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National Environmental Justice Advisory Council

September 20, 2007

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EPA Members Present:

Charles Lee, Designated Federal Officer (DFO)

Lynn Buhl

Veronica Eady

Terry Goff

Margaret Schneider

National Environmental Justice Advisory Council

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

(9:11 a.m.)

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

MR. MOORE: Council members, if you could join us at the table please. Good morning everyone.

(A chorus of "good morning")

MR. MOORE: I hope everyone had a restful evening. As you know, for those that have been here for the last couple of days, it has been quite an interesting couple days, to say the least.

And I really don't want to take the time this morning to review the complete agenda, but just to give us a very quick kind of overview.

Tim, good morning. How are you this morning. We have had several people that, for the Council, that we'll be meeting and interacting with today in terms of today's agenda. Friends from a few years back, and friends from many years back. Tim is one of our friends, Tim Fields, from a few years back. Good morning, Tim.

Yesterday, as you remember, just kind of taking a look at the agenda, Granta joined us and talked a little bit about some of his impressions and concerns. You know, to have Granta here -- and we are not going to get off this morning,

we have got a lot of work to do -- kind of patting on the back, or whatever, but I do honestly have to say that throughout all my years, I spent -- I was trying to think last night a little bit, how many years it has actually really been. I think six maybe, or going to be six. Next year will be seven, in the capacity as Chair of the NEJAC Council.

And throughout the last many years, I have also spent several different moments in the history being on working groups and task forces, and subgroups, and so on.

But I do have to say, in terms of Granta, that you know when he came he said, I wanted to spend as much time as I could. And if you can think back as far as yesterday, that is such a long time ago, that he was with us pretty much all day.

And then at the end of the day, you know, 4:00ish, or into that time, he said, Richard, I really have to apologize, I have got another activity that I have to go to. And I don't think it is just a question of being here, it is a question of participating, listening, listening to what the Council has to say, dialoguing during the breaks, and during the lunch activities, and so on, with others and really trying to get a sense of what people are thinking about and so on.

So we wanted to thank Granta, not only for the time he spent with us but, again, his commitment to environmental justice and his commitment to working with this NEJAC Council.

And then we looked at, and Charles gave us a little bit of an overview of the integration efforts. Pretty deep stuff. A lot of things -- again, I don't know about others, but at the end of the day yesterday, my head was feeling a bit overwhelmed. A lot of information, good information, but just a lot of information flying pretty much at one time.

The EJSEAT overview and the discussion on the EJSEAT, I think, that the panel of people that presented to us yesterday was just incredible. Samantha, and Andrew in terms of not only his technical stuff -- and Tinka -- but, again, not just presenting information, not just whatever, but knowing that they have really been spending time.

Much more probably than 9:00 to 5:00, or whatever, really thinking about this. I wouldn't want to say sleeping at night and having dreams about it, or whatever, but it is pretty obvious that there was a lot of thought going on there. And it wasn't perceived just as a job, it was something that they are really struggling and dealing with.

You know, when we got into some of that discussion, there are some things -- there are some things that we are still a little fearful of, we are concerned about, and I think many of those things are, obviously, at least from where I come from, very legitimate. And in some of our cases, this is the first time that we have heard about this.

May have seen a little document, maybe it was on a teleconference, heard that Charles and others reporting back to it, having some discussion about it. And we are just going to be weary. Well, weary is not the right word, but we are just going to be concerned because many of the decisions that this Council makes, or decisions that this Council participates in, or decisions or recommendations that this Council should be participating in whatever way that we are looking at our decisions and recommendations, and so on, that are really impacting people's lives.

And I made the comment yesterday that I want to respect, and I think we want to respect, both the integrity of those that have been with us in panels, and observing, and this NEJAC Council, that we hold a lot of responsibility in our hands.

And it is not just us that are sitting around the table looking at name cards, and so on, we are, in fact, what are the faces of the issues that we have been talking about or we have been participating in, not only since we have been here, but before we got here? And what is the impact of environmental and economic justice as an economic and environmental justice merges and comes together on people's lives?

That is what it is about at the end of the day. And

we can never forget, nor should we forget, that it is those people, it is our people in our communities and in workplaces throughout this country that we are talking about. And that is very, very, very important.

So we are going to have some hesitation, or questions, or comments, or whatever, about EJSEAT, and we should continue to have that. And I think the discussion was very important and I wanted to compliment all the Council members and others, whether it was during breaks or otherwise, that expressed their opinions, or confusions, or concerns, or whatever with those issues.

And we are going to pick up a little bit of that today, but we are not going to spend today as much time as we did yesterday. Having the real discussion about it, those discussions will continue, and we are going to have to make some decisions about how to move forward.

So I think that was a very, very, very crucial discussion. And I say again, I wanted to compliment all the Council members and others for expressing your opinions. That is what it was all about, we should continue to do that, and we will continue the dialogue in that process.

The evaluation stuff, kind of heavy. I mean, I wouldn't want to say I was tossing and turning all night thinking about evaluation, and integration, and EJSEAT, and

all these things that we are talking about, but that was a pretty deep discussion. And that panel.

Because sometimes we really underestimate the evaluation, the integration, but at the same time, how integration relates and coincides with evaluation.

And we always say in our communities, at the end of the day, when we sit down and we say, look, we have got to do an assessment. Whether we call it an evaluation, whether it is a debriefing, or whether it is a gut debriefing, or whether it is a three-day debriefing, all of those kind of things, we do know the significance and the importance of evaluation and what it means to the continuation of our work.

And those that participated in that, Yvonne and Margaret, just did a tremendous job. A tremendous, tremendous job.

And what I will say in terms of that as we move forward, is that it is great. I have to admit, I am just a regular person, coming from a regular community, and trying to move on some real irregular issues or whatever.

But that is great to see our folk, employees, that are beyond the 9:00 to 5:00 that are committed to the work. And we have seen that a little bit yesterday in the sincerity of Yvonne and Margaret.

And then we went on again and we had some

discussions from the EJ Executive Steering Committee. And we remember those discussions now. As we are moving in -- and I said I have been with the NEJAC off and on for many, many years, but I don't know. I mean, if somebody -- Tim, you were around in the early days, others, and committee members here.

I just don't remember seeing that many DRAs and others in the room at one time until we had a demonstration and occupied the office. Because then we had about 10 or 15 of them.

But I am saying that to you, that again to me -- and this is my opinion -- it wasn't just about their presence, it was about what are they thinking about, the issues that we are discussing, and what is the commitment to the issues that we are discussing.

And we seen that earlier. We seen it. I mean, it wasn't just a show. It wasn't a dog and pony show, it wasn't whatever. You could feel that energy, you could feel that these folks are pretty serious about their business because their business is our business, and our business is their business.

So, I believe in that and felt a little slighted to some extent because we were rushing. It was the afternoon and so on and we were starting to rush through the day. And they did just an incredible job. My only comment, Charles, is that

we wouldn't know, those of us that have had the opportunity to interact throughout these years with the regions, that we probably had some of the -- I don't want to say better, better is not the word -- or more committed, more committed is not the word -- but more active.

But when it comes to the regions, at least from the regions' standpoint, three of the regions that are more active than any others. I mean than others, many at times. So we had the comments from the Council and others, ah, we would like to see, without naming any regions, our regions be as aggressive. I am creating my own words, or whatever, in this process.

Because, as we said yesterday, it is not really only about integrating environmental justice. In the early days of environmental justice, even after the Executive Order, not too far after the Executive Order, at the end of the year when the Executive Order was signed -- you know within the Executive Order that it said that the departments, the agencies, will report back by December, or whatever, in terms of how they integrated environmental justice into their programs.

And so if it was December, whatever month it was by, than quite frankly -- and I was getting little boxes of papers and different things, and you would look at some of the papers from some of the agencies and you would see that all they did

was change the words.

You know, they took some of the things that they had been doing, and they just added environmental justice, or community, or whatever, into some of that. So some of the agencies themselves were also, I think again, depending on both the moral and political piece that we are talking about. Were much more energetic and sincere about the integration of environmental justice in their programs.

So that is my opinion, that is an observation. These are observations. I wanted to move us on this morning, we know we have got a very short period of time to get a lot of work down. We have lost a couple of Council members. Not lost them, but that have had to go home and do different things. So we are going to constructively move right through this agenda and move us along today. Because we do want to be done by 2:00.

And then even myself, you know, I am going to move on to D.C. somehow this afternoon to the 2007 Fall Fest Benefit Celebration. Fall Fest Benefit Celebration. Not to pat myself on the back or anything, but I am going to be receiving an award there on behalf of our organization. Not on behalf of Richard Moore.

(Applause)

MR. MOORE: Because our organization is not about

Richard Moore, our organization is about people, and I am going to be accepting on behalf of the Southwest Network an award this afternoon for the work of our organization throughout many of these years.

I am going to leave it there. Good morning sisters and brothers. Let's take care of business. I don't know really if you have got any comments. Terry has joined us this morning, and Terry, we would like to welcome you to the table.

Terry was unable to be with us for the last couple of days. And Terry is with Shankar, one of the Chairs of the Goods Movement. Charles, yesterday I was talking to somebody and somebody said, damn, when that Goods Movement thing came up, I didn't know what the Goods Movement was all about. And I thought because I didn't see the "S" -- that it was a "good movement."

(Laughter)

MR. MOORE: And I said, it is a "good movement." That is what brings us here today, because I don't want to tell nobody no lie. When we started discussing the Goods Movement a little time back, I got off the phone -- because part of it was on a conference call -- I laid the phone down, or I put it on mute or whatever, and I got on my cell phone and called one of the people that was on the conference call and said, tell me what that Goods Movement thing is? Put your

call on mute because I don't want to sound like stupid or anything. I know it sounds real serious, and it's really about our people or whatever, both working people, and community people, and all the other things -- but explain it to me.

But I do like the explanation that I was given yesterday in terms of a "Good Movement." So we are engaged in the Goods Movement, and Terry and Shankar are two of the chairs that are working with our working group to move us forward. And, Terry, we welcome you to the meeting.

And that is it. We are going to go. We are going to go right through the day, Charles, and we are going to take care of some business. But as I turn it over to Charles, I want to tell you something lastly. In closing, okay, if you have questions, or comments, or whatever, as Council members, or whatever it is, what we are trying to build here in a short period of time -- and I believe that we built a little bit of that -- some of us have met each other for the first time.

Now, if we weren't committed, and we said it yesterday, to what we have been doing, we wouldn't be here. I mean, we have left families, we have left work, we have left organizations, I mean, on and on with that. To not only be here, but to commit the amount of time that is necessary to carry out this work.

And so if we have got confusions, if we have got concerns, if we have got questions, if we got comments, whatever it is, we need to make sure that we continually express those. So don't feel intimidated, atimidated(sic), or whatever it is all about, by the discussions, by any of us, or otherwise.

Because we are in this together, and we are going to stay that way. So if there are questions that any Council members have about anything, concerns, questions, comments, or whatever, if we have got them, then put them on the table at the appropriate time.

So, good morning sisters and brothers. I appreciate all the attendance and the work that has been done. And we are going to run through it, Charles, for the next three or four hours. And welcome again to everyone that has been with us for the last couple of days, and those that have just joined us this morning.

Charles, give us a little bit of where we are going to go today, okay?

Review of Today's Agenda

by Charles Lee, DFO

MR. LEE: Great. Good morning everyone. This is the last day and I, too, want to thank all of you for the hard work and the really valuable insights that you have provided

on what are really hard issues. And I want to echo Richard's words about all those people that you saw, they really do stay up at night thinking about this. At least I do.

And then, you know, there is a real -- I think those that have been working at this at EPA have been working for a long time. And the positive momentum that you see now isn't a result of just a couple days work, or a month work, but all that that has been building up for many, many years.

So today, what we want to do is figure out ways to kind of -- for you to help move that momentum forward. And so we are focusing on -- after digesting what you have heard, what is it that you are going to do as a Council to work on these issues.

Well, we were supposed to start at 9:00 in terms of committee business and actions. So we are going to have to change the agenda a little bit. There are two major areas that we want you to deliberate on.

The first is the Goods Movement Work Group's Action Plan. And I think we will make that about a 45 minute discussion. Is that going to be sufficient?

MR. PRASAD: Depending on the input we get.

MR. LEE: Okay. But, basically, I think I asked Shankar on Tuesday if you could delineate the questions that you would like the feedback on, the questions that you need to

have some feedback on in order for you to move forward. So that is the first one.

The second is, you know, these issues of EJ integration. The two major items that were presented to you were the Environmental Justice Strategic Enforcement Assessment Tool, EJSEAT, and the EJ Program Reviews.

Then we are going to have a break. And then what we wanted to do was to share with you EPA's implementation of some of your key recommendations from earlier reports. And one is the incorporating environmental justice in an environmental justice function in the emergency response incident command system structure.

And Dana Tulis, from the Office of Emergency Management, is going to be here to share that with you.

And then secondly is environmental justice awards. And Tim Fields is going to make a presentation. And then we want to open it up for a dialogue from you in terms of things that you think that we should hear about that are important, and things that you think are emerging issues that we should incorporate into our thinking as we move into the future.

So that is the agenda today, Richard.

Committee Business and Action

MR. MOORE: So, if we are ready to move forward, Charles, do you want to just kick us off with that first

agenda item and just kind of take us through it.

MR. LEE: Well, that is Shankar and Terry.

MR. MOORE: Shankar and Terry, do you want to move it forward on the discussion of the first agenda item please.

Continue Goods Movement Workgroup Action Plan Discussion

Comments

by Shankar Prasad

MR. PRASAD: Thanks, Richard. Thanks, Charles. Good morning to you all. It is our final day, and maybe not all of us are in the mood to be already thinking probably about what is our next day, or what is going to be, or so on. But I would appreciate your assistance in helping us to move the task that Terry and I, along with the other members of this Council, a few members of this Council and the others have taken as a shared responsibility and bring you back a report.

The thing I want to mention at the outset is that it is a great opportunity, but the biggest challenge we have undertaken in order to address this major, major issue. Not because of the size, not because of the money involved, but because of the level of impact it will have. And where we are today, and where we plan to be as a society in terms of the impacts on our society and at a personal level, which translates in a societal level.

So I do not want to go back again and reiterate the numbers and all that, and all of you have seen, and it has a major implication when it comes to the question of how it is going to influence a sub-segment of our society. Wherever it is across the country or across the world.

So, in that context, we are trying to build up a framework to address this issue and how we go about it. So Terry and I have kind of spent a lot of time, along with a lot of help from Charles, Victoria, thank you, and the other members.

What we need to do is before we move and bring you a draft report in all of the next six months period, we do not want to go back at that time and say we forgot this, or we did not care about it, or something missed. So we want it to be an open process, both with the EPA staff, or back in our OECA agencies, or from the industry side, or from the community side, to see the framework development of how to address this are fully addressed as far as possible, or as far as we can go.

I will leave it at that and ask Terry to say a few words. Then we can go into the agenda, starting from if anybody has comments on the table of contents and start with that. And then whoever is here, we will address those individual principles on which we want to base our specific

recommendations.

