJ considerations taken into consideration.

We then worked with Granta and others at headquarters to get those EJ functions placed in the system, rather than have Jonathan and his team try to do it by themselves, just a small group of people, we tried to make it part of the organized structure of the emergency response program. And succeeded with Granta's help and Tom Dunn's help. So now it is part of the main system.

Our third bullet is our EJ Program will continue to support the emergency responders, will help them identify the contacts and communities, but it is the program's responsibility to talk to the community. It is not EJ's responsibility. We are assisting.

And the last thing is we are trying to exercise that and make sure it works. And we will be talking more about that later.

(Slide)

On the other hand, I talked about bottom up. I still believe, and I am going to come back every year and say this to this group, that you did a great report several years ago. Jode, and Sue, and others were part of the subcommittee.

I can't remember who else, but at least you two. And it was a great report about how communities can take charge of their own problems, how we can help build capacity. It was a great report, get the universities to help, get some

students to provide the manpower and the grant.

And we are trying desperately to make it work. And we found that money was necessary, so we have linked it with our CARE grant communities. And we are really going to try to do a situation where the communities can define what are the stressors effecting them, what agencies have jurisdiction. And it is not going to be EPA in 50 percent of the cases. But, we can help bring other agencies to the table and make it work.

With the --- Tribe, Jonathan has been working with them to do a holistic analysis of all the things. They --- air emissions from a local plant, they have water problems, they have those disposal of car issues that are impacting the water. They have a myriad of problems. They have BIA that they are working with, as well as EPA, and Indian Health Service, and six or seven agencies.

And we are trying to just collect all the information about who is helping, who could help, who needs to help, so that we can figure it out. And that was sort of historical, but that is another way we are approaching problems.

(Slide)

These EJ Reviews, at the headquarters level, as I think Jim knows, you have to do it from both directions or it

doesn't work. Permit writers, inspectors, rule writers, they all need to understand and try to take into account EJ, even though we don't think they can capture everything. But they should help make sure that when we take action nationally, it is addressing EJ and vulnerable populations to the extent they can.

(Slide)

What we are trying to do, Laura and I are trying to put together sort of a different approach. This is very rough, Laura has never seen it, so I am not going to look at it.

(Laughter)

MR. STARFIELD: But, what we are trying to do is, for instance, we have talked a lot about GAS, and Jode, there is your State of Texas.

MS. HENNEKE: I was going to say, I haven't seen it either.

MR. STARFIELD: Yes, that is right, Jode hasn't seen it either, but I am sure she will like it.

(Laughter)

MR. STARFIELD: But this shows the number of lead poisoning cases in the State of Texas. And you can see which counties are most at jeopardy. So that is where we would start our focus. Because when I look at an EJ Review, what I

say is, I think the question for EPA is, are your programs collectively working? Or, are they not? And I don't know how you answer that question except at the local level.

And I think you have to try at the national level, but I don't think you can really answer it except by saying to the communities, how are we doing? So, the first step is let's take the most impacted communities and look at -- next slide --

(Slide)

-- how have we done? Let's look at the programs. That slide was about blood lead levels. Let's look at how we have done. What are all the programs to deal with lead abatement, to control lead, SuperFund clean-ups, other things that we have done. Enforcement actions, SEP, and see what we have done. And then look at what are the gaps. This community is still hurting.

You know, Ira had a great example of how they are dealing with it in Boston. So let's look at what is missing, what are the gaps, and what are some best practices we could bring in to get us that last way to get us that last way to get those lead communities down into a lower number of cases.

And then, what other partners do we need to bring in? And to me, that is sort of the practical side of an EJ Review. Then we can say, our programs are working pretty

well, but there are two or three places that are not working well enough. So we are going to add some things, or add some partners.

And it may not be EPA who has the last piece, it may be the Health Department, it may be HUD, it may be somebody else, but we will bring in whatever partners we need to.

(Slide)

So to me, the lessons learned are pretty short. It requires a lot of collaboration. We need to be open, all the programs, to hearing about the issues from communities. I think we need a cultural change at EPA to understand that you can't look to Charles in his office, you can't look to our little EJ programs in each region to say, oh, that is a community issue. Throw it over there and let them handle it.

That is just not going to -- we are not going to get anywhere. We have to say, no, we are not -- EJ is not the solution, but we are going to help you solve it programmatically so that we get the big solutions. Or, we are going to help it regionally to get the solutions.

We also need the active role of the community to help us find those solutions. That is the report you all did a couple of years ago. I think it is a great model, it has just got to be implemented. And we can't do it without your help. You know where the problems are, you know what needs to

be done in the communities. So we absolutely need that partnership.

And then where the solution is beyond our means, we have got to bring in the other players and make them come to the table. And I think we can be helpful there. That is it.

MS. BUHL: Thank you, Larry.

Whew! I think the great news of what you have just heard is that there are a lot of people thinking about it, there are lot of things that have been tried. We have had some success, we are still pushing. There are a lot of people with their eye on the ball, and I want to be positive and to point that out. Because, you know, there are days where you are feeling like you are doing your best and then you get flogged some more, and then you go back and start again.