Comments

by Terry Goff

MR. GOFF: Thank you very much, Shankar. And my apologies for not being able to be with you on Tuesday as originally planned. I did, however, have an opportunity to speak with Charles, and Victoria, and Shankar this morning to have some understanding of what transpired on Tuesday.

But, as Shankar mentioned, what happens today is actually critically important. Because we want to ensure that the workgroup meets the expectations of the Council in terms of the subject matter that we examine, and the recommendations that we work on to bring back to the Council for consideration.

That really is the driving factor this morning, is to understand what Council members feel must be addressed, must be included within this workgroup's scope that deals with the Goods Movement issue so that we deliver back to you a work product that will meet your expectations and allow you to consider recommendations onto the agency.

I think a key focus this morning being your feedback, I don't think there should be any more delay in getting to that. And, I think, Shankar and I both would welcome members' input. And, as Shankar said, first of all,

perhaps, using the draft outline of the report as a starting point to ensure that we are covering within the report the subject matters that you feel are important.

I would add to that, that one of the most important things I believe for the workgroup is that the recommendations that we proposed back through the Council for consideration, actually, result in meaningful activity. They result in meaningful, measurable impact in a positive way on the communities that are represented through this Council.

So, as you feed back information back to us, we are certainly most interested in your viewpoints. In that specific area, but in all areas of the draft outline.

I think we open it up for your input.

MR. MOORE: Okay. Kind of early, but Kathy.

MS. BROWN: I probably don't say this enough, but thank you very much for the work you have done on the Committee. And to the members of the working group who are here today, thank you.

A couple comments on the table of contents. And I will just go right through it, if you don't mind. Under the Background Section, in the Overview Section A, is there any reason to include the development of new ports? A lot of emphasis is on existing ports, and in one of the sections there is some discussion about expansion of ports.

But might we anticipate that very small fledgling ports might grow, and so we may not be focusing on them right now, but they will become an issue in the near future? So that was one question.

MR. PRASAD: Thank you. I think one of the difficulties we have had, you bring up the question of participation by the Ports Authority in our Goods Movement. So, certainly, we are trying to work with EPA, as well as other contacts, to make them come to the table and participate in our workgroup. But you bring about a very good point.

The workgroup membership, by itself, has not had a chance to think whether that way through because of that part, but certainly we will make sure to address that issue.

MR. MOORE: Was there another? Go ahead.

MS. BROWN: Under the Background Section -- still in C, Impacts on Communities, I guess I wonder under the health impacts, are noise and safety going to be included?

MR. PRASAD: Thanks for bringing it up. Actually, Andrea Hricko, who is a member of the workgroup will be writing some parts of it, and she has already made that part. But, yes, they will be included, but it may not be under the purview of the EPA's jurisdictional authority in order to how to address that. But, certainly, those will be flagged as a concern.

MS. BROWN: Related to that, is the issue of soot -- and, obviously, there is soot in diesel fuel exhaust, but there is also soot that just comes up from truck traffic, and the like. So, I guess, to look at multiple sources of exposures.

MR. GOFF: I think that is a key part and that definitely will be looked at, because particulate matter, soot, in whatever form it is generated, whether it is from tires, or road gravel, or dust, or diesel engines, or the variety of sources of that, clearly, comprise that overall particulate matter impact on the community. And, yes, that is included in the overall definition.

Clearly, there is a lot of attention on the older diesel soot problems that people see, and in the marine sector, and places like that, but really the underlying health argument focuses on particulate matter from all the range of sources that may cause that to impact the community.

MS. BROWN: Again, under this Section C, what about emergency preparedness? We have talked about that in some other settings but if ports, in fact, are in terms of national security is considered a vulnerable area, therefore, the community surrounding those ports, likewise, would be vulnerable.

MR. GOFF: I think in terms of national security,

and I understand there will be a presentation later today on the Agency's interaction on the subject of emergency management -- similar to, for example, the safety issue there are probably limited jurisdictional areas. But there clearly are Agency responsibilities related to emergencies and opportunities to serve.

So, one of the things the report will do, it will focus on things that the Agency can act on. I think it is completely reasonable that we should consider emergency preparedness as a part of that within the scope of the Agency's ability to interact. And, actually, I think this morning's presentation that we are going to receive may well be helpful in terms of understanding how that can best be done.

MS. BROWN: Thank you for your patience here. One more under Section 4, Advice and Recommendations. And this may be something we talk about later, but I wonder about the possibility of combining community involvement and the collaborative governance sections.

They are both very well done, but too often they are seen as separate and really they need to be integrated. And the more you can do that for others, I think, the more helpful that would be.

MR. PRASAD: We have received the similar comments

even within the workgroup. So, we will definitely try to put that -- whether it is the same heading, or some other creative heading which would combine the two, but that thought has been forwarded and we will definitely go in that direction.

And just to add to that, one of the things that we are also -- yesterday, a few people and the day before pointed out to me, that there is a piece which is missing in terms of the recommendations out of the ---, is to include the enforcement compliance part. And we definitely will look into that and discuss that, and take it back to the workgroup and see how that principal can be drafted and how to bring that also into the picture.

MR. MOORE: Let's see, we had Jolene, and Sue, and Elizabeth.

MS. CALTRON: Good morning everybody. I would like to also say thank you to the working group for all the hard work that you have done up to this point on this issue.

One of the things that I really had a hard time putting my brain around and my heart around is really understanding the human aspect of this impact and how it comes home to communities. And I realize that this isn't EPA, this is advice that we are giving back to the EPA. I realize the technical aspects of quantifying what these issues are, these health issues, especially, are. And, the importance of the

numbers and the data that is in this report.

But, I think we also really need to be very cognizant and very -- I am trying to think of the word -- very purposeful in relating this back to a community. Relating this back to, possibly, a case-study, an example of how this effects a community. Not just in the numbers, but in people in a family.

And we need to keep the human component into this, and I think it is really important that we do that. I suggest that, perhaps, in the preamble we provide a case example of how this effects a community. And really give the numbers to the data behind the story, present the story, and then have the data behind the story. And I think that is really important.

And I think we heard that through the public comments too, how this is really a community, a family, a grandma and grandpa affect. And we need to really be sure that we include that in this document. Thank you.

MR. PRASAD: Thank you. We will definitely try. And you will have more of an opportunity once we have a draft to sort of add on. Andrea Hricko has already brought -- has said that point. And how, for example, in a -- I fully appreciate that point, because we have seen in the last seven years in the City of Commerce where, as a -- I took the first

--- an Advisor to the Chair of the Air Board. Seven years back, we went to the City of Commerce where the Union Pacific had planned an expansion.

At that rail yard, there were usually an --- I went there four times in that year taking different board members. There used to be about four lines which were there. Today you go, there are about 28 lines, which is in a matter of seven years.

So we can realize that what happens to those homes that are adjoining that fence. The whole issue of the human touch to that needs to be somehow brought about because that is not going to change for them because that still will grow.

And the issue of the safety, and you have this -- for example, they are in the ports, you have these -- where stacks and stacks of these containers. Stacked up almost about seven stories high behind the homes.

And that is a safety issue and also there you find the rats and you have these health problems associated. And for no fault of these people who had a very nice backyard, now they are fully infested with the rats.

MS. BRIGGUM: Yes, I am actually thinking along the same lines as Jolene as well. In previous reports, we have had either text boxes sometimes, or we have had separate sections that are featured. And not in the back, but like you

start with the text and then you have a section where you really put a story behind this in terms of one place and the impacts.

And I think that is really good, because it draws people in in terms of understanding why all of the technical information also matters.

Also, I thought, you guys have been doing a wonderful job in terms of kind of characterizing the issue and thinking about the aspects that are appropriate for NEJAC. I would really request that you could try to do something with regard to the magnitude of the risk that takes that information you had yesterday, which was really profound.

Ordinarily, EPA does kind of program risk rankings. I don't know if they still do it, but they actually do relative risk. I think that that would dramatize to everyone in the government the importance of the issue with regard to the risk reduction that needs to take place.

And then just the last thing, probably this will come up in the afternoon, but I agree that disaster preparedness is important. And EPA has a very important role in that because there will be environmental impacts from any disaster response.

It is possible that the last Katrina report that the NEJAC did might have some kind of useful information

background to help work that in, but it would be helpful to address.

MR. GOFF: Just a couple of comments. First of all, in putting the human face to the data, there are some, I think, excellent opportunities to do that in terms of the anecdotal text box sorts of putting a face to the issue in this area.

And one of the things that we have been doing is doing a bit with one or more of the members mining anecdotes out of the press of people and communities that have been effected with Goods Movement impacts.

And they don't always happen where you might expect them to happen. They happen where a rail track runs through a back yard and the hours of service that the crew must comply with for safety reasons come to an end and they can't get the train into the yard. And the particular train doesn't have any capability to be turned off for idling, so you have active idling trains in back yards unattended.

And those are complicated issues for the rail operators, they are complicated regulatory issues for safety, but those put a variety of faces on this issue. And so there are the faces of school yards, they are the faces of individual homes.

I think that the workgroup does have the intension

and ability to put a human face on the specific things that we talk about. And I think that is very important.

I also think that it is very important that we do move through the issue of emergency preparedness, as mentioned before, and the technical issues, in a manner that it will make the recommendations have an appropriate sense of urgency.

And I think that is a critical part of the work that we are doing as well. So your comments are very well appreciated and, I think, resound well with the thought process of the group.

MR. PRASAD: In terms of characterizing the magnitude of impact in a national scale, that I would say it entirely lies in the hands of the EPA. To the extent their offices are willing to make that step, take that step, and calculate. We have done that in the State of California, and projections are available in terms of the emissions. But that also needs to come very well from the --- source group, or whatever part of the EPA.

And to take that to the next step of converting that into a population weighted and calculate that piece of impacts may not be feasible in the time frame. So, what we were thinking currently was that we will project the total emission scale that is projected as it is today and 20 years from now, whatever that time frame.

And then, compare and give the California's port --- where a similar thing has already happened, and use the California example as a way to express that the likelihood of the magnitude of impacts.

And be able to sort of impress upon the reader and the audience to say that it is going to be huge. But to put a precise number with that uncertainty band, I do not see that as a feasible option at this point in a matter of six month's time frame that we are looking at.

The reason we want to go about is the moment we start putting those numbers, or trying to do that, it opens up as a --- debate. Where did the data come from? And this has this much uncertainty, and so on.

So if, for example, for us to put those numbers up, it took us about two and a half years. So I just want to -- it is a very important step that people need to do that to move to the next step. But then also at the same time, one of the things that you may recall that I pointed out in the ISO-Plex, the circle things that we saw in my presentation earlier on Tuesday, we did not include that number -- that did not show the cancer risk.

The reason we could do the cancer risk estimates in California is because California has designated diesel exhaust as a toxic air contaminant and we have a risk number. At a

national level, it is not there. So if we want to use that as an example, and do not get into that dialogue about is it a cancer causing or is it not cancer causing.

So we do not want to go in that path because we still strongly believe, as we as a NEJAC agreed upon last time, it should be any report, any action we take, should be towards a bias for action.

MS. BRIGGUM: If I could just respond. I think you misunderstood what I was hoping. I don't want us to wait until we try and get up, get defensible national numbers. I don't think that is necessary.

You have already done two and a half years of work, you have this for California, it should be very clear that this is from California, and exactly what the data was.

But, I think it would be helpful to say what does that mean. Because not everyone understands looking at the numbers exactly how high that risk is. And, therefore, I think it would be helpful if you then took some kind of programmatic national numbers and said, for example, this is the risk level to which this program regulates. Just so people could appreciate and it would stimulate a bias for action.

But I don't think we should attempt to extrapolate through California. It should be as tight as it is so that

people don't say, oh, well, you know, it is too uncertain and ignore it.

MR. GOFF: I think you are correct in terms of the need to characterize the urgency. And I think what the workgroup has done is there is a considerable body of work that has lead to very stringent regulation and improvement in emission characteristics; particularly, from diesel.

And that that body of work, coupled with this unique nexus of mobile sources effectively becoming a stationary source because of the concentration of Goods Movement facility provides us with the opportunity to ensure that that argument is clearly stated and drives action.

So, the workgroup is sensitive to that need, and working with the available data. I believe we will be able to demonstrate a clear bias for action and need, especially, as it relates to the proximity of communities to rather intensive utilization of the resource.

MR. MOORE: Okay, Elizabeth.

MS. YEAMPIERRE: Thank you. I recognize how daunting this task is, and I congratulate you on doing such an excellent job. There are some other considerations that I wanted to ask about specifically impacts. And I also have recognized the time limitations in terms of when you can get this done by, but I wanted to suggest that these implications

that need to be explored.

So I am looking at 2C at Impacts on Communities. Because we know that the impacts really go, unfortunately, beyond the particulates getting trapped in narrow air passages of children.

I was just wondering whether you had looked at socioeconomic impacts, what happens to the disruption in school days for our kids, and what are the educational impacts. What happens economically, the parents who have to miss work when their kids are in school? What about insurance rates, what is the cost analysis?

It has been my cynical view that when the human life is not worth -- because it may be one of our lives -- is not worth much to some people, that if you do a cost analysis about the implications and what it is actually costing a city or a government to injure the life of a family, that that sometimes is really useful.

So I was thinking that in terms of looking at the socioeconomic impacts, if it is not possible to provide any data on what that is, to at least include it as a recommendation as something that the EPA needs to look to.

MR. GOFF: I think that is a very important part. And one of the points that the workgroup discussed in its initial formation was the unique combination here of some of

these communities that are most impacted are sometimes economically most dependent also on the Goods Movement activity for their own economic well-being.

And, yet, they are impacted. So that is not an argument not to do something, but it is a very complex economic equation that you need to isolate those sorts of impacts because a source of opposition often to doing something in a Goods Movement affected community is the perception that doing something could take away economic value to the residents.

So the communication of that entire complex equation is very important, and I think those are important ways to do it. And we will certainly take those into consideration.

MR. MOORE: I think those are some of the clarifying questions. I just had a couple before we move to the next agenda item.

One of the points of discussion, I think, in terms of your report-back was one was the make-up of the Committee; not necessarily the make-up of the Committee, but those that are presently on the Committee.

And I just had some concern in terms of hearing that, that we don't have some activity amongst very important elements within the working group. Particularly, around the -- I think it was the --

MR. PRASAD: Ports and the rails, the rail yards.

MR. MOORE: Ports and the rail. Ports and the rail. How can we assist in terms of moving that forward? Because, obviously, they are two very important elements, and we need either their individual participation or, in that short period of time that we set forth to carry out the work, if they can't do it then trying to get somebody else in that short period of time.

MR. PRASAD: What I have suggested as the co-chair to Victoria, who runs the show and helps us all in line, is that we make one more attempt to contact the individuals. And if they cannot participate, ask them for an alternate recommendation. Otherwise, if not, to go ahead and select some other people.

As far as the rail yard person is concerned, Kirk Markwald, I have spoken to him personally and he has agreed to be there. So, I think, rail part is covered, but the ports is a major issue.

And, Lang, also mentioned that he has an alternate suggestion and I have asked Lang to talk to Victoria and Charles about how to get that person on board.

MS. ROBINSON: I will add to that. We have, actually, got several names now. Not only from Lang, but also from Bill Jones and EPA Region to try to identify somebody who

perceives that they have the time to participate. That has been the biggest issue.

The port person that we have now just had a change in his whole work process, and so we are looking at by the end of this month to be able to get this commitment for participation.

And, as Shankar noted, the rail person just came on board and has just agreed to participate. We were looking more for somebody who was directly operational, and then we had to move back and expand our search to include those who were directly involved and supportive of the rails. And representing the rails, but didn't necessarily have the operational experience that we were looking for. Charles?

MR. LEE: You know, you should tell them who the present person is, because it is kind of unique.

MS. ROBINSON: Our current member from the ports is Mr. Aston Hinds from the Port of Houston. The Port of Houston was one of the first nine ports to actually participate in the EMS Assistance Projects. And they have been doing a lot, and have made a lot of progress, and have a lot of lessons learned to share.

And I mean, Aston, you know more about him than I do. An African American gentleman who is their Environmental Manager, and they have just done a lot. And he was, and we

feel that he would be the perfect person for that. But his schedule just doesn't quite allow for it.

MR. LEE: Yes. First of all, Bob Vrenner has a real interest in Houston because of all of the activities; particularly, that Mayor White has been spearheading there.

Secondly, Aston Hinds, Dr. Hinds is also the Chair of a new task force established in the American Association of Ports, or something like that, which is a sustainable ports task force, which fits right into the kind of issues that this committee is interested in.

MR. MOORE: Okay. Part of the -- and we are going to move right into the next area here -- but we had discussions in terms of the make-up of the committee because we got Omega and now with Margaret.

I had a discussion yesterday with Bryan just to encourage because just like everyone else -- but the grassroots folks, we need to have participation. That is all I am trying to say.

So I talked to Margaret when we were out in the Bay area, at the air conference. And talked to Bryan last night about making sure that we continue to make sure that Margaret, both has the capacity and the whatever to do it, because we really need the input.

On the Native Indigenous piece with Joyce, that is

very, very important. I think across the board as a Committee it is very important that Terry and that Shankar are not kind of like left -- the chairs sometimes get left kind of -- I don't want to say by themselves, but by themselves, okay?

(Laughter)

MR. MOORE: And so we wanted to make sure and I know that Omega has been very active and the others, that Margaret participates, Joyce.

You know, without going deep into it, we have talked about the importance of integrating in these recommendations and this report the whole Native Indigenous piece. That that gets inclusive, that our recommendations are very clear as you all move forward. And the recommendations come back to the Committee.

And if we start getting a lap, Victoria, on those ports or the rails again, we are going to need to move forward on it, okay? It sounds like we are on it, but we need to move forward on it because we are in a very short period of time right now.

MS. ROBINSON: One of the things we may have to explore is to have maybe some supportive background, support for those individuals, using some other individuals who may not be able to commit to the actual membership, but who could commit to participate on an as needed basis to support the

other person. We may have to explore that, I will have to talk to Shankar and Terry on that. But, yes, I agree, we need to have their strong participation.

MR. MOORE: Okay. I think then with all the cards for this agenda item. Okay, could we just -- we are going to do it, we are going to do it. I just want to make sure we have got the significant time that we need to move forward on this EJSEAT piece too.

Okay, so let's just go down, Jolene --

MR. PRASAD: Charles, I just want to make sure that as much as we had the comments on the piece of this table of contents, we want to make sure that we get the comments on the set of recommendation pieces that we circulated ---.

That is the critical piece that we want to make sure does the principles on which we are based upon, and those slides, that is our critical need.

Because that is how the whole thing will be, it goes back to that. And that was the main reason I was asking that today, we have enough time to be devoted for this discussion, and we got cut short on Tuesday too. And I don't want to get -- then we get into that problem of well we didn't do this.

So, I just wonder if there are any parts into that aspect, or if you want to postpone it to the afternoon and during the other part of the consideration, that is fine too.

But it becomes very critical for us. Otherwise, it is almost like we are rushing through this and either then we will have to take it in the sense that it has been endorsed.

MR. LEE: Yes. I would suggest --

MR. PRASAD: So I don't want to get into that problem and we facing that issue six months from now. Or, on the other hand, if the members are comfortable, that is okay, we have covered it, I want that piece of it expressed as well.

MR. LEE: Well, maybe because we are already behind, maybe we can tack this on to the discussion at the very end for some period of time. And then, you know, I think we could do a teleconference on this. And that would probably give you what you need.

MR. PRASAD: Sorry to differ, but I would rather have a face-to-face meeting to have that dialogue on some of the -- if there are any issues, we can go by it quickly. Lang has prepared, has shared his views, --- are here who have shared some specific things. And we can have a conference call to continue, but if there are no questions, I feel comfortable enough to move to the next steps.

Saying that, okay, we want to discuss on resources and financing. That is a major piece, and Greg has done an extremely nice job, and we have been all here for that same purpose of sharing that information, forwarding this before.

So, to say that we are going behind, having it on Tuesday afternoon not able to discuss, and happening it again today is not a fair thing for the workgroup.

MR. LEE: Right. So, why don't we just go ahead and try to complete that. I mean, everyone realizes we have a lot of work to do and we need to get out of here by 2:00.

MR. MOORE: Okay, so we are going to do that, and we are going to try to be real tight on it. Donele.

MS. WILKINS: I am sorry, I just wanted to chime in quickly about the level of participation on the subcommittee from key stakeholders, and wanted to ask if there had been any --- made to folks who are working either at the Metropolitan Planning Organization level, or -- there was another -- or like the Department of Transportation?

MS. ROBINSON: Yes. I can answer to that. Dunbar Brooks, you will see, he is actually a new member of the workgroup. And he works for Baltimore Metropolitan Planning Council, I forgot the exact name of it.

But, he also is a resident of the Turner Station Community, which is involved with the Port of Baltimore dredge materials, and he is very, very active on the Harbor Team.

So he comes with a perspective of local community activists, and very involved from a community perspective in the Goods Movement, or port issues, as well as has a data

background. He is in charge of the data research, or whatever, for the local Metropolitan -- MPO for Baltimore. So, we have got that covered.

And in terms of DOT, a transportation related person, that is something he -- he actually has a transportation capacity as well, because that is part of what he does, the transportation research in Maryland.

MS. WILKINS: Thank you. That is all I wanted to know.

MR. MOORE: Thank you, Donele. Kathryn.

MS. BROWN: One of the issues you asked us to talk about were principles. And the one for the framework for advice and recommendations, I guess in reading through that, there is nothing in those principles that says EJ. They are very generic.

I guess it seems to me it ought to be there. And maybe it doesn't need to be, but I was sort of taken by the fact it wasn't. So, these could be principles for Goods Movement from any perspective. And I guess is there a reason why it doesn't state specifically?

MR. PRASAD: I mean, as we envision the table of contents, we would be making upfront about like the slide that I showed you on the disparity among the who are affected and what is the extent of things.

Once we had laid that out, and then we go to the next step of recommendations, we thought we would be looking at -- we already established that point. So that is how we thought.

But I hear you and say that whether we should go back to that part and craft that differently. And any recommendations on --- or something would be very helpful, we will be glad to take it. And we can correspond by e-mail at that point.

MS. BROWN: This reflects my ignorance, and I would like to talk about it later, but I am not sure of the significance of making Goods Movement activity centers, or quarters, as stationary sources. That has got to have a huge significance to it and I don't really understand what that is, but if it is a principle, I guess I should better understand.

MR. PRASAD: That is one of the radical recommendations that some of us came up with, and at this point, we are still -- there is a debate whether it was even legally feasible. Because any stationary source already has a definition in the Clean Air Act. So, we do not want to make -- we are trying to make sure that whatever recommendations we make are able to be done within the statute.

Probably, go to the next step of saying these are the other desired things that can happen. So I have been told

that is not even feasible, and don't even go there. But, on the other end, I have also been told by some of the legal people who have looked at it saying that, in the context of conformity, some of these things can be implemented by EPA.

MR. GOFF: And just to add to that, because it is a complex legal issue, the real balance here that needs to be struck is the realities of the de facto situation that when you put in all these various mobile sources into a relatively intense confined area, you create for what the community, in their day-to-day life is, in effect, a stationary source.

The law is written around traditional stationary sources, like a power plant or a factory, or something, where you have a rather singular owner, you have one particular source that you are regulating and controlling.

So, the challenge here is to recognize there may be legal challenges that say you cannot, or it is difficult to take a Goods Movement area and treat it as a legal stationary source.

That does not stop you, however, from taking steps that say, well, if you can measure, and you can somehow gage the impact and the reality of emissions within a relatively confined area, you then have to parse out the sources of those, but your goal in the end is still within that relatively confined, and I call it stationary area, to result

in the improved emissions profile, as you plan forward.

So, it is the difference and, I think, one of the challenges the workgroup will have will be walking that line between what is a legal stationary source, versus how Goods Movement concentrations become a de facto stationary source, or a community. So, how do you respond to that in a different way, understanding that the regulatory legal environment is different for those particular areas.

That is just a tough problem to work through but, I think, the point is that the workgroup has recognized that the factual nature of it is there is a concentration of emissions near a community that does not, in fact, move in the same context as we think of a mobile source. An individual vehicle or whatever.

MR. MOORE: Okay, we are going to have to move forward here because when we get into the next agenda item on the EJ integration, there is a lot more that this details than what we are anticipating, just by saying it. So, Kathryn, please if you could move -- do you have another comment?

MS. BROWN: Just one more. And it has to do with the land use and air quality principles, and then going on to the regulatory. Personally, I like the land use and air quality. I think it is very well done.

Then, by comparison, the regulatory section looks

light. And I guess I was surprised that I really wasn't reading anything new in that section. And I will just make that as a general comment and, again, it just may reflect my ignorance.

But, given that it is going to -- these are recommendations to EPA, I would think this section would be what they would look at most, as opposed to the air quality and land use. I may be mistaken, but I guess I am hoping that the regulatory section will be beefed up.

MR. PRASAD: We will definitely take it back to the person and try to come up with more. And also, to a large extent, it is limited by the authority issue also. So, for example, there are international treaties ---.

If you are looking at the changes in the ships, or the fuel use, it may not be within the purview, so you will find under the regulatory how EPA can promote some things at an international level, as opposed to really act on it. But, certainly, we will try to beef it up on that aspect.

MR. MOORE: Okay, thank you. Shankar, Terry, did we complete that discussion? I mean, are we ready to move forward, or Council members, are we ready to move forward to the next area? Charles.

MR. LEE: One last thing.

MR. GOFF: It really depends on whether Council

members had any other specific responses or recommendations. But, back to Shankar's original point, it is critically important that if there are specific concerns about the recommendations, that we hear about them as soon as possible so that the people working on those areas can be responsive to those concerns. So I can only underline the need for urgency in any comments, thoughts, about the recommendations so our specific workgroup members can, in fact, address those.

The regulatory comments are a good example. Clearly, there probably needs to be more robust language on SECAs, for example, as a regulatory step the Agency can take in that regard. So, just the urgency for comment is critical to us.

MR. LEE: Shankar, I think, just to make sure you earmark this, there was another item from the discussion on Tuesday, which was the enforcement issues.

MR. MOORE: Just to make sure that enforcement compliance. Okay, are we ready? Okay, thank you.

I just wanted to remind people if we can please, when you are speaking, speak into the microphone because the meeting is being documented and if we are not speaking directly into the microphone, it is hard for people to be able to hear our comments, and so on.

Actions Related to Discussion EJ Integration Topics

MR. MOORE: Okay, I think the next item then was the EJ Integration. Now, what I am going to ask us is to see if we can do this. We had, I think, a long discussion yesterday around different comments, and questions, and concerns, and so on. As we move forward in this discussion, what I am asking is that we don't repeat that. Okay?

I mean, because we could spend a lot of time kind of rehashing the important stuff that we talked about yesterday. And I don't think that we have time to do that this morning. So I am asking us, please, don't repeat it. We heard it, it is documented.

Now, the other comment, I think, is that for us just to keep in mind in terms of some of that discussion that we had is that -- or, for a point of clarity, we are not asking for an endorsement on the part of the Council for the EJSEAT, or whatever.

I would hope to think that we clarified that yesterday. It is not an endorsement. Or, my comment is, it is not an endorsement that is being asked for the Council to do. That was one of the, I think, key points of yesterday and hearing people say that I am not prepared to say that we endorse, blah, blah, blah. Well, from my opinion, that is not what we are doing this morning. We are not endorsing it.

I would hope that the Council would take under

consideration that a letter be drafted and sent to the Administrator saying, for the point of clarity in this discussion, that -- and I am using the word endorse, and it is not the right word, okay.

So, bear with me and we'll find the right word. But I am just going to say it for a second because I don't have the right word in my head until we open it for discussion. That the concept of what was being talked about from our opinion is an important concept.

We are going to find the right word -- and that we list in that letter to the Administrator many of the concerns, or questions, or whatever, that were flagged in yesterday's discussions, or any others. And I am saying it to be clear about that. Or any others. And I will explain what is to be meant by that. So that the process can be moved forward.

In terms of EJ integration, we discussed yesterday that Sue and Veronica have volunteered -- I have a witness. Have volunteered, for the record, willing and eager volunteers.

(Laughter)

MR. MOORE: Willing and eager volunteers to chair our working group in terms of assisting in moving that stuff forward. And just watching our interaction yesterday, I think that both of them -- and the record will show -- picked up a

lot of the concerns that were expressed that we put together a workgroup. And Veronica and Sue co-chair that working group.

That the working group is made up of five, six-ish -- not too many, because we know then the more we have, the more difficulty it is to get everybody online and that kind of stuff.

A workgroup of five to seven. I am just tossing the numbers out there, I haven't thought about that.

MS. ROBINSON: Richard, just make sure that we don't exceed a total of 10.

MR. MOORE: Okay, thank you. Thank you for reminding me of that.

MS. ROBINSON: I am sorry, not to exceed nine.

MR. MOORE: Thank you. And we have already got two so far. So, if we are not to proceed, or again would it be worth --

MR. PRASAD: Nine NEJAC members is what she is referring to, not the workgroup size.

MS. ROBINSON: Yes, nine NEJAC members total. No more than that.

MR. MOORE: Nine NEJAC members. Now, we are going to have to have that discussion just because not everyone already that we are talking about is a NEJAC Council member. So that may require -- and you all know the legal stuff better

than I do -- some kind of a set-aside, whatever language it is in terms of the bylaws, if I am correct. Am I correct on that?

MS. ROBINSON: Not the language for the number of members, that is not a bylaw thing, that is a Federal Budget Committee Act restriction. Because once we hit more than nine people, we have a quorum, and then it becomes an open meeting and you have to comply with the full FACA Act.

(Pause)

MR. MOORE: Okay. Okay, so was I being real clear? I didn't confuse anyone? I will repeat it, because I want to make sure we are all on board on this.

MS. EADY: Richard, is that nine members in addition to Sue, or including Sue?