And we have got a lot of really great experience, and we can't forget that, we just need to keep building on it and figuring out how to enlarge on the successes. And to some degree, trade information from region-to-region, and from program-to-program. I think the Agency does suffer from thinking in chimneys, and it is going to be hard to get past that.

So, for the moment, I suggest everybody stand up and at least stretch. And then I will pass the baton back to Richard for some questions and comments.



MR. MOORE: All right. A lot of enthusiasm amongst those youngsters, huh?

(Laughter)

MR. MOORE: I remember when I was young as they were, and had that same kind of enthusiasm.

(Laughter)

MR. MOORE: You know, I wanted to open it up for questions, and we really do appreciate the presentations and the information you have shared with us. So I am going to open it right up for comments and questions. And then we are going to move through that, and we are going to close out the session. Before we do that, Granta has informed me that he has another meeting to attend, so I would like to thank him publically, for not only spending a little time with us, but spending a lot of time with us.

And the comment that Charles made this morning, that is what I meant by that. It is a very short version. Sometimes you can say a whole lot, but it is really about what you did, and about what you do. And, Granta, we really do appreciate your commitment and the work you have done.

MR. NAKAYAMA: Well, thank you, Richard. And I just want to reiterate to all of you NEJAC members, you can always call me up, you can always visit, and we really care. We really appreciate your efforts as volunteers.

You are helping us form a better, stronger EJ Program. And I think you are hearing today about a lot of the activities. It is not just OECA, OEJ, what is going on in the regions and our other programs is very, very important. And I think you needed to hear that.

There is a lot more going on than what you heard today, but I think this is a representative sample of some of the things going on and a commitment of the Agency. Because EPA really is committed to EJ. So, thank you, Richard, and thank you to the NEJAC.

(Applause)

MR. MOORE: All right, I didn't see the cards again, so we are going to start -- Jolene, do you want to start us off please.

MS. CATRON: Thanks. We were just sitting over here saying, he needs to start on this side.

(Laughter)

MS. CATRON: I just have a couple of quick comments, not necessarily any questions. To Laura, I just wanted to say that your talk about the community-defined projects that are results oriented, I think, is really important in that it results really in social change.

Because that is what is really at the heart of getting to long-standing problems in the environment. Is

really an ownership from the community of the problem. And, the community's ownership of their own health. And I think that is really important.

I have just come to realize that in the work that I do, how really important the grassroots level of that is. And, especially, working with our youth and how critical that is. So that is really the focus of my own programs within --- reliances, really engaging the youth and really working towards social change in some of the huge, huge environmental problems that we have on our reservation.

The other thing that I wanted to mention is I really enjoyed your presentation. I am really glad you shared your good news with us. I think it is really great to hear how comprehensive -- you have --- in a whole bunch of programs together and really kind of shared that wealth. And I think that is really important.

And let's see, what was the other thing I wanted to say. Oh, about the water presentation. I am really interested in -- I am a self-described water nerd also, so I was really interested in how EPA went about their --- for the 106 funding, and how tribal consultation was involved in that re-write. And really, wondering what kind of lessons you learned in that process.

Oh, and I am sorry, and I have got one more thing on

a different level. This goes back to my first point, because social change is really what is at the heart of getting to a lot of these environmental programs, I think the funding for the CPS grant to continue is really critical.

MR. MOORE: Are you asking for a response there? I am sorry, I missed that first part.

MS. CATRON: Oh, about the water. Oh, yes, just a quick rundown of lessons learned and collaborative or consultation process with tribes.

MR. MOORE: Good. Thank you.

MR. SHAPIRO: Are you talking about the most recent revisions to the 106 where we kind of set out the different model tiers of tribal programs? As I recall, we had a number of meetings in the regions with tribal groups, as well as had consultation with the National Tribal Operations Committee, and presented it there at least one time that I was present, as well as provide an opportunity for written comments.

I think we felt that we learned a lot from the dialogue in discussion. We probably, you know, could have easily spent more time getting tribal input, no question about it, since there are so many different special circumstances when you are dealing with tribes and understanding how our proposal would work out in different context was really important to us.

But I think we did definitely benefit from the input we got. I think one of the concerns that was expressed then, and continues to be expressed as we are actually moving into implementation, is over the whole issue of reporting to EPA, especially, water quality data. We felt we had reached a point in the program's maturity in terms of funding tribes that, unless we could begin to demonstrate that the funds that we were investing through 106 in building tribal programs was actually delivering results at least in the form of good, defensible baseline information on the status of water quality in tribal lands, it would be very difficult to maintain and sustain support for that funding.

So, some tribes remain concerned about that, but we felt it was kind of a matter of not only good governance in terms of getting the information needed to do good water quality management, but vital to protecting the program. Since we were being told again and again, unless we can demonstrate results from our funds, they were very vulnerable, both at OMB and in Congress.

So, again, I think it was a good dialogue for us and it helped us improve our concepts about how different forms of programs could be adopted to tribal lands.

MR. MOORE: Thank you. Donele.

MS. WILKINS: Let me first say I appreciate Laura

and Ira's enthusiasm and leadership in their regions for the work that you are doing to integrate environmental justice. I just think it is formidable and really exciting. So the pressure is on, Region 5. Just a little side note there.