MR. MOORE: Including Sue. And yourself, actually. So, then it is --

(Members speaking without turning on microphones)

MR. MOORE: That is correct, thank you, thank you. It is kind of early, you have just got to bear with me. We are trying to make sure we got it all together.

MR. LEE: Veronica is nine members in addition to you.

MR. MOORE: In addition to you. Thank you, I am sorry for confusing you.

Okay, so can we take one of those at a time and please don't repeat the stuff yesterday. Okay, so what would be the first that we would need to do?

We would agree on the working group, am I taking the proper order? Okay, Council members, discussion? Shankar.

MR. PRASAD: You are talking of the working group. Is this the workgroup focus on EJ Integration, or is it on the EJSEAT? There is a big difference between those two.

So when we write our drafted letter, it would be -- so, we want to make sure that letter is kind of either seen before we leave today, or somehow circulated with all the members before it is signed off kind of a thing.

MR. LEE: Yes. Yes.

MR. PRASAD: And I also wanted that clarification from Charles whether when we talk of this workgroup, is it focused on EJSEAT, or is it on the EJ Integration?

MR. LEE: Well, like we said yesterday, in the larger picture of this, what we want to do is establish a workgroup that is ongoing around EJ Integration. The specific issues that that would -- the charge for that workgroup, the formal charge for that workgroup, has not been decided yet. So, a lot of that is going to come as a result when that workgroup is formed.

I think what Richard is saying is that in the

immediate, that a group that is an ad hoc group composed of Veronica and Sue, and up to eight others, are to work on the process of drafting something that identifies the issues that you think EPA should be looking at as it moves forward.

Now, in order to do that, or the process in order to do that is that, as you know, the discussion of this has to take place before the public in terms of the Council as a whole.

So that requires that there be a public teleconference devoted to this. The workgroup, obviously, can work on this and then will present this, circulate it with enough time, and have that public teleconference.

The fastest that that can happen is October 12th, because it requires the 15 days for a Federal Register notice. So those are the mechanics of this. Did I miss anything, Victoria?

MS. ROBINSON: No. Sue?

MS. BRIGGUM: I had thought from the past, since we are going to have a workgroup that will be doing the details and, Richard, as I hear you, this is an initial letter that would, basically, kind of reflect our very tentative discussions on the first day, which was a public meeting.

We could draft a letter, send it to all of the NEJAC members, and you are saying we have to discuss that on a

public conference call? We can't just circulate it? Because I thought in the past we had done that.

MS. ROBINSON: No, what we are saying is that, first of all, the bylaws are going to require you will have to vote to set-aside the bylaws in terms of the 30-day review. That is what the bylaws currently require, that the members have said that they want a 30-day review before they approve of any kind of recommendations and advice. So, that is one step, that is one action, that needs to be taken today.

Once the workgroup drafts a letter for review by the workgroup within the period of time that the Committee agrees that they want to review it, the deliberations around that letter must occur in a public, open environment; thus, the need for a public teleconference call to officially review.

And then the vote can be taken on that call, or it can be taken afterwards. But to expedite it, it is best to have the vote then taken on the call so that it can then be finalized and sent out after that.

MR. PRASAD: Just to clarify, Victoria, are you saying that the workgroup has to draft the letter? There is no need to if the letter will say that the workgroup will be formed and these are the issues that were raised, as opposed to saying that letter has to be gone through the workgroup process.

MS. ROBINSON: Are we talking about the same letter, Charles?

MR. LEE: I mean, let's not make a big deal out of it.

MR. PRASAD: Do we really need nine people on a committee to draft the letter? Instead, can the letter be drafted between the Chair and Charles, and circulate it and have a conference call to say that, okay, these are the changes that we would like to see and agree upon. And let the NEJAC send it. And you can follow it up with the process of forming the workgroup and whom you want, because that takes a longer time.

But here, you want the concerns of this Committee to be expressed and to move forward. So that is my suggestion, and I can -- if I am wrong, or I missed something, let me know.

MR. MOORE: No, I think that process, Shankar, that you just went through is exactly -- if we can agree to that -- that is the way we should be able to do it.

MR. PRASAD: Can I propose that we let -- sorry, I didn't mean to interrupt.

MS. WILKINS: No, no, no. I am just waiting to be called on so that I can engage in this conversation is all.

MR. PRASAD: So my suggestion is that Sue, Charles,

and, Richard draft it and -- sorry, Sue, to put you in -- so that way because you will be heading the workgroup too. So that way, then we can all see it and --- forward you back the edits, and that could be -- I can --- post it and discussed in a public forum.

MR. MOORE: So can we get some agreement to that? Donele, did you, in terms of your comment, was it on that particular piece that Shankar just ran down?

MS. WILKINS: It is, but I just need some clarity. I am a little confused, and I just need some clarity.

MR. MOORE: Okay, let's clarify it.

MS. WILKINS: It really goes back to the comment you made, Richard, about our endorsement or not. And as I look at the four questions under the integration discussion questions, where EJSEAT is pretty much integrated into that, I am a little confused.

Because these questions almost lend itself to us, in some way, once we get clarification, perhaps, endorsing this. So, I am a little confused. I don't have a problem either way. I think that we should be able to chime in on this discussion.

MR. LEE: Let me clarify that. Those were put forward to you as discussion questions.

MS. WILKINS: Right.

MR. LEE: They have no relationship to the kind of issues that were raised, per se. You know? And those will be continuing issues kind of questions that the Agency will probably want to hear from you on.

MS. WILKINS: Right. And so that is where I am a little confused. Because I kind of just --

MR. LEE: I think what your --

MR. MOORE: Hold that thought for a second. Hold on for a second.

MS. WILKINS: I do kind of disagree with that. I understand the spirit behind the questions, so that there can be some really meaty conversations around it, but the results of our conversations about it lend itself to having some impact of the usefulness of this tool, and whatever.

So, I am just not clear about how that could not lend itself to chiming in on the acceptance of such a tool and its efficiency around how the Agency looks at tracking its compliance, and whatever.

MR. MOORE: Okay. Okay.

MR. LEE: We recognize that, as we thought about how to have the NEJAC really be meaningfully engaged in this very complicated set of issues, that that has to be a long-term process. And those questions, that is why we wanted to establish a workgroup that can focus on these questions.

That is going to be inclusive of people who are members of the NEJAC, and others to be brought on with special expertise, if you will, or knowledge related to the specific kind of charge questions formulated.

And, I guess, what I meant to say was, those questions are probably related to that longer term discussion. So, yes.

MS. WILKINS: So, for me, I am feeling a sense of urgency around our discussion around a letter. That, perhaps, we are not ready to even craft a letter if this is going to be something that will foster some longer term discussions. I like the idea of the workgroup, I would like to volunteer to be on the workgroup.

So, if it is just me, then I am okay. I just need somebody to say there is no sense of urgency about a letter to go to the Administrator. Or, I need clarity about why would a letter go the Administrator at this point.

MS. HENNEKE: I have been very patient with you. I have a little bit of a sense of your concern about the urgency. I think what is important to me, given the richness of the discussion that we had yesterday, I do think that there are -- and I don't think I have over read this -- but I do think that there is a sense of understanding amongst the Council that we have an appreciation for how much of a

significance of the moment that we are in the middle of with this tool. With the development of this tool.

And I also think it is very significant that Granta spent the amount of time with us. Frankly, the way I heard him say, come on guys, talk to me. Talk to me now, don't talk to me later.

And with that, I do think that there is an enhancement to the sense of urgency. I look at the suggestion of the letter as a way of us telling him and the Administrator, we think this is a cool deal, we think this is a cool idea, we are not sure that this is exactly the finessednous(sic) that we want or expect at this moment. But, we want to tell you that we think this is a cool deal.

That is what I look at as the letter. I don't think the letter has to bind us as a Council, or excessively commit us as a Council, to anything other than, first of all, we applaud the effort that you are going through and what we think this tool may give you.

But, there are things that I do think that we need to outline. I, for one, have a question. My question, my concern is about enforcement sensitivity. I know there are others around the table that may have that one, may have others, probably do have others.

But I don't care, frankly, whether two people craft

that letter and we all look at it, or several of us participate in the crafting of the letter, but I think it is an important statement that we do some kind of communication tool to the Administrator and to Granta about the effort that they are going through. And I want to volunteer to be on the subgroup.

MR. MOORE: Now, we are going to have to go with Dana because she is in a bit of a time situation, and we have got a couple cards up. I want us to just stay, if we can, because we are going to continue this right after Dana does her presentation.

Can we move forward, are those cards in relationship to the cool deal that Jode was talking about?

(Members speaking simultaneously)

MR. MOORE: Okay, talk into the mic, please.

MS. BRIGGUM: I was going to translate the cool deal into I kind of roughed out just some kind of notes of what we might say, and I thought it might help people if you just kind of put it up as a strawman to say, oh, yes. But it is just a stuffier version of what Jode said.

MR. MOORE: Okay. Donele, okay, now in terms of what you expressed, is that clarification helpful, or is it not?

MS. WILKINS: I have clarification. I am not

certain I feel that the Council agrees that it is a cool deal or not. That is all. So later conversations around it would be helpful. Thanks.

MR. MOORE: Okay, we are going to continue that. I mean, because that is what we said this morning. That we have got to be all on board, on the same ship, at the same time. And so, sometimes, in order to do that it takes us a little bit longer in the discussion to make sure that that is where we are at.

So, can we hold it now and then move on to Dana's presentation, and then we will come back to it? Is that workable? Okay. Charles, help me just move this forward.

MR. LEE: Well, like I said before, we are going to -- we wanted to report back to the NEJAC about EPA's implementation of some of the key past recommendations from the NEJAC. And one of them deals with emergency response.

So, you have heard from Dana before. Dana Tulis is the Deputy Director for the EPA's Office of Emergency Management.

Discussion: Report Back about Key EPA Implementation Items

EJ Function in Incident Command System

by Dana Tulis

MS. TULIS: Sorry to interrupt your discussion but I have got another presentation at 1:00 back in D.C. I think

copies are being handed out. Do folks have copies of the presentation?

(Members nodding their head)

MS. TULIS: Okay, very good. Charles and I had some discussions about what would be the best presentation for you all today. And, after we talked, we thought that it would be good for you to all understand the incident command system and, particularly, how we have incorporated environmental justice into that system.

And to give everyone a better understanding of what that system is, and why we use it throughout, actually, the Federal Government for these large incidents of national significance, we are going to give you a little bit of a "101 course" and walk you through why we do things the way we do and how we have incorporated EJ.

And, of course, we have incorporated EJ specifically, which came out of recommendations from this group.

(Slide)

The National Response Plan has evolved from the Federal Response Plan, which was the plan that was in existence that FEMA used before 9-11. Now, just as the time we all start to really understand the National Response Plan, it is now being modified into something called the National

Response Framework. And I will talk to you about what those changes are. They are not in affect yet, so we still talk about the NRP at this point.

The National Response Framework, by the way, is out for public comment right now, since September 10th, on FEMA's website.

But, basically, when we get to a national response, what we are talking about is it is implemented in one of four ways. Either a federal agency comes to DHS and asks for assistance -- that is how we operated when we responded to the Ricin incident, which was rather a small incident relatively speaking, but yet we took it very seriously because it is a chemical agent.

When a state or local authority becomes overwhelmed -- of course, when we had the massive destruction we had with the hurricanes in Mississippi and New Orleans, in particular, in Louisiana, that is where we had a situation where the states or locals just needed support and we provided that.

When more than one federal agency is involved substantially in a response, and the classic example of that was the Anthrax response on the Hill when we cleaned the HUD building up.

And then, finally, when the Secretary of the Department of Homeland Security, as directed by the President,

is determined to have to manage the incident. An example of that is the Columbia Shuttle.

I don't know if folks realize how involved the EPA was in that effort, but because of some of our tracking tools, we were actually able to find some of the remnants of the shuttle and we also did some investigation into the hazardous materials that were released.

(Slide)

So the National Response Plan which, again, was a follow-up to the Federal Response Plan, is an all hazards plan. And it does go through changes as we go through responses and we figure out lessons learned, and then we try to get back. But we do have to be careful, and this is a FEMA/DHS lead effort, not to constantly be changing it because you have a system in place. You really want to be tweaking it more than making major changes.

The National Response Framework is what is out for comment right now. And the real big change on that I would say is that it incorporates state, local, private, and non-profit roles and responsibilities.

Now as folks should know, and if they don't know I will let you know now, basically, all responses are lead by the local agencies. The federal agencies come in as a support role, but a lot of the decisions that are made on a day-to-day

basis are really made with the locals with support from us. So we don't usurp those authorities at all. We come in to support the event.

So, DHS and the other agencies wanted to make sure that they were part of the initial framework. It is no longer going to be called the plan, because it really is more of an overall structure. The other proposal that DHS has is to no longer use the term, "Incident National Significance," because the concept is is that the framework would always be active and always be something that is used on a day-to-day response for agencies that are dealing with more day-to-day activities.

But when there is a larger activity, that is when DHS comes in and coordinates the overall response when you have multiple agencies involved. And it is a very, very large response.

This basic structure is the same, but they just wanted to make it easier for the folks to understand, they wanted to make it a little bit more concise, but the overall structure is very similar.

Now, under the National Incident Management System -- and I know I could get a little crazy here with the acronyms -- but that is the overall system that is in place that federal agencies follow when we have a large incident. And I am going to get back to that.

(Slide)

Now, the organization of the NOP is going to be similar, and the NRF will be just tweaked a little bit. But the big point here is that what you see in yellow is what EPA has the lead on with the Coast Guard. That is the hazardous materials, the emergency support function ---.

Some changes that are coming up is they are adding a support annex and they are adding some incident annexes; particularly, for food mag and for mass casualties. And the hazardous materials annex incident annex is going away, because it was totally duplicative of what we do under ESF 10.

(Slide)

So I talked to you all the last we were here, I went through the different ESFs and, yes, we are the lead for this, but we do have a role as a supporting agency in all those others. I am not going to go through that again.

I am just going to remind you, and I think you all know, what we do when that is activated. And that is the drum removal working with the containers, the household hazards waste collection. --- the water quality monitoring, the air quality sampling, protection of natural resources.

With Katrina, I think you know our numbers were huge. And then just for the containers, we handled over five million containers. So it was a massive, massive effort for

us.

MS. CATRON: Excuse me, I don't mean to be rude. Could you slow down a little bit please?

MS. TULIS: Okay, okay. The national approach to response. That is the overall process that the Agency has in place to implement NIMS and even beyond that. We really use it to tailor the way we respond to an incident to be very EPA centric.

And what we found after the hurricane response was that activities really involved every office in the Agency; whether it was a water office helping us with the water assessments, whether it was our air office, whether it was our human resources folks because of all the pay issues that came up because we had so many people on overtime and stand-by pay. And just an enormous number of activities came up.

So we have these workgroups that really span input from the regions, as well as from offices throughout the agencies. The one in blue, --- issues and public outreach and risk communication are the two new ones which came into effect because of the issues we had around hurricane response.

Every time we have a response, we look at lessons learned, and we actually are getting better and better; but, we also always discover new things we need to do better and we take those pretty seriously.

Public outreach and risk communication, in particular, in working with our environmental data, continues to be a struggle for us. How do you communicate to the public the tenth to the minus four, what tenth to the minus six means in plain English? How do you communicate those risk levels? How do you talk about very technical standards and try to communicate them to the public in a way that they can do something about it? What does that mean for me?

So that is something that we have a renewed effort, we have a new crisis communication workgroup that we have put together. We are integrating, basically, our technical people with our outreach people, the folks that deal with the news and the press, to help us to be able to overcome that challenge.

The other groups we have been working on for years, we want to make sure we have consistent equipment throughout the regions, we have electronic data management systems, we want to make sure we have consistent health and safety. The whole concept between the National Approach to Response is we have 10 regions in headquarters, and then we have other program offices as well. But we need everyone to be operating the same way for day-to-day responses as we respond to these large incidents so there is real learning going on.

And that was a very, very big lesson from the World

Trade Center, is that we had people coming in from every region and every region did things a little differently because there are differences amongst the states and how we operate. But when we have these large responses, we just can't afford to do that any more. So we are working as best we can, that is the real message to have consistency in how we respond in every region.

(Slide)

You really don't need to be --- everything in here. I think the point I would like to make on this is that on a day-to-day basis, we are constantly coordinating up and down from the headquarters thru our regions, thru the field, and back up again, getting that data, getting the information, and working on policy.

Now, when we have a large incident, we form a few more groups, and we have a lot of very, very senior level involvement. For example, on a daily basis during the hurricane, Steve Johnson, Marcus Peacock, we had daily meetings at 8:00 in the morning, at 5:00 at night to talk about what was going on with the response with all the senior political people throughout the Agency and the affected regions.

Now, we don't have that, that is called the Policy Coordinating Committee. We don't have that happen, obviously,

everyday through our day-to-day work, but that is something we can put together very quickly. What we do have everyday is coordination groups within our middle management level where, basically, we have a National Incident Coordination Team, we have Regional Incident Coordination Teams.

And the real purpose of that is we get together with all our other offices in the Agency on a monthly basis and talk about preparedness. And then when we have an incident, we actually may call those meetings as often as once a day, once a week, depending upon the incident. So we have all these structures in place to coordinate throughout the Agency.

(Slide)

The incident management team is, basically, what we have put together to comply with the incident command system. And this is just what we call our 11 key leadership positions. There is, actually, many, many, many positions and we have a handbook which we give to the folks in the field, which goes to the responsibilities of all the positions.

But for us, these are very important ones. Now, where you all would be interested is probably two of these. The Liaison Officer, because they have EJ responsibilities, and then the Environmental Unit as well, because that is where all the data is coming from.

The Environmental Unit is unique to EPA and the U.S.

Coast Guard. And during the hurricane response we, actually, had three Environmental Units at headquarters at the regional level and then actually in the field. And I am going to explain why we had that structure a little bit. But those are probably the two most important for you all to know.

(Slide)

Now, the Liaison Officer, that is the position that we made responsible for the EJ, and as well as tribal issue coordination. Making sure that those needs are identified, that the outreach is happening, that coordination is happening with the Incident Commander -- that is the person on top -- and that the resources that are needed to make sure we are accommodating those communities are provided.

The job also of the Liaison Officer is to reach out with the Public Information Officers. And, I think, that is an obvious thing. We need to be able to communicate again what we are doing with the public as far as these activities go and making sure we are getting to the right communities.

(Slide)

Okay, I am going to shift a little bit just so you have an understanding of how we work with data. Because I think that is something that really impacts folks on a day-to-day basis when we are doing these responses. And we have, basically, a structure set up that when we have a large

incident like the hurricane, and we had infrastructure issues, we actually had a Field Environmental Unit -- those are the folks that were collecting samples -- and a Regional Unit, that is back in our Regional Office, particularly, if we are talking about Louisiana and New Orleans. And they did the data review and interpretation. And then we had, actually, a Headquarters EU, which we created during the response. I actually created that position, working closely with my folks. And that is something that we are going to have in affect, that type of unit for all future large incidents.

And the reason is because the interpretation of this data got a great deal of attention at the cabinet level, and we need to make sure that we are coordinating and interpreting the information appropriately for the public. And when you are in the field, those folks just don't have the time to be doing that. So we took that on as our responsibility of, basically, communicating externally with our stakeholders, getting the data on the web, doing the data interpretation, and putting summary assessments together. But, working very, very closely with the region and the field components, and the states and the locals.

(Slide)

Okay, I went into this a little, but the reason we have this headquarters unit is because of some of the

externalities and the pressures. I mean, just for an example, when the President was meeting for a dinner with Mayor Nagin, and Mayor Nagin was trying to make some decisions about the locals coming back, Marcus Peacock, our Deputy Administrator, came down to me and said, well, the President is having dinner with Mayor Nagin tomorrow, can you put together some maps for him? I need them now -- this was 7:00 at night -- for the next day that he was flying out. So that is a little bit of pressure.

And so that is the type of things that we were able to do. And what was on those maps were where we took the samples and where we had the boil notices that folks could not be drinking the water. So it was very important information.

Again, it is one piece of information. Infrastructure issues you had to look at, you had was there electricity, was there food supply, was hospital care available. But it was an important thing that people need to know about.

(Slide)

Okay, types of data. Sometimes we can't get into an area; especially, when there is a hurricane going on, there are infrastructure problems. So we have remote sensing capability that we do with our ASPECT plane and our TGARS buses. And that is remote, and we are out actually collecting

samples in the field. So we consider it to be screening data, but it gives us a preliminary idea of what is going on in the area and whether or not you need certain protective equipment for folks that may be going in.

But the real decisions that we make are on the confirmatory laboratory data. The data we sent to the labs, the data we can do quality assurance on, and that we could ensure that we can actually compare those values to long-term and short-term health concerns.

We do not release the raw data to the public because it can be wrong, and it can be very difficult for people to understand some of these nuances. And instead of trying to communicate the wrong information, we try to get it right and get that information out.

(Slide)

Samples came from everywhere we could think of during the response. Flood water until it went away, the sediment, which was basically the water mixed with soil, until it went away. Surface water, air. And then we actually looked at the facilities that could have been impacted by the flooding as well. Our SuperFund NPR facilities, et cetera.

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Just to give people an idea, we collected -- we, actually, did over 450,000 analyses in the New Orleans area

along. We did it with 200 constituents per sample. So it was an enormous amount of data, more than we had ever done for any response. In fact, if you look at the remedial program during the year, it is about double what we do for about 500 sites. So it is an enormous number of sites. That is what was needed at the time.

It takes about six days to take a sample. We are working to try to analyze it and get it out to the public. We are working to see if we can shorten that time. That already is very short, by the way, compared to where we used to be. But you have infrastructure issues of even getting the samples to the labs.

There are analyses that we do, particularly, for pesticides. The some of the more complicated chemicals take a minimum of 72 hours, and then we get it to our region, which does the evaluation and coordinates with their local partners. We get it up to headquarters, we coordinate with CDC's ATSDR, the Agency for Toxic Substances and Disease Registry, who helps us do the interpretation.

And then, finally, we get it on the web. We are looking every step of the way of trying to cut that to be even shorter. Because the general public doesn't understand why it takes six days. But, unfortunately, the chemistry is half of that, and that is what we are looking at right now of

expediting that aspect of it.

And as I said, having confirmatory samples is essential for the whole process. We have to feel confident in the data that we release. And then we compare it to our standards that we have in place.

Now, with these responses, as I stated earlier, they are basically state responses, we are helping the states. So we are looking at their levels, but we are making sure that they are within EPA's criteria as well.

But sometimes these standards don't exist for chemicals that we are looking at, and so we have to develop what we believe is the best type of benchmark as well, and then share that with the public.

For this response, we use with the Agency's EnviroMapper System. And, basically, you go in and you can see exactly where the sample is taken and what the results were. And we were able to get a database up within 10 days. We, actually, now are looking at a much more friendly database, this is very slow. And it is portal base, and we are developing that, but in the meantime, we do have the capability of immediately putting data up if an incident happens again.

And just to give you a level of comparison, during the World Trade Center -- and, again, I am not criticizing, I

am proud of the work we did there -- but we had never did anything like that before. It took us six weeks to get a database in place, so we are moving better, and better in that area.

(Slide)

And so what I have talked about really is two separate lines of where the data goes. It goes from the field to the regional offices, and then to the other agencies. And that we may actually be pushing raw along if we need to make immediate decisions, but there is a separate process that goes to the public. And as you can see, it is only a day or two delay, but the concept is the information we get to the public needs to be validated and we need to feel very good about it.

(Slide)

Coordinating with the Public Information Officer is critical. And, again, we are reinvigorating our efforts from our technical people on outreach people to make sure we are getting the right messages to the field.

We did a great job during the hurricane response of getting fact sheets out. We didn't do as good a job of letting people know what the data meant. It was on the web, which was great, if you had the infrastructure if you had a house, or you had a library or place you could get the data. So we are working now, we realized that we need to be able to

get that data into plain form and fact sheets and go door-to-door. And those are the different things we need to overcome.

And it is hard, because we are looking at such a fast pace, but we need to realize that communicating with the public in an easy to understand, easy accessible way -- it could be picking up bottled water maybe at a station. That is where you put the fact sheets so that they can understand as well. And that is something that we are continuing to work on

(Slide)

The questions that we had during the response are questions that we are thinking about now if something else happens. One of the critical lessons learned on this is we probably could have communicated things a little earlier than we did. For example, we knew the waste water treatment plants were flooded and we knew there was fecal material in the flood water. We didn't have to wait for the results to come back to tell the public, stay out of the flood water.

Because we are a scientific agency, we rely on data, but we also need to think about things that we can say before we have the data back. And that is a very difficult balance for us because we are a scientific agency, you don't want to say anything without having the data. But, on the other hand, if we have an early indication, we need to let people know.

And these are just some of the questions that we

were asked all the time. And the other point that I want to make on this is we are one piece of information. There is all those other infrastructure issues, there is all those other agencies that are working on different aspects. And the locals are the ones that are making a lot of these decisions. We are trying to help them with those decisions.

(Slide)

And then, finally, I mentioned that we are working - - we really have a renewed effort on this whole risk communication, crisis communication. EPA's crisis communication plan has been put in place and it, basically, sets up a process to ensure that we are coordinating with all the right people and trying to get data out in an easy-to-understand stated format as soon as we can.

The Liaison Officer does report directly to the Incident Commander and does and will and communicate regularly with the Public Information Officer, as well, on EJ issues. We are also reaching when there is EJ coordinated meetings, when there is travel coordinated meetings, when there is tribal coordinated meetings to get to those meetings as well so we can reach out and make the link with emergency response in these communities as well.

And, finally, we are trying to coordinate with FEMA to have them recognize the importance of being particularly

sensitive to EJ issues as well.

So I know that was quick, but I had a lot of material to get through. I am very open to questions. I have another 20 minutes that I can be here if folks want to have more of a discussion.

MR. MOORE: Thank you, Dana, we appreciate the presentation. Council members, is there any other cards? We are going to start off with Joyce, and then Kathryn. Joyce.

MS. KING: Thank you. From what I remember with Katrina, and maybe you can correct me if I am wrong, there was an Indian Reservation down there. And as far as I knew, they weren't being sought out by anyone, and they were kind of left by themselves. Everyone had left, but because we are related to our territory, most of the people there I knew stayed behind. No matter. No matter the conditions.

And it seemed to be that it was the Indian communities who donated many, many things to that area. So when you talk -- when I saw your very last slide, it talked about tribal coordinators, but before that, your language doesn't talk about tribal input.

And from what I also know, is that in order to get any kind of funding, we have to go through our local bodies. And if you look through those local political bodies within the community, you will know that we are very much opposed to

some of the things that they do in our territory.

So there is not a good relationship, and if it is an EJ community then, of course, most indigenous nations are EJ communities. And I just need to put that out there. And so if my thoughts are wrong, please correct that.

MS. TULIS: I think we need to do a better job of reaching out, and that is why we are incorporating that into the structure formally. And we'll continue to --- through those communities.

MR. LEE: I can amplify that. There was the Houma Nation, which is not a federally recognized tribe in the areas of the impact of Katrina. And see what happened here in terms of what Dana is describing is that Region 6 had an effort through the Environmental Justice and Tribal Office to do a lot of the kind of communications and outreach to environmental justice and tribal areas.

And, basically, that is what was happening. Larry, who you met yesterday, Larry Starfield and Jonathan, and others, realized that that was a good effort, but it would have been more effective if it were apart of the actual command structure. So that is the genesis to what Dana is describing.

And part of that depends upon preparation. So, what Dana described in terms of the interaction with the tribal

coordinators, and the environmental justice coordinator, is the massing of information about those types of populations. Special considerations, like language or culture, and other things that would help in terms of the actual emergency response. Because the reality of emergency response is that you have to respond. So without that kind of preparation, you are not just going to be as effective in terms of reaching the kind of population you are talking about.

MR. MOORE: Okay. Kathryn. Omega always does that down in the corner. But go ahead, please. Thank you, Omega.

MS. BROWN: Very interesting presentation, thank you. Both in response to 9-11 and Katrina, universities, both local to those sites and national, were very active in terms of data collection and interactions with communities in trying to explain what was known and what wasn't known. And yet, there is no reference to universities here.

And I understand probably why there isn't, but how do you envision building on those relationships since, certainly, universities have any number of interests why they might become involved?

MS. TULIS: As we are learning more about the field of risk communication, and public communication -- which as I admitted, is not our expertise -- universities are certainly a place that we would like to reach out to try to get some help

and support. We have been working on the concept of message mapping, and how do you get the right messages to folks in an easily to understand way, and in a quick way.

And so that is one area, in particular, where we are looking for support for universities, or other private research areas.

MS. BROWN: What about in terms of data collection? I mean, certainly, universities were very active in collecting samples, interpreting samples. And is there any effort, do you envision an effort, to sort of compare those data points?

MS. TULIS: We actually did look at all of those studies, and we did find a lot of consistency in how we were doing our work. So, in most cases, they did validate what we were finding.

MR. WILSON: My question has to do with maintaining or preparation of the waste water treatment facilities. I had just received some communications from a young lady who was at one of the universities studying problems with waste water contamination in and around New Orleans before -- shortly before the hurricane. And, unfortunately, I was unable to find her afterward. Hopefully, she is fine.

But the concern had to do with the preparation, because a lot of the contamination that we talk about -- and you just mentioned it -- had to do with waste water treatment

facilities, and how they operate, and how you maintain them in order to reduce, or mitigate, or correct after there is damage.

In this emergency action plan, is there a part of this that directs, or encourages, metropolitan areas -- because you never know where a disaster is going to take place -- and the hurricanes and floods, of course, can be related to coastal areas -- to prepare for what needs to be done prior to maintaining facilities? How you correct the action afterward?

Because, of course, we seem to be more aware about chemical spills, gasoline, petroleum, and things like that, we watched on TV. They showed the glisten on top of the water, they showed that there was petroleum and other kinds of chemicals in it.