I have a couple of questions, one for Jim, around the pollution prevention and integration of environmental justice. And wonder what, if anything, have you guys done to consider clean technology, clean production for the principles in the work that you are doing at the Agency, and also green chemistry? Those two elements, I think, there is some good documentation out there about how that can mitigate and reduce the impacts on environmental justice communities.

And then, following up with that, you spoke about your efforts to review new chemicals that come online. I am interested in how quickly that information that you learn about new chemicals are placed on the toxic release inventory data system, or other sort of public access systems.

And then I have a question around water issues for Mike.

MR. JONES: Okay, I will take them as I heard them. I may need you to clarify some of those. A couple of our pollution prevention programs that you mentioned, we manage EPA's Green Chemistry Program, whereby we annually identify certain often technologies as green chemistry technologies.

And we have an award ceremony, in which there is another formal process for their nomination, and then the identification of the adoption as green chemistry award winners.

I have not thought about sort of how we could leverage EJ into that context. Although, I understand I think with your point being that green chemistries can be powerful, provide powerful tools and solutions in EJ context. But I don't think we have consciously thought about that. That is something that I can certainly take back with me.

We have a number of other pollution prevention oriented programs, such as we work on green buildings, we have a voluntary standards program related to environmentally friendly electronics that we manage. That is sort of the all elements of the life cycle of electronics, and we are looking at the environmental attributes of them. It is E-PETE(\*) is what it is called.

We have a program that we have worked on with respect to our federal partners related to environmental preferable purchasing. So we have a range of voluntary pollution prevention oriented activities. And I will say, I have not thought through, although some of our folks may have, are what are some of the EJ elements of the ones that I just brought up. Or, how could EJ leverage some of those programs.

Or, the other way around.

So that is sort of the pollution prevention -- a couple of the pollution prevention programs. The toxic release -- repeat your question around the toxic release inventory.

MS. CATRON: Well, you just mentioned that your responsibility is to monitor the safety of our new coming chemicals, and things. And I am curious about how to access information about those chemicals. How quickly do you get them onto say the Toxic Release Inventory site, where people can understand impacts of the new chemicals and their use? Particularly, on public health and the environment.

MR. SHAPIRO: Okay. So, if it is a pesticide, we are going to evaluate it for safety. And if we determine it is safe, it is licensed. And registered is the term that we use. And we manage a database that has got a list of all the registered pesticides. So, if we have licensed it, we have made the judgment it is safe, you can access that through our website.

For industrial chemicals, it is once a new chemical comes through our process, it is called pre-manufacturing notification. And we have determined that we don't have any issues with it, it is then allowed for sale into commerce.

It ends up on the TOSCA inventory, another



publically accessible list. That doesn't mean that it is on the Toxics Release Inventory, there are specific hazard-related and risk-related criteria that will get you onto the Toxics Release Inventory.

The fact that you are an allowed industrial chemical in the U.S. puts you on to this TOSCA inventory. And, again, the chemicals that are on that are publically available, as are the chemicals that are on the Toxics Release Inventory. It is a subtle, but pretty meaningful distinction.

MS. CALTRON: Thanks. And real quick, just a question around resources available through the Water Program. One of the most difficult tasks we undertook a couple years ago was writing for a really small grant, I think like \$25,000.00. And it was a really difficult process. More difficult than I have ever experienced with any other EPA related program.

I was wondering if there was any intent on your guys' part to sort of make that less complicated. And maybe that just speaks to the level of my intelligence and abilities, but it is easier to get through some of the other processes within the agencies than that. And I think it is a little -- I think it presents somewhat of a barrier for environmental justice communities to really access it.

We got the grant, but it was for \$25,000.00. It was

probably as hard as if we were applying for \$2 million.

MR. SHAPIRO: Yes, and I am guessing that the EPA Project Office with the grant probably felt the same way in terms of the amount of work and effort they had to do for a \$25,000.00. I think the reality is that over the last several years, the oversight and scrutiny of EPA's grant programs has gotten extremely vigorous. And as a result, if anything, grants have gotten more complex to deal with and manage, not less.

And, unfortunately, I think a consequence of that is unless you are dealing with a really, really, really small grant, like less than \$10,000.00, you are (A) more likely to face competition than you were in the previous -- previously, it was easier for EPA to give grants without competition, and in part, that got us into some difficulty. And the work that you will have to do both to develop the grant proposal and manage the grant has been increased.

So I know the Agency is pursuing some efforts to improve the processing and flow, and make more things kind of manageable through electronic means as opposed to hard copy, which doesn't necessarily work for everyone. But I can't hold out a lot of, at least near term process, that the grant management process is going to get easier. At least with respect to those grants where you apply directly to the

Agency.

I know in the Water Program, we do have some grants where we, essentially, award a large grant to an organization that then competes in award sub-grants. And competing through that process might be a little bit more streamlined than the original EPA grant, but the organization that manages that grant has to make sure they meet all of EPA's grant requirements, and competition requirements as they give out smaller grants.