But one of our areas of the greatest storage of contamination is our own sewage treatment facilities. And sometimes they don't include just sewage, they include other kind of chemicals. And they come from factories and things of that sort. And it is more dramatic and more harmful if you are in it, than just watching it on TV that seems to be reported. So, could you comment about how you are looking at that from an Emergency Management point-of-view?

MS. TULIS: Our Office of Water, actually, is forming water teams at this point, and they are looking at

different ways of assessing and working with that whole community. So there is a number of efforts underway with the Water Program.

Now, one of the things that was interesting with the hurricane is that we, actually, had many major chemical plant releases. We had some smaller facilities, pool supply facilities, for example, have chlorine leaks. But the big major companies which we regulate, actually, didn't have releases. And we feel that was a combination of very good shutdown practices, and a little bit of luck, and how the hurricane hit and the floods hit.

So, we definitely have a record where we can see if you have the correct preparedness procedures, realizing there is unique situation dealing with these plants and where they are located, that you can improve the situation. So we are working very closely with our Office of Water on those activities.

MR. WILSON: Will that activity include training and preparation? Because you have HAZMAT training for fire marshals, police officers, local governments. Will this include that same kind of outreach from all the way down to the local municipalities to be prepared to address that kind of a problem?

MS. TULIS: Right. Training is part of it. I don't

want to speak for the Office of Water, but I do meet with them on a regular basis and I will make sure to share these recommendations with them as well.

MR. MOORE: Veronica.

MS. EADY: Hi, Dana. I am sorry I missed part of your presentation, I had to check out of my hotel room.

Anyway, I had a question about the Liaison Coordinator position that is going to be doing the EJ coordination. Do you have a sense of what kind of qualifications you will be looking for, background, in that person?

MS. TULIS: Well, the Liaison Officer, as with all the positions, we actually have a full guide that we have that we are in the process of finalizing. And we also have job aides that go along with this. So we do have criteria, as well as specific training for each of our positions. And we have incorporated EJ concepts and the sensitivity, and the tools that are out there within those trainings.

MR. MOORE: Sue.

MS. BRIGGUM: Do you ever do kind of best practice guidance? Because you have such expertise in terms of the kinds of responses that you know are going to recur. And you may have some information relevant to the environment that, particularly, the local government, state government, could

use, as well as the feds? I am thinking, in particular, we have the Goods Movement Workgroup, we are thinking might happen at ports during certain emergencies, that would be helpful.

From my company's perspective, we had some real challenges during Katrina when we were told we would be breaking the law if we prepared for the -- this was, obviously, not the Federal Government -- if we prepared for the event in terms of taking the trucks out of the way and dedicating our time in terms of securing our facilities. In consequence we, actually, lost some employees.

So, giving sensible advice about advance warnings, paying attention to the weather forecast, good practices in terms of kinds of facilities that handle environmental materials might be helpful.

MS. TULIS: We do regulate a number of those facilities through our various programs. Mismanagement Program, for example, tier two facilities. We do have some of those are handled federally, some of those are handled at the state and local level. But that is a very good idea in terms of preparedness and sharing some of the best practices we have out there. So I will bring that back.

MR. MOORE: Is there any other comments or questions?

(No response)

MR. MOORE: I just wanted to just mention that the Howard Conference that Jon was involved in, there was some excellent workshops that took place there in terms of the impact on indigenous and native lands with Katrina, both in Louisiana and Mississippi. But it was just an excellent piece of work, it was coordinated by Region 6 at the Howard Conference. I just learned an incredible amount of information that I wasn't knowledgeable of.

Well, Dana, we would like to thank you for your time and we want to continue. I know we made a whole list, and you referred to some of that of recommendations in terms of emergency response, and so on, through the NEJAC. So if you could also just keep us updated, and I know OEJ will also in terms of how our recommendations are proceeding through the process.

MS. TULIS: Absolutely. And thank you for your time.

MR. LEE: Yes, I just want to thank Dana for taking the trouble to come all the way up here and then going all the way back down. So I think it is really meaningful that -- you know, it is the kind of recommendations and the issues represented by and being moved on by EPA.

MR. MOORE: Thank you again, Dana.

What I would suggest, if I can get some agreement from the Council, is that people -- if you look at the agenda, you will see that we are not breaking for lunch or any of that so we can -- we really do want to finish up and people have asked us to at 2:00. And so my suggestion would be, and I know some that need to check out, is that we take a 15 minute break now and then for those that either need to check out, or do whatever during the break, that we do that.

We come back, I think we checked with Tim, because Tim was also on the agenda after Dana -- Charles, correct me if I am wrong. What my suggestion was is we come back, we continue back on that primary piece of EJ Integration that Donele was kind of ending and we were moving forward before we transferred over. We discuss the EJ Integration, then we go with Tim, if that is workable with Tim. And then there is the items of concern to NEJAC members, let's not underestimate it, that is going to be a very, very important discussion, okay?

So, can we take a 15 minute break and agree to come back in 15 minutes. Thank you.

(Whereupon, a brief recess was taken)

MR. MOORE: Well, I think we may have quorum, and we want to just move things along here. All right, we are going to start back and some -- if you are kind of catching me during that break, and we kind of -- I just wanted Donele to

repeat the last comments that she made, because that will drive us forward.

The discussion that we were having was on the EJ Integration. And I am going to help you, Donele. I am going to help you with it a little bit. Okay, the discussion that we were having was around EJ Integration, and some were saying -- and I think that is where the discussion, where we ended at, was particularly, I think, around the letter.

So I think we clarified, I am just trying to get a sense of this. I think that we clarified at least one piece that we weren't talking about endorsing. I think we are real clear on that. At least that we are not talking about endorsing, but then some was. And Donele was making some comments about if we are not endorsing, and there is going to be more discussions right after this discussion, then we will engage in the working group back again.

We have seen some -- Charles brought up the charge, we don't have a charge in front of us. That charge would need to be drafted up, and so on. Just like we did with the Goods Movement Working Group, then the charge would be drafted up -- well, first of all, let me back track. The letter will be drafted and we are going to clarify any pieces left in terms of the letter.

Why we are sending the letter, we are going to move

for some clarity of that to make sure that we are all clear. Then we go into the working group and we will have some discussion around that. We are going to put that back on the floor and then some people began to volunteer for the working group. Let's hold that for a minute, because I know there might be some others that wanted to also volunteer for the working group and didn't get it out there because it was kind of put in there between another discussion.

So, can we go back for point of clarity, Donele? Am I correct, is that where you were at when we ended the discussion?

MS. WILKINS: Yes. I think that where we ended it I was pretty clear on what -- I had a better understanding and pretty clear about things in that regard. I think I ended it with sort of the implication in terms of the tone of the letter. And I think it was about, you know, this is cool, let's move forward kind of thing. And I wasn't certain that the group had built some consensus about it being cool. And then there was some expectation that we would clarify the cool concept. Okay.

(Laughter)

MR. MOORE: Okay, Jode. I am sorry, Donele, did you finish?

MS. WILKINS: No, I am happy to clarify cool.

MR. MOORE: Jode.

MS. HENNEKE: What I was referring to as a cool deal is the effort. I think there is still differentiation amongst all of us, myself included, on individual components; which is why I am very clear that it is not an endorsement. But I do think the effort is a cool deal. That is what I was referring to.

MS. WILKINS: And I can agree that the intent to come up with a uniform process for assessing is a valiant effort as well. We haven't gotten to the point of what that really means.

MR. MOORE: Okay.

MS. BUHL: Actually, that is a really important point, and I am glad to hear you say that. Because, you know, we think uniformity, in approach at least, knowing full well that outcome may vary quite a bit. But at least it is something we sort of assumed was an important thing to strive for. So I appreciate your confirming that, because that is -- all of sudden we realize that may not be a given.

MR. MOORE: Are we getting close? Now, Paul, did you have any other -- I mean, are we close, because you are one of the people that came to me during the break. So I just want to make -- and just mentioned that, did that discussion that we just had help, Paul, with what your concerns were?

MR. MOHAI: Well, I had a similar question that Donele had earlier before the break, in that I wasn't clear about the purpose of the letter, since the workgroup hasn't been formed officially yet, or has done any work. And it has helped to have this discussion to get that clarity. So, thank you.

MR. MOORE: Good, thank you, Paul. Shankar.

MR. PRASAD: I was the one who started on the suggestion of a letter being sent prior to the formation of the workgroup. The intent here I was talking of sending the letter is, do we want to delay this process for six months, or whatever time, for the formation of the workgroup and go over that? Or, do we want to go ahead and give them that -- it is a major first step, we understand its importance, but at the same time, there are concerns, or issues, that are some of the ideas that need to be explored further. Which helps, actually, to say that we want to have that formation of the workgroup to look into that aspect.

So that is the intent behind my saying that we get that opportunity by sending that letter to get that workgroup formed to look at this in a little more detailed fashion. So, Paul, if you have an alternate suggestion, I think you should put it on the table too.

MR. MOHAI: --- direct that question to me. No, I

am satisfied with what I heard. I guess, like Donele and others, I just wanted clarity about the purpose. It is helpful to have this discussion. And, also, my understanding is that whoever actually starts the writing of the letter, all the Council members will have a chance to review it and have input and express whether or not they feel comfortable with the letter as written. Am I correct?

MR. MOORE: You are correct. And some spoke to it, it will be a couple of people that will assist in drafting up the letter. The letter will go to the Council members for Council's approval of content in the letter, and so on. And then we will have a little time frame, --- that get back by whatever date, this kind of thing. And then the letter will be sent to the Administrator.

Okay, are we -- Omega.

MR. WILSON: I just wanted to add, it seems very clear that timing is very important as far as moving this along. And I agree too that a lot of our understanding and being able to discuss it, basically, on the same page at the same time, is coming along. And that supporting the letter and affording the process to address all the parts of the EJSEAT, and all the other things that is related to it is something we will grow with.

So, I think, clearly there is a tool in place that

has been worked on for years that is going to help address environmental justice issues in our communities. So, I support moving along and support giving what is already in place a chance.

And, clearly, time appears to be of the essence for what we are doing. And I support that we move along with that process.

MR. MOORE: Okay. Lang.

MR. MARSH: Yes, I just wanted to second what Omega just said, but also to add the context and maybe ask for some clarification. The context is that I saw the presentations yesterday, which included EJSEAT, but also included the other efforts, EJ Integration and the Agency, as very, very positive and very forward looking, and a place the -- I am not sure when the Agency has been at a moment like this where things were moving forward enthusiastically the way they are.

And I just want to be sure that whatever we do keeps that momentum going, both within the Agency and on the -- among us. So, I am not entirely clear what the time tables are, and maybe that is something that the people who are working on the letter can think about.

But I also want to be sure that the letter captures the -- well, I think -- I hope -- what is our enthusiasm about the overall integration effort moving forward. And that we --

and this is my question, I think -- is that the workgroup that will be set up will be trying to help the Agency think of ways to move that integration effort forward throughout all the regions and programs of the Agency.

MR. MOORE: Okay. Charles.

MR. LEE: Just in terms of the last point, the answer is yes. And we need to go through a process that has input from you in terms of how to structure that, what the charge is. You know, it has to do with the best use of your time, as well as something that is most meaningful and useful to EPA.

MS. CATRON: Just a couple of quick comments. I am glad that we are having this discussion about the clarification of the letter. And I think that that is really important. I had just kind of nodded over to Sue that said, I will help you. So I wanted to be clear about that, that everybody knew that I volunteered to help Sue on the letter, specifically.

But also, I think that we really, hopefully, have a lot of input into this working group that will be formed after this. Because I think tribal perspective on that is so, so important and getting the right person on that working group -- I don't know that it is me, necessarily, but being able to assist in finding that person, I think, is really important.

So, thank you.

MR. MOORE: Okay.

MR. MELANSON: Charles, on your last point, I just wanted to stress the importance, I think, in my mind in being able to clarify what the intent of the workgroup is and what the outcomes would be. And maybe that is what we could also clarify in the letter.

And, again, if it is ultimately not to get to an endorsement, but just to be able to provide input to the formation, and development, and evolution of the EJSEAT, to me, that would be helpful. To make sure that there is fairly clear purpose behind the workgroup.

MR. LEE: Well, you know, I think that is a really good point. Which is why we didn't want to kind of willy-nilly set something like this up. And I think that the larger frame for this is what Lang said, it is that larger piece in terms of forward motion and about programmatic integration of environmental justice that results in better, or improvements in communities.

Within there are a lot of different aspects; one of which is EJSEAT. So we need to think about how we structure that. I think that our articulation -- your articulation of whatever sense that you have around purpose, or so forth, is a good thing. When it comes down to us, we need to have a

charge that results in some kind of output from the NEJAC.

Because there is a performance measure that is there in terms of, you know, you are not accountable for this. But remember I told you back in February, Victoria and I are accountable for what comes out of this. You know, this body, those are recommendations. That is your output.

And that is going to be evaluated on how much impact it has in terms of agency, policies, practices, programs, behavior, et cetera. So that is why we have got to think it out very carefully.

MR. MOORE: Okay, Kathryn.

MS. BROWN: It is probably a question regarding procedure. In the writing of the letter, and the fact that we are not going to be together again until I don't know when, will we take the time to build the consensus necessary for this letter to go forward? Otherwise, given the discussion yesterday, and some subsequent discussions, the letter could end up being so watered down as to not have much substance to it.

So I guess the question is, how does this play out via e-mail and phone calls, and so forth? Since I don't have history here, what has been the precedent for writing a letter like this?

MR. MOORE: Charles?

MR. LEE: I mean, there are a lot of different ways you can go about doing this, but I think based upon Shankar's suggestion, is that Sue take a stab at writing the first draft. You know, with help from those that have said that they wanted to -- I mean, particularly, Veronica, who is a co-chair prospectively of this workgroup. And then it will be shared for comments, as well as additions, or whatever.

I mean, I think that the one thing that I would caution is that there is a time element here. If this doesn't go to the Agency in a timely manner, you know, the momentum that this meeting created is going to dissipate. So, you know, you give Richard and Sue the kind of deference in terms of how to frame it, how to phrase it, how to capture it to the best extent possible, the things you want to say.

MR. MOORE: Okay, now I think --

MR. LEE: Oh, I am sorry. And then, of course, you know, once they have a draft, it is going to be shared with you for discussion in a public teleconference around the middle of October, if you agree to that.

MR. MOORE: Now, let me just get a point of clarity, Charles. On the teleconference, will the teleconference -- and I may not be using the right language -- but will the teleconference be an open teleconference like we had before, or is this a business call, or whatever, of the NEJAC Council

members?

MR. LEE: It is an open teleconference. It is a public teleconference. No matters of substance that the Council discusses can be done without it being in the public.

MR. MOORE: Kathryn, did that help to clarify?
Okay, Donele.

MS. WILKINS: Just real quick on two things. The health conference is next month, 2007 October? The health conference?

MR. LEE: The teleconference.

MS. WILKINS: The teleconference. Senior moment, I am sorry. I am sorry, I was like what do they mean by that?