MS. CALTRON: Thanks. I just want to add just this little bitty thing. I think it would be worth it to learn from the EJ small grants process for the little grants, \$25,000.00 or less. And I am fully aware of the big organizations that are given major grants, who rarely interact with EJ groups. So, some of the unique issues that are understood in our communities are not shared by the larger groups.

MR. LEE: Yes, but the same thing applies in terms of the EJ small grants. I mean, the EJ small grants were designed especially for start-up, community-based organizations. But now, the same kind of requirements in terms of having a 501(c)(3), in terms of the kind of management processes and policies, and all this are the things that you have to meet now. So, it is an agency-wide problem.

MR. MOORE: Well, just as we kind of move on, I think there is a difference. We understand 501(c)(3) --- Charles, but there is a difference in terms of some of the grants. And I think that is -- and I am hearing what you are saying, but that is also the point that Donele is making.

And we have, actually, worked with some of the programs in the past to kind of help to modify that. So, I am just kind of coming in the middle there, Charles, between what you said and where Donele was coming from. Donele, are we okay to move on?

MS. WILKINS: (Microphone not turned on)

MR. MOORE: Good. Thank you very much. Chuck.

MR. STARFIELD: We would be happy to learn from any success stories.

MR. MOORE: Yes. Oh, I am sorry, I am sorry. I skipped --

MR. LEIGHTON: No, I just want to agree with you. I think your comment is right on the money. And one of the estranged definition of success for our Healthy Grants Program, as weird as it may seem, isn't just the number of communities that apply to our RFP successfully, it is the number of communities that apply.

It is a test of whether or not our outreach program to communities, our awareness raising, the help that we

provide them to weave their way through the maze.

So, on our EJ map, we actually put a dot on the location of the community that could get their arms around it to the extent that it was worth their time to submit an application. Because we think we are making a difference. We are building infrastructure by making that connection. So applications submitted are part of the indicator of success.

MR. MOORE: Thank you. We are going to move on.  
Kathryn.

MS. BROWN: Well, your enthusiasm is refreshing. Thank you very, very much for expressing it. I have a couple of rhetorical comments, I guess, I would like to make.

One echoes Donele's, and that is, no doubt, you are on the cutting-edge within the regions in the work that you do. The absence of Region 5 for us is disappointing so, hopefully, we will catch up in this regard.

Blood lead concentrations. I come from the University of Cincinnati where there has been years of research done in abatement, in blood lead concentrations, and its affects on children. So, I have to admit, it is disconcerting -- and I realize it is -- it remains a very real, public health issue.

But I guess two comments. One has to do for the implications of this MOU that EPA has evidently signed with

CDC and ATSDR. What are the implications for that MOU if high blood leads continue to plague our communities, and that is a responsibility of CDC?

So, again, it is a rhetorical question, but something to consider. It also raises the question about the EJSEAT program that we were talking about this morning. It is interesting that the number of elevated blood lead concentrations in the community was not one of the pieces of data.

Elevated blood leads are reportable -- not a disease, but a reportable condition -- to state health departments, and then on to the CDC.

Now, admittedly, not all children get tested for blood lead poisoning, but it seems to me that is a data point folks may want to reconsider given how much time is spent in EPA programs dealing with lead.

So those are my rhetorical comments. My question is, as somebody based at a university, I am wondering what your perspectives are on what more university-based folks should be doing in this regard.

MR. STARFIELD: Can I just say, in terms of the project that I was referring to, which a subcommittee of NEJAC reported-out on, was --

MR. MOORE: Excuse me, Larry. Could you turn that

microphone a little bit there so the people in the back can hear you.

MR. STARFIELD: Oh. The concept that we have been trying to pilot, and we have been working with Wilma Subra in Louisiana, and Judith Espinosa in New Mexico, was to partner with a university.

Because part of the problem with regional offices, at least Laura's and mine, which are far away from a lot of the communities we serve, is we are not really able to be there all the time. And you need people to help organize.

So, we were talking to Xavier, and we were talking to Tulane about a clinic of graduate students that would help a community group do some of the analysis, collect some of the data, do some basic work, and we would help organize the meetings, and we would help bring the right partners together.

But I think it is critical that the universities be partners. And we really need in each of the projects that we are talking about, and I think we have three CARE communities that we are working with, we need a university partner.

And we are hoping that the NEJAC is a way to do that. We don't have the university partners now that we did a couple years ago, but we still have the alumni who, I assume, we can call upon. So, we are definitely trying to maximize that.

MS. YOSHII: And I would just add that, fortunately, our Office of Research and Development has also expressed their desire to be more responsive to sort of locally-based needs. So have these -- it's call STAR Grants, or --- Grants that are given to the regions and they have been very responsive to some of the EJ research needs. And that have gone through the universities.

In fact, the researchers that were in our region last week were from Berkeley and Santa Cruse that were looking at -- and the real gap seems to be in the health environmental intersect areas. And they are really doing some good work there.

MR. LEIGHTON: I will add to Laura and Larry's comment. I think universities are a critical component to addressing many problems, lead being one of them. And the specific actions that we have taken in our region, I think this is common to the other regions, is you saw one of the notable benchmarks on the chronology was with Boston University in 2004.

We arranged for, I think, the first National EJ Science Summit. Which brought together all of the national principal investigators and STAR Grant recipients from around the country, and a cross section of community representatives.

The "ah-ha" of that session, in my opinion, was the



degree to which principal investigators were totally unaware of the context of how the content of their work could be important. And one of the things we have to do is to strengthen the content/context connection.

And, I think, the way to do it is each of the regions is following up on that. And, as a matter of fact, our session is about to happen next month where we are continuing to bring in the STAR grant recipients and PIs, principal investigators, from New England to, again, have another session with our employees and outside stakeholders to continue that dialogue about where the holes are.

One hole that I will identify in lead, which is huge, is abatement technology cost, performance, and effectiveness of that technology, some lead abatement techniques make the problem worse. You go into a house, or a community, or location, you spot the problem. You say, ah-ha, I am going to fix it. In the course of fixing it, you make it worse.

And we were able to work with ORD to publish an SBIR solicitation, that is Small Business Innovative Research, and we are in the middle of a phase two proposal on some really promising technologies on lead abatement that are dust free. We have an institution, along with ORD, in the Agency. It is called the Environmental Technology Council. The people who

are here are a part of it.

The idea is identify big problems where there is a technology or scientific gap and build this nexus between the research and the problems. We happen to chair the ETC group that is working on lead.

It ultimately translates into things like modifying regulations. And I am looking at you, Margaret, because you lived this with me. We actually found that there is some real exciting detection technologies. I am talking about field instrumentation, that would enormously improve your ability to detect the problem, but there are regulatory impediments. The regs prevent you from using some of these technologies.

And I am not putting the regulation down, but I am just trying to illustrate that the Environmental Technology Council is about bringing the problem, the science, and the regulatory construct to the same place. Let's fix it.

So I think there are a huge connections with universities through those channels.

MR. MOORE: Okay. I just want to, as we move forward, just to ask both those -- we have got several cards up in terms of comments and questions -- that because of the time of the day, and because my butt got sore from sitting in this chair for so long --

(Laughter)

MR. MOORE: -- if we could keep our comments and questions, and responses, as brief as possible. Okay, we are going to move along. I just wanted to say as we go to Chuck that, one, I think the other in terms of Region 1 that activity will take place next month, if I am correct.

I think it is next month we do the ADR environmental law training. And there will be 28 organizations. I think 28 to 30 organizations within the region that will be attending that activity.

And I wanted to just, this early, congratulate James, the staff there, and Sharon Wells in her new capacity. Because working with the EJ team within Region 1 has been quite a pleasure. So please carry that message back to us, both of you.

And then also, lastly, Bob Varney, who Ira keeps mentioning, also spent several years -- for those of you that don't know it -- he is the Regional Administrator there, and spent several years on the NEJAC Council before that.

So, just moving forward. Chuck.

MR. BARLOW: I will try to compress this into just a couple of minutes. In the years that I have been dealing with environmental justice, from the state's perspective and now the NEJAC's perspective, it seems to me like we are missing an opportunity -- this is going to end up in a question --

missing an opportunity by not having a substantial forum of carrot and stick outreach to corporations.

And by corporations, I mean at the board room level and the CEO level. Most of the corporate people that I have dealt with in my life have been at heart, at bottom, pretty good people. Most of the EJ people that I have dealt with in my life have been conscientious, truthful, intelligent, good people.

And it is hard for me to believe that in most corporate board rooms in America, that if you send Richard, and Granta, and Sue, or some combination thereof, fill in the blank, into that board room, and you have them make a presentation, that those people are not going to say, huh.

And, you know, always remembering that their bottom line is the dollar. A lot of those guys have enough dollars by now that they are willing to think about and do something else that is necessary for their communities.

Here is where I think we might do some good in doing that sort of education. So what I am thinking of is asking the NEJAC, and asking EPA to do some thinking about this and to try to make a concerted effort. Maybe it has already been done, but I don't know about it -- at that high level type of corporate influence.

And here is why I think it might work. You know,

the old song, "I was country when country wasn't cool"? Well, you know, my company was doing carbon when carbon wasn't cool, but now, it is cool to be talking about carbon sequestration, or CO2 management, or climate change, or offsets, or whatever. There is a very important investor tool now called the Dow-Jones Sustainability Index.

And people are really -- I mean, institutional investors, people who deal with those bottom lines and pull those purse strings, are really beginning to look at the DJSI and who is on it, and who is not on it, and why aren't you on it, and why isn't my company on it? Now, it looks at a lot of things.

One of the big things it looks at is carbon. It could look in a stronger way at environmental justice. And then all of a sudden you have got all these guys in the board room thinking, ha, ha, I might need to do something about that.

So, I just think we need to think hard about -- not being naive about it, but trying to pull those people into the table in a way that they believe it makes economic sense, as well as environmental sense, for them to stop messing over their neighbors.

MR. MOORE: Thank you, Chuck. I think that was a comment. We are going to move right on then. Thank you very

much. We are going to go straight down that side over there. Jode.