And I guess my sense of urgency -- and I just really want to put it out there -- but I understand the Agency has been working on this process for four or five years, and we are being asked, you know, look, respond really quickly to something that folks have been kind of working on for four years.

And I am just saying that, and I don't want it to be obstructive or anything, but acknowledge that it is not unreasonable to say, hey, maybe we don't want to just too quickly jump in there. And given the spirit of Kathryn's comments about full engagement, meaningful engagement in this process -- and truly wanted to model that, given that we are

NEJAC -- that that is why I am feeling the sense of urgency. But it really doesn't sort of equal the amount of time.

And I do understand people have been working on something for four years, or whatever or more. And so they are like probably ready to get this thing over with. But we have been sort of pulling to the process for some insight, or whatever, to the product, and for that reason, I am feeling like, okay, let's give it the time it deserves to chime in on it.

MR. MOORE: Sue.

MS. BRIGGUM: Yes, I think I hear exactly what you are saying, and I think that is why we are thinking of the two-phase process, which is the initial letter is not an assessment, it is a we really appreciate the fact that you have brought this to us, it is really important. We commit to spend the time in order to give you very useful advice.

And I actually copied down the phrase you used because I thought you captured very well the approach we would take in terms of encouragement. That it was a valiant effort to create the uniform process. I think that was very well phrased. We add that.

But at the same time, you know, the commitment is there that we are going to take the time that is needed to be valuable to you rather than just quick.

MR. MOORE: Okay, Shankar.

MR. PRASAD: Coming from another agency, --- to different here EPA. It might have taken them four years or five years, but until they themselves, or we as agency folks, are satisfied in its draft form to share it out, we do not know how many bugs it had, how many internal issues they had, or the datasets that they had to -- so it takes its own time before it is put on the public in its draft form.

So, I wanted to make sure that just because it was there in the four years in the works, does not mean four years back we should have told that they are going on this process. And we know very well also that unless we put something in a concrete form outside, we may get 400 ideas, but you need those 400 ideas to be put in some context.

So it is always easier -- what we have noticed is something to put on a draft form outside. So I think it has taken ---, I may be wrong, but that is what I perceived. Is it has taken four years to come to this draft level.

MR. MOORE: Okay, now we are going to move. I don't want to dive back in there too deep, okay. But I do, the sense of the spirit that has been expressed I think is very, very important.

You know, the comments around the four years, and the four years of work, because part of what happens and we

know that is people really start feeling ownership. And then you create a working group, or whatever, and then here comes the working group. And we are going to engage.

So, we may agree on some things, and we may not agree on some things, but the point of the matter is is that, if we are going to do it, we are going to engage and we want to be full partners in the process of engagement.

So I want to respect Samantha and the others who have worked on it, but we are going to engage in the real sense. Charles.

MR. LEE: Just two things. There was recognition on EPA's part of exactly what you said, Donele, is that this is going to require a long extended process. And it would be wrong to push anybody into trying to make any kind of assessment.

And that, I think, it was said about how we would like to see the NEJAC be a partner in the development. And there is a lot caveats, and restrictions, and other kinds of issues in terms of any number of issues. I don't want to enumerate, but fundamentally be their partner as this thing moves along into the future.

The second thing is that some kind of statement, you know, in terms of the beginning of initial thoughts, is very helpful to us for defining the charge for how we want to

conceive what this workgroup would look like. So that would be, I think, a real value. So, yes, so those are the two points.

MR. MOORE: Okay. Kathryn, and then we are going to move it on. Kathryn.

MS. BROWN: Just so I don't have false expectations about the letter, Sue, will the letter go beyond what you just mentioned? I guess I had envisioned that the letter was going to sort of summarize some of the issues that were discussed yesterday, and not just say, long-term, we want to make this part of a workgroup agenda.

MS. BRIGGUM: My thought is that the draft that I will take a crack at for people to look at should be longer rather than shorter. Because if you start short, then it is a lot of work to get -- and if you say, you know, it is too much detail, forget it.

But my thought was you would have the general concept, and then you would have, I heard in the discussions yesterday some kind of what seemed like fundamental issues with regard to it. You know, what is the goal, things like how will it be used to enhance environmental justice, and how will we avoid having it used as something that is exclusionary and impedes environmental justice rather than advances it. That sort of thing.

And then I thought we might, perhaps, have an appendix in which we say, our initial discussion, and please don't take this as our recommendations, it is a list of observations that people had upon first familiarity with this. Which are offered in the spirit of showing you that we are really committed to being helpful.

Because then, everybody that said something that was important for us to capture will be able to express that. But at the same time, we need to hash all this through. And it may be you say, you know, this is just getting too complicated as we get the list, but I thought we might try that with a start and then see how much of it people feel comfortable with.

MR. MOORE: Okay, so we are ready to move that one forward. I think we have agreed to that.

Okay, now then the next piece that we started engaging on, we had Veronica and Sue that have volunteered to co-chair this particular working group. And then there were some Council members that said that there was some willingness also to be on the working group.

I know there may have been some others that just didn't step out there at that moment because that wasn't a discussion we had. So we are going to have it right now. My suggestion is though, is that we stay within the Council

discussion in terms of potential volunteers for this working group.

Because at least from my opinion, I think additionally when we talk about bringing additional people on, I would prefer -- at least for me, I think, we need to have agreed on the charge. Because the charge is going to help us to look at then what broader representation that could be in the working group.

So, can we at least agree on that piece, and so then we will -- Charles?

MR. LEE: Yes. So that everybody understands all the issues that are involved in this, I would like it to -- you know, you don't have to, but I would like it for you to have volunteers with the provisos that after the charge, you look at the entire pool in order to get the best people.

The reason is this. We only have a limited budget and so if we say -- we can't carry a 25 people workgroup. It is going to be a small group. I mean, to be quite frank, we are going to increase this to two meetings a year, that is a significant cost every time we have a meeting.

MR. MOORE: Okay, so we have agreement on the chairs, if I am correct. I am saying it, and if I get no responses back, then we will move to the next one. So, thank you Sue and Veronica for volunteering to be the co-chairs of

this working group.

Okay, now who again said that they would be interested under keeping in mind the earlier discussion we had with the Goods Movement Working Group, in order to engage and do all those things we are talking about, those that volunteer need to be real participants in this process.

So, now who are some of the people that started to do that? Donele, Jolene, and then Shankar. Okay, I am sorry, I did it. You guys volunteered from what I remembered. You folks. Okay, Shankar and then Paul.

Okay, let me just see for a second, Jode, if those are comments or if those were volunteers. Okay, they are volunteers. Okay.

MR. LEE: Paul, Jode, Shankar, and Sue, and Donele --.

(Pause)

(Members speaking without turning on microphones)

MR. MARSH: Well, I am sort of in that category you described of people who might well be interested, but want to see the charge first. So, put the parenthesis around me. And as we develop the charge, I may well want to be involved.

MR. PRASAD: I also might want to say that I am interested, but at the same time, I might be delegating an appropriate person from our Agency as well. It may be me or

making a recommendation from ---, who would be the right person to do it.

MR. MOORE: That would be the other category.

MR. PRASAD: Okay, then I will do it.

MR. MOORE: Okay, so we have got that. So what next? What next, Charles, do we need to do?

MR. LEE: (Microphone not turned on) I am sorry. Shankar, Paul, Jode, Jolene, Donele, and Lang with an asterisk. Is that right? I didn't miss anyone, right?

MS. ROBINSON: You forgot Donele.

MR. LEE: Donele. Donele I did get. No, no, I did not. No, Donele, you are unforgettable.

Now, the next step is this, we just need a quick motion to approve setting aside the bylaw requirement -- the present bylaw requirement that there is a 30 day review of recommendations. Okay, and that is just a quick administrative matter.

MS. HENNEKE: So moved.

MR. MOORE: Okay, all in agreement?

(A chorus of ayes)

MR. MOORE: Okay, it was unanimous.

MR. LEE: The next thing is this. In preparation for this, we had established a schedule. This is ambitious and we want to make sure we get agreement. There is a

requirement for a 15-day notice in the Federal Register. The first day that we can actually do that is -- that it will be printed right -- Victoria, we are going to submit it as soon as we get back to the office -- is September 27th. That gives us 15 days, hence, it will be October 12th.

And so that, I think, is a Friday. So the idea is sometime shortly thereafter, the letter can be processed and sent.

MS. ROBINSON: Right. And what would happen in the interim is that the de facto or ad hoc group would prepare the draft letter, send it to all the members for them to be able to have that in advance of the call. You can then individually submit your comments back to the ad hoc, to Sue or Veronica, so they can have some of those in advance, and then have the public call thereafter and we can actually review officially and approve it at that time, if you desire.

MR. LEE: Okay.

MR. PRASAD: Are you suggesting that we are obligated to provide our comments to Sue only in the public forum?

MR. LEE: No.

MS. ROBINSON: No, no. No, you can do that in the interim, provide those comments to them if you want to prior to that. And it is recommended if you want to, so they can at

least be considering them in preparation for the call.

MR. PRASAD: But on the other --- part, we are going to share a draft among all the members and we will give it back to her. So we will have a draft that is kind of -- which will be public down the line.

MS. ROBINSON: Yes.

MR. PRASAD: But she will have prepared a draft form, which includes our draft comments? Or, are you suggesting that she has drafted some, and so we would submit comments, but then --

MS. ROBINSON: Right. So that when we have the public call, hopefully, her draft will reflect your comments that you submitted.

MR. LEE: The question speaks to the point of can members submit comments outside of the public context. And so the answer is yes.

MR. PRASAD: And will the public be seeing the final draft, which kind of almost includes all of our comments and what she has ---.

MR. LEE: Right. I would suggest that sometime that Sue and Veronica can decide, but early in the process -- as early as possible -- send it to you in a reasonable time to make your comments back, and then get it back out to you with enough time for you to really think about it. And then have

the public teleconference. Is that right?

MS. BRIGGUM: Yes, I think the confusion is, Shankar, we don't have to publish in the Federal Register or send out the document, we need to discuss the document in public. We have never done that. No advisory committee has ever considered that to be part of the obligation, is it just that as we talk through it and everybody will say, huh, Sue, you did a really lousy job with that comment I submitted. Could you do this instead? And everyone will hear and have the chance to hear our deliberation. Hopefully, there won't be too many of those.

MR. MOORE: Okay, Charles, keep going please.

MR. LEE: Okay, in terms of process, right? I mean, the only thing that you may want to do, and that is really up to Sue and Veronica, did you have dates that you had in mind in terms of when you wanted this out to the members?

MS. BRIGGUM: I will get Veronica a draft on Monday, and then she can turn it around and then we will get it to you Charles, ---. And, Richard, of course.

MR. LEE: The thing about this is that we were going to provide you some notes as far as what was said. And so that we need to do by early next week. I mean that, of course, is with the understanding that as you get it, the first draft, that that is going to be a partial and you can

add in others.

I mean, I think the other thing to recognize, and I hope that you will give deference to your chair and the drafters, is that it would be more helpful to EPA if they were not a long list, but they would be summarized in such a way so that it is reasonably concise. Because remember, this is not -- I don't think we all -- we saw this as the exhaustive list of all the issues. But some of those that are most important at this point for us to think about.

MR. MOORE: All right. So was there anything else?
Lang.

MR. MARSH: Just a question. Are we setting aside the 12th at this point for the call? Should we put that a hold on our calendars for some part of that day?

MS. ROBINSON: I think right now, by the beginning of the week, we should be able to give you a better date. Because I need to sit down and talk with Sue and Veronica to get a sense of their time table. But around that time, Friday the 12th is not a good time, usually. A Friday is not a good time.

It may be early the next week, or something, depending on the availability and stuff.

MR. MOORE: Okay, Charles, are we prepared to move forward?

MR. LEE: Sure. I mean, are you guys in agreement with ---? I mean, are you prepared to move forward?

MR. MOORE: I think we are ready to move forward.

(Pause)

MR. MOORE: Okay, so we are prepared to move forward, we agreed with those points. Okay, all right.

Now we are going to move to the next item. Tim, we really do appreciate you hanging I there with us. You have been in NEJAC meetings in the past. We usually always stick on time, and we are always -- all those kinds of things. So, Tim is going to -- I think many of us here know Tim throughout the years. And Tim is going to engage us in a discussion around the EPA-EJ Awards. Welcome to the NEJAC.

EPA EJ Awards

by Timothy Fields, Jr.

MR. FIELDS: Thank you very much, Richard. I appreciate the opportunity to talk about this program and environmental justice, recognizing champions in various stakeholder groups for their efforts to do great things in communities around environmental justice.

I am going to briefly go through the slides, I will be happy to discuss any questions people might have about this, so we'll move forward. First slide please.

(Slide)

The overall goals of the Environmental Justice Awards Program are to, first, promote positive behavior on environmental justice issues by all stakeholder groups. That includes communities, business, government, everyone involved. That is what one of the major goals is to recognize major environmental justice achievements, document environmental justice models of success.

Charles mentioned the very first day the need to continue to document real success stories so others can emulate that behavior. We want to encourage environmental results, that is the bottom line. You want to achieve some reduction in emissions, pollution prevention, other environmental results, and sustain those results in communities.

Encourage collaborative problem-solving, get people talking together, working together, to address EJ concerns in their communities. You can do more together than you can alone.

And lastly, we want to communicate environmental justice achievements to both internal and external stakeholders for EPA.

(Slide)

This program started this year in January. Toward the middle of January, EPA issued a call for nominations for

one stakeholder group, namely business and industry, to receive nominations for an Environmental Justice Award for significant achievements by business and industry in their communities where their facilities might reside.

Nominations came in by the end of March, which was the deadline. The best nominations were reviewed, pursuant to the EPA criteria, which I will talk about a little later. And the best nominations were forwarded to the Environmental Justice Stakeholder Panel.

That panel consisted of Richard Moore, Sue Briggum, Veronica Eady, were all participants in that panel. The panel met, seven people all together, on July 18th to review the nominations. That panel made some suggestions on which were the best nominations among those.

That set is now being reviewed by EPA and headquarters, and the plan is to try to complete that process for the Business and Industry Environmental Justice Achievements Program sometime in November '07.

(Slide)

We learned a lot this first year about what to do and what not to do. We learned, first of all, that we need going forward with Environmental Justice Awards, you want letters of endorsement, or support from appropriate stakeholders for the nominations that do come in.

Some nominations we got had endorsement letters, others did not. We think we want to have this be a requirement for all nominations. We want the nominations to explicitly address compliance with all appropriate EPA selection criteria. There were six criteria, some nominations said how they addressed EPA criteria, others did not. We want to make this explicit in the next round of nominations.

We also discovered that we had to go back and consult with EPA regional personnel who had been here at this meeting. Deputy regional administrators, deputy assistant administrators in some cases, EJ coordinators to really -- because a lot of the regional staff, particularly, have been actively involved with these communities and have some input to provide to the awards process that we want to capture.

EPA headquarters needs to conduct appropriate reviews and screens of top candidates. In the case of business and industry, it involved an enforcement screen, or occupational safety and health screen to make sure that that company was doing things the right way.