MS. HENNEKE: Thank you, Richard. I am going to piggy-back a little bit on what Chuck said, but also I want to expand it just a bit, and mine is really more of a comment as well. And that is I think Larry would agree, and I am pretty sure Richard would agree, in Region 6 where we have seen the best success is when there has been a tight relationship between EPA and the state.

I think when that happens, the community stands a much better shot at feeling an affect and getting something accomplished. With that, I also think that it is incredibly important, going with what Chuck said, you know, we go through the cycles of do the right thing, but it never should stop. And it is an effort that needs to be done both from EPA to the states, and both from the states to the companies that they regulate.

MR. MOORE: I just want to as we move on agree to that comment. You know, I think again, one of the projects, or pilot projects out of Region 6 with the state, with the EPA, with the health department and elected officials, and some others in San Antonio, Texas with the Air Force Base there. And so that has been not only a one or two year venture, that has been a much longer venture. But I think it

also supports the fact that Jode is speaking to. Chris.

MR. HOLMES: Just to follow-up on Jode and Chuck's point, are there any existing partnerships with industry that deal with EJ that might be a subset of a national environmental partnership, an initiative, or something like that? That you have got joint goals.

MR. JONES: Many of the CARE projects have an industry partner because they are part of the stakeholder community involved. And the identification of priorities as well as solutions.

MR. LEE: You know, there is an effort that we did in 2003 that was a report on business perspectives and practices in environmental justice. And I think it was very insightful. And I think it was insightful -- I think the most insightful thing was that there are more companies than we realized that are doing some really significant things. But that most of them didn't want to participate. Even though the community said, recommended them.

So we have a lot of dialogue to do. And I think that Kathy said yesterday about looking at environmental justice in a broader way in terms of sustainability, and things like that, that there are a lot of things in terms of corporate policy like community involvement, good neighbor, pollution prevention, sustainability, that are all really

related to environmental justice. And we really have to kind of put it on that kind of level.

And that is when we can get to the point that Chuck is talking about. So, yes, these are some of the challenges. I am sorry, I think Terry Goff will be here tomorrow, and he is the Co-Chair with Shankar of the Goods Movement Workgroup.

You know, as a company, they say that environmental justice issues are important. Land use issues are important. They are part and parcel of how they look at sustainability. So there are more companies out there, like I said, that really do kind of want to grappling to understand these issues.

MR. LEIGHTON: If I can make just a comment. I promise I will be brief. We have a pilot project with business in the Connecticut, New Haven area that is a supply chain game. Greening the supply chain in an environmental justice area, looking at a different environmental footprint because of it. I know that is pretty cryptic, but I would love to share it with you.

MR. MOORE: Thank you. John.

MR. RIDGWAY: This is directed to the regional deputy administrators. In the context of evaluating EJ, many years ago across the country, the listening sessions, the EJ listening sessions, was targeted as a priority. And there is



very little reference to that.

You did make a reference to it, Ira, but it would be good to hear, you know, what has been learned from those listening sessions. And where they have not happened, maybe it is time for that. And that is where the assessment comes, just like we hear, from the local people, that should be built into this context.

And I also challenge the states to do the same thing. It is one thing for the regions to conduct a listening session for the region, but the states need to do the same thing. And that can help assess both how EPA is doing, how the states are doing, and what the community members' assessment is. Thank you.

MR. MOORE: Shankar.

MR. PRASAD: I will be brief. I have a couple of things that I want to raise tomorrow, especially, in terms of the risk assessment. Because I agree with Jim, that is the bread and butter of all of the agencies, and how well that hole regulatory cycle is based on.

So, people may like or not like it, but in order to bring about a change, I want to make that a little longer discussion tomorrow.

Having said that, first of all, I want to thank all of the five presenters who have done an extremely good job in

presenting various perspectives, and how they have --- it without a mandate or a statute, and how they have tried to integrate the principals within their arena.

Similarly, that is the same struggle we are going through. And one thing also that has opened my eyes, having participated in the Cumulative Impacts Workgroup and --- authors of that document, that cumulative impacts is the primary thing in order to move to the next step, in order to address these community -- how do we address these community problems.

It is in that context we have devoted \$850,000.00 grant to UC Santa Cruse, that we will be looking at how the risk assessment, and how the cumulative risk, or the cumulative exposure can be ascertained with the existing databases.

Similarly, we are also funding another piece of work with UC Berkeley with Amy Kyle(\*) about the tune of \$600,000.00, in order to bring about what those cumulative impact guidelines should be in our regulatory context.

Having said that, one of the things we know that one of you mentioned, or referred to -- Ira, I think mentioned -- one size does not fit all. It is right, but at the same time, if you look at our regulatory paradigm in the standard setting process, or the toxics reduction plan, or the establishing of

the ---, --- technologies. We go in that one size fits all approach.

It --- states where we said --- quality standard for the country. --- deal with the pesticides in a national scene. So, in that context in the same vein, what is it that - but at the same time, California Clean Air Act gives the stages to go beyond that. Saying, in that context, is there something at the national level that you produce, or we could think of, that would say the directives to the state?

And, of course, permitting is a delegated authority, but the permitting guidelines, for example, how do you incorporate environmental justice into the permitting guidelines? That guideline could be doubled up with the national level, which becomes an obligation on the state's part to incorporate, alter, and --- as we move forward.

So these are some of the parts for us to think through. Thank you.

MR. MOORE: Joyce.

MS. KING: Thank you. Well, first, I want to thank Mike Shapiro, Office of Water, for housing the American Indian Environment Program. That office has been a real asset, in my opinion, to the National Tribal Operations Committee. And Carol Jorgensen, a lot of credit to her.

Just one comment on pesticides. I know we are

involved, especially, --- on fluoride. And in our community, we suffered from fluorosis. And I know fluoride is now going to be used in warehouses as a pesticide because it is now going to try to disinfect the food, or whatever it was. Especially, powdered eggs. And you know those subsidies, those powdered eggs, are going to be filtered into the schools of low-income children.

And it concerns me because fluorosis was a problem in our territory, and to now use fluoride as a pesticide, especially, in powdered eggs, I think it is going to be a problem in lower income communities also.

MR. MOORE: Paul.

MR. MOHAL: Thanks. I would like to thank you all also for great presentations. And a lot of terrific stuff going on.

Just a quick comment and a question. The comment is, to reiterate something I said yesterday. Universities are not only repositories of great research capability, but also have a couple of other capabilities. One is many of them have good centers for process, doing process, correctly designing governance systems, and so on.

And they also, usually through the President's office, but it could be elsewhere, are good neutral forums where it is not appropriate for EPA to be a convener or a

collaborative process. So, I just offer that as an additional capacity for universities.

The other thing, the question is on the relationship of your EJ activities and the states, I wondered, particularly for the DRAs, if you have incorporated into your performance partnership agreements expectations of the states? Not only in terms of their own capacity building, but actual partnering with EPA on projects, and to what extent that happens? Thank you.

MR. LEIGHTON: We have included EJ neutrally negotiated provisions in all of the PPAs and PPGs with all six New England states. It varies from state-to-state the nature of the collaboration. Sometimes it is operational, sometimes it is at a policy level, it is great that you are here, Veronica.

We created a forum where we asked each environmental commissioner to designate an appropriate contact to represent them in periodic meetings that we have among the six states and ourselves. And what we have observed is that really learning and advancing the ball is a very collective phenomenon. Sometimes at a project level, sometimes a policy level.

A good example, Veronica is the primary author of an excellent EJ policy document for Massachusetts. You should be

very proud of it. It really has been credibly effective. So when we have that forum, we will spend time talking about it.

And in the PPA/PPG, we will actually have deliverables for various states to develop a policy, or develop an operational protocol. All of that is mutually decided upon in the course of negotiating the PPA.

MS. EADY: And we don't use the PPG as the mechanism, as our states have elected not to use that. But we do have the annual discussions about the priorities and include environmental justice. And then use the grant as the mechanism if there is specific things that are priorities.

For example, in Arizona, the border work is a priority. It is incorporated in the various media grants to re-enforce that work. And then the other thing is at the community-specific level, there is a lot of coordination, again, depending on what the nature of the project is, the appropriate ED office.

MR. STARFIELD: There is a mix bag in Region 6, but not all our states have PPGs. And our states are not really anxious to include EJ as part of that. It is not a legal requirement.

The approach, for instance, Oklahoma takes is if you come to us and tell us that there is a community that is disproportionately affected, we will work with you to solve

the problem. But that is how we want to deal with you on EJ. We don't want to create a program.

So it is a different story with every state. New Mexico, Governor Richardson signed an Executive Order. It is probably the most ambitious EJ Executive Order in the country. And they have done listening sessions -- someone asked about listening sessions a minute ago -- throughout the state. And they are incorporating EJ into everything they do, in a very big way. So we have got a little bit of everything going on.

MR. MOORE: All right. Before I turn it over to Charles, I just wanted to make some quick, brief comments.

I wouldn't want it to be said that all we did today -- and I know we didn't, it is not exactly what I am saying, but in this particular session, some have said in the past, at least particular to me, in my capacity there is 61 organizations that are affiliated to our organization. We are a bi-national network of grassroots environmental justice groups.

Why do you compliment people on their work? And it is very simple. I mean, I think those 61 groups know through the last 17 or 18 years that our leadership has been there, not only in the southwest, in Mexico, and in the U.S., along with other leaders throughout this country, it is pretty simple. My mamma taught me to have some respect. And you

don't get taught respect at universities, or other institutions.

You know, I have always put myself in the position to honor those that, from our opinion, have done a good piece of work. And that is very, very simple. As we move forward and those of us that know each other know that we are hard negotiators.

And we are real serious about it, as this Council is, and what I would say, the integrity that much of this leadership that has been with us today has itself too. And we need to move forward in that.

There is issues -- we could talk about air quality, pesticides, there is a whole lot of other things that we could talk about that we still need work to be done on. And I think the Administrator, the Deputy Administrator, spoke to some of that in the beginning.

But I do want to again congratulate you all for the work that you are doing and continue to look forward working together on attempting with grassroots groups, and others, to come to solutions to many problems that our communities are impacted by.

I have been fairly fortunate throughout the last three or four years. I was just checking in with Charles because I think it was 10 regions of the EPA, I think in the



last three years, or four years getting ready to be by the end of the year, I would have been in every region.

All ten regions of the EPA, and have met with at least 20 to 30 organizations in those regions in a special project that I am involved with, along with Connie Tucker, who was with the Southern Organizing Committee at that point, and the Environmental Law Institute. And it has been quite honorable to be able to do that.

So I just want to kind of finish of the day by saying to those, it is about political and moral authority. And you have seen some of the leadership in the deputies that have been here. And others that have been with us.

I believe that there is workers inside the Environmental Protection Agency -- I said two days ago -- that came to work for the Agency because they believed in the mission statement. And are working hard to carry that mission statement out.

But if you have somebody that is holding you by the top of your head, and holding you back from doing that, then you are going to have to make a decision, or you are not moving forward, or move on to another location.

So we have experienced some of those within these three regions that have, from my opinion, have been given both the political and moral authority to the staff, inside their

regional offices, to engage not only with grassroots organizations, but to engage with academic institutions, with business and industry, and states and others to able to do that. And been very supportive of that.

So, again, I congratulate you all. But you couldn't have done it by yourself, and you have said this before too, because there are some people in this room that we know that are the Environmental Justice staff people, and there is others that are not on the teams within the three regions that have also been a part of attempting to try to integrate environmental justice to play a role in the integration of environmental justice. In all aspects of both the regions and the U.S. EPA, or the EPA in Washington. That is my opinion.

So, I just wanted to, before I turned it -- you know, we all bumped into each other yesterday, if I remember correctly, about this same time -- and I have a feeling, without saying where we bumped into each other at, we may be bumping into each other again there.

So, Charles, I wanted to turn it over to you and just thank, again, those that have been participating as observers, and so on. To congratulate you all, not only as staff of the Environmental Protection Agency, but I know there was people here from the Department of Justice and some of the other agencies, for their tremendous amount of work you are

doing.

We are going to continue to be hard negotiators, and you will continue to be hard workers. And you are to be complimented for that. So I say that in my most sincere ways. Charles.

MR. LEE: Thanks, Richard. Before I go over what is expected tomorrow, and I guess your homework assignment for tonight, I too wanted to ask all of you to really recognize the deputy regional and assistant administrators that are here. And Margaret Schneider, who has been a real integral part to revitalizing the whole process of leadership around environmental justice at EPA.

And, you know, there is a record that was made at this meeting. We have eight deputy regional and deputy assistant administrators. That is the most that has ever been here at a NEJAC meeting. And it is a lot due to Margaret and Lynn's efforts. And I told them that they were really over zealous. And now we had this problem with having too many of you here. But I guess that is a great problem.

(Laughter)

MR. LEE: So I do have to say, what Richard was saying lead me to have the thought, because I guess eight years ago when I came to work for EPA, a lot of people asked me why did I come to work for EPA. And they said, why did you

go over to the dark side?

(Laughter)

MR. LEE: And I knew there was a lot of reasons for that, but one of them was I realized that there was a really deep reservoir of support and commitment on the part of a lot of people at EPA, including leadership at the very high levels. And that is what you have witnessed today.

And what we are seeing today is the result of many years of work. A lot of all those lessons I talk about over the last 15 years are hard learned lessons. And you see them expressed in terms of the work that was presented here today. But also, in many other offices.

So, I think it is really important that we recognize all the deputy regional and assistant administrators for their great presentations and participation.

(Applause)

MR. LEE: So, for tomorrow as you know, we are going to have really a business part of this meeting, which is starting at 9:00 a.m. We have to go over the Goods Movement Action Plan for the Goods Movement Workgroup. And help Shankar and Terry answer some questions in terms of how to move forward.

And then, certainly, around the EJ integration topics, like the Environmental Justice Program Reviews and

EJSEAT, some course of action that you may want to take as far as how to move forward.

So these are the specific things. In terms of EJSEAT and the EJ Reviews, we have said to you what we really -- and you started this, and I guess tomorrow is more a way of how to move that discussion forward -- as EPA moves forward, what are some of the concerns, the issues that you think EPA should be considering as EPA moves forward with these important projects.

Then we want to have a report back to you and a discussion around how EPA is implementing some of your key recommendations from the past. One has to do with the Environmental Justice and Disaster Response, particularly, the incorporation of an environmental justice function in the incident command system structure. And Dana Tulis, from the Office of Emergency Management, will be here.

And then the Environmental Justice Awards. And Tim Fields will be here to make a presentation on that. Then we want to have a kind of open dialogue with you about what kind of emerging issues you think are important for EPA to be mindful of.

And we are going to close at 2:00 tomorrow, so I think for those of you that are going to travel, make sure that you make your arrangements and check out of the hotel.

But with that, dinner is on your own. You don't have to if you are too tired, but we wanted you to really enjoy yourselves here tonight and be ready to come back and go at it again.

So, with that, I guess we are adjourned.

(Whereupon, at 5:10 p.m. the meeting was adjourned to reconvene at 9:00 a.m.)