We also saw that we needed to have EPA do selective telephone verification of contents of nominations. You can't always believe in the nomination package unless you do some independent verification of the information contained therein. So, we saw doing this initial awards process that those

elements that you see there needed to be included as well, going forward into the future.

So, with that set of lessons learned, the 2008 Environmental Justice Awards process for all stakeholder groups is built upon that set of lessons learned.

(Slide)

The stakeholder groups that nominations will be requested from include the following six categories. And they are all represented on this NEJAC Council today. Academic institutions will be requested to provide nominations; community-based organizations -- and, Richard, that would include networks as well; industry and business; non-governmental and environmental groups, organizations; state and local governments; and, tribal governments and indigenous organizations.

Those six categories of nominees would be requested to provide appropriate nominations with appropriate documentation that are contained in the nomination package that will be sent out by EPA.

(Slide)

The selection criteria. The nominated entries that do come in will have to demonstrate that they have made significant environmental achievement over a five year period. It is not just a one-time, one-year event. We want sustained

achievement over a certain period of time. And EPA has deemed that to be about a five year period.

The accomplishments will be evaluated with respect to six criteria. First, innovation. I will give you a little bit of background about what these criteria are.

Innovation would involve innovative approaches, unique accomplishments that a particular organization has achieved in the environmental justice arena.

Community responsibility is another criterion. By that we mean how has the organization demonstrated responsibility for going the extra mile to achieve public health and environmental protection in their community.

Community equity and public involvement, we are looking there at how has your organization involved the community and the public in addressing environmental justice issues, have you demonstrated equity in addressing contamination or other problems that may exist in your community.

Partnerships and collaborations, pretty self-explanatory, but what types of partnerships have been established by your organization to address the issues that are of concern from an environmental justice perspective in your community. How have you collaborated with those other partners, how have you worked together with them to achieve

environmental results.

Integration, we are talking there about how have you as an organization integrated, or institutionalized environmental justice considerations into the fabric of your organization in terms of how you address problems in your community. Have you developed an environmental justice policy, have you conducted environmental justice training for members of your organization, have you put in place other procedures that ensure that throughout the company, environmental justice is an ethic that you practice within your organization. Whether it be an environmental group, a community organization, a state government, whatever the entity might be.

And then lastly, and this probably one of the most important, have you achieved or demonstrated the potential for achieving significant environmental results by what you as an organization are trying to achieve in your community. Is that environmental result going to be sustained in the long-term, are there some performance metrics that you have established that demonstrate the effectiveness of what you have achieved to reduce air emissions or reduce environmental contamination in your community.

(Slide)

With that, the overall schedule for the

Environmental Justice Awards Program for the upcoming year is, generally, as follows. Some of these dates may change but, generally, here is the schedule we have outlined. The plan by EPA right now is to issue, publish, a call for 2008 Environmental Justice Award Nominations in late October/November of this year.

Have the award nominations due sometime in early January of 2008. Screen those nominations versus the best versus the criteria -- the six criteria I just mentioned -- and send those best nominations to the Environmental Justice Stakeholder Panel and the EPA Regions at the same time.

The Environmental Justice Stakeholder Panel may be expanded beyond what the panel is for this year. This year, we had seven members, it may need to be expanded a bit to include other stakeholder groups on that panel.

The Environmental Justice Stakeholder Panel would reach a consensus some time in March on the best nominations in all six categories I mentioned earlier, and submit those to the Office of Environmental Justice. EPA would make a final award decision on all the six categories of award nominations some time in April. And the plan would be to have an Environmental Justice Award Ceremony in May of 2008 in Washington, D.C.

So that is, generally, the plan and I would be happy

to take any questions people might have on any of this process, or schedule, or content.

MR. MOORE: Okay, Shankar, before we begin there -- and I think Tim said this earlier -- this was a resolution that was passed by the previous NEJAC Council. I think our last meeting we read that resolution. So, I am hoping that we don't re-engage in much of that discussion, because that will take us for awhile.

And then so when Tim was summarizing, then this Environmental Justice Achievement Award will be provided to the following categories, these are the categories in the resolution that was agreed upon by the previous Council, and then also, was moved on through the process and was agreed upon.

So I just want to give you a point of clarity, a reminder kind of a thing, where we are on that. And then on the community-based organizations, you hear what Tim said, then the addition, I think, to the resolution -- and I don't have the resolution in front of me -- but then would have been community-based organizations/networks. Environmental Justice Networks.

So, we are prepared for discussion. Thank you very much, Tim. Shankar, and then Omega, and Donele, and Lang. Lang, sorry.

MR. PRASAD: Tim, thank you for the nice presentation, and good to see you again, welcome.

(Pause)

MR. PRASAD: I really appreciated, but the selection criteria, when we look at how do we ensure are these related to any particular group? Because it will be very difficult for a community responsibly to be fulfilled by all these groups.

So, by default, if they do not score well on that because what their duty and responsibility might be different, they may not make it up to this final scoring because that might not be a part of their charter, or something. So, you may want to take a look at that kind of a thing, whether we want to extend this criteria, an ultimate criteria more, so that all these organizations will have these things in common.

And the other piece is the partnership collaboration we have, we promote that so much, and I think it is sort of -- its weightage on that part needs to be increased. I would appreciate your thoughts on how you differentiate this community responsibility and that community equity a little more. I would appreciate that. Thanks.

MR. FIELDS: Okay. You raised three issues. Quickly, we recognize that not all of the six stakeholder groups will be able to address all these criteria the same

way. And some will not be able to address some of these criteria at all.

That is why on slide number three, on the background, we talked about the fact that the -- I am sorry, slide number four -- nomination should explicitly address compliance with all appropriate EPA award criteria. The nomination package will make clear that a particular nominee will not have to address all six of these criteria. Some organizations may address three, some may address six.

The thing we had a problem with last time was when nominations came in, the individual nominations did not always explain which nominations were being addressed by the nomination that was being submitted. We want to make clear that that is the case.

We will look at the issue you raised on what the waiting should be for the partnership criteria, which is a good point. I can share with you, we have much more detail about the individual criteria that we have here. And rather than reading them with you, maybe I can just share with you after the meeting. We have a lot of detail and we have some examples and questions that are associated with each of these six criteria.

I didn't go through that today because of the length of time, but I assure you that there is at least a paragraph

on each of these criteria that give the nominee an indication of what we want them to address in being able to comply with that criteria.

MR. MOORE: Okay, I lost my list. Okay, Omega, Donele, then Lang.

MR. WILSON: Tim, good to see you again. My question has to do with just basic procedure. The form, the award form, plaque, certificate, --- one. The other one is the award numbers and by category one -- one awardee per category, or is it by region, or is it possible that there may not be an award in one particular category, or two, or whatever?

MR. FIELDS: I will let Charles address your first question. I will address the second part and then let Charles come back and address the issue of your first question. Regarding the categories, the plan right now is that we would get nominations in all six categories I described earlier.

The Environmental Justice Stakeholder Panel, of which Richard Moore is a member, for example, would recommend to EPA the top two nominees in each of the six categories. Okay, and then EPA would pick from among those best nominees in each of the six stakeholder categories. That includes business and industry, community-based organizations, state and local government.

And EPA would have the option though of making an award to more than one, if EPA chose. That is a call EPA would have to make next year as to whether or not they want to give out more than one award in each stakeholder category.

Okay, I will let Charles address your first question.

MR. LEE: First of all, just to amplify Tim's last point, I mean, some of these like tribal and indigenous organizations include different types of organizations. So if they are nominated really excellent or tribal government organization, and then a more grassroots organization, we would award two. Just like state and local government.

But in terms of the first question, I think the award is going to be a plaque.

MR. MOORE: I thought it was going to be money.

(Laughter)

MR. LEE: Well, we can go into a long conversation about -- you know, I went to the workshop on the fundamentals of the GAO appropriation's law. And it goes into all the reasons why you can't do that.

MR. MOORE: Okay, Omega, did we get some clarification? Okay, Donele, Sue asked to be added to the list. Lang is on the list. Donele and then Jolene we will put you on the list.

MS. WILKINS: My first question was, what is the prize? The second one, since that has been answered, is outreach strategy. Distributing information so that you can capture as many people as possible. Have you guys thought about that?

MR. FIELDS: Yes. We began to do some of the thinking already, and I will be having further discussions with Charles and others at EPA. But we want to actively reach out, we want to make sure that we reach out to all the appropriate organizations to get the word out to people about the nomination's process, and we will be using different avenues for reaching out to people.

We will use like, for example, Richard's network to reach out to certain communities to let people know, and others. We will reach out through trade associations, we will reach out to states and locals, and industry organizations. But we will, obviously, very aggressively begin to reach out to various sources and encourage them to suggest to their membership that they ought to be considering a nomination for the award.

That is the process. Just to give you an example, this year for the business and the industry award nomination, EPA worked closely with the American Chemistry Council, they worked with the American Petroleum Institute, the Business

Network for Environmental Justice, which Sue is a member of, and other organizations to get the word out about the nominations that resulted in the nomination that they have come forward. The same plan would occur this year, but reach out to a broader set of stakeholder organizations to make sure that people know about the award process and the nomination deadline.

MR. MARSH: Tim, welcome and thank you for all the work you have done on this. Good to see you again.

My question is also about the criteria. And it is always a big issue in awards of any kind, is what do you reward and what signals do you send out? And the issue I am wondering if you have thought about is where you have an organization that may be poorly funded, very small, does outstanding work, lots of innovation, and so forth, but the challenge that they face is huge and they make some progress, but they don't have a big slam dunk to show. Versus a better-funded organization that has less of a challenge, but produces a really good result.

I mean, it may be embedded in the criteria somehow as to how you evaluate the degree of challenge, but to my way of thinking, ideally, you would award both kinds of efforts.

MR. FIELDS: Yes, you raise a good point. And, obviously, that is something that the Environmental Justice

Stakeholder Panel will have to consider. And you have got some very astute people who are on that panel already, like Richard, and Sue, and Veronica, and others who will be on the panel. But those two situations do represent different levels of the spectrum and I would hope that we have enough latitude and consideration to recognize that both organizations have merit. And maybe there is a the way we can recognize both.

But there will be criteria and, obviously, the panel -- the Environmental Justice Stakeholder Panel will be relying primarily on what is written on the paper, and the endorsement letters, and how people comply with the criteria that are in there.

But we do have the latitude to exercise some judgment about really what people have achieved. And that is the importance of having the ability to reach out to, like Richard at this time, reach out to community organizations and get some real feedback about this nomination. Talk to people in the regions, like Charles and I did, to really hear how regions feel about what the organization has really achieved.

So I think that even beyond the nomination package and the application that comes in, we will have the ability to reach out to communities, and regions, and others and really get some input before making the final decision about whether or not this is the best awardee for this particular nomination

category.

MR. MOORE: Sue.

MS. BRIGGUM: Sure. Just a couple of process comments because, boy, this was so hard. Why we ever thought it would be okay to kind of do the dry run with the business applications, wow, you know, it was really tough. But probably there can be lessons learned.

One is it was very hard for me to tell whether or not this was going to -- given the five-year span, we are giving a life-time achievement award, or we were awarding a best episode. And, you know, that is really -- it sounds stupid, it is like the Emmy's, but it was really important.

Because is the thing -- do you have to have a trend in which an entire entity in a sustained way does excellent work -- wow, is that a hard, hard thing to hope that you are going to get from a large corporation that might -- I mean, you know, it is just hard. We make mistakes.

And so what happens with that versus do you have a discrete facility, or division, or kind of activity that is very innovative and positive. And there are some other awards out there, but this thing was really good. We want to incentive more of that. And that tension was really hard to resolve.

And the other was -- and I think this is really

helpful -- boy, do you not have a level playing field in terms of applications. You know, there are some well-meaning folks that can submit something that is just -- you know, they have no clue how to submit something like this. And then you have others who are enormously sophisticated, and it might be nice maybe to have more extended like mach applications. Because a lot of people find it easier to kind of look at that and say, oh, it didn't occur to me, I did this too, I should have thought about it.

And this is the level of detail and, gee-whiz, they got these people for endorsements. Because you want everybody to be able to represent themselves as well as they possibly can. So those are just a couple process suggestions, as well as to commend you and EPA with the thoroughness of the evaluation, the sense that they really had to go deep, just as they did on the Brownsfield grants, talk to community members, to make sure -- these are Environmental Justice Awards, it is extremely important that someone not just represent what they have done for the community, but those who are on the ground who work in this area say, yes, I am aware and this is a fair description.

MR. LEE: The specifics of the process, you know, it is not really appropriate for us to let people know about because we are still in the process. We have not made a

decision, and so that is -- and, basically, I mean, I guess part of this is what Sue referred to as the difficult process.

And just to put it into context, this year was an award for excellence in environmental justice for business and industry alone. And there were some issues that were raised, even from the very beginning, about whether or not that was appropriate.

And as we work through this process, we realize that that, in fact, was something that we needed to think about a lot. And I am not going to go into all the reasons, I think a lot of you know the reasons. Whether or not, in fact, it would be better to kind of have that folded into the entire suite of awards that are going to be given out next year.

MR. MOORE: Thank you, Charles. Jolene and John.

MR. FIELDS: I agree with Charles. I agree with what Charles said. I am sorry -- before Richard, just on Sue's suggestion, I think that is a good one, Sue, and we'll look at that. I mean, you are suggesting that in the call for nominations, maybe a sample nomination should be considered to be included.

MS. BRIGGUM: (Microphone not turned on) --- it would make it easier for everybody that wants to apply to say, oh, this is the sort of thing that I should be doing. As simple as possible, because people aren't doing this for a

living, we want to make sure that you are not putting burdens on them.

MR. MOORE: Just a reminder, Council members, please make sure your mics are on and you speak into the microphone for the record. Okay, Jolene and then John.

MS. CALTRON: Thanks. Yes, I wanted to just kind of second what Sue is saying, is that we don't want --- to come across as another complicated EPA grant. ---.

The other thing, and this is just kind of a whole summary of what is going on in my brain right now, and I will be really short because it is not a whole lot. But this tribal government and indigenous organizations is something that I have really been kind of struggling with in my capacity on the NEJAC as a grassroots representation of indigenous and tribal governments, and what is that.

And the thing is that this whole tribal governments and indigenous organizations is, in summary, academic institutions, community-based organization, industry and business, non-governmental and environmental groups, and the tribal government itself. So, that just -- our one little heading right here is inclusive of what is all listed above.

So the enormity of that weighs on my shoulders very heavily. And so my question to you, Tim, is if I am spreading the word about this award, and I say, you can apply, should

you apply and it is an indigenous -- or a tribal college, say -- should you apply under academic institutions, or do you specifically apply under tribal governments and indigenous organizations? And how does that representation kind of work its way out, I guess?

Or because this is kind of one big global topic right here, does that include anything tribal?

MR. FIELDS: Well, I would recommend that if you have indigenous organizations who want to be considered for an award, and they may also have an academic institution associated with them, you should just note that in the application that we are an indigenous organization, we also provide academic training as well. Include that in your nomination package, and you could indicate that you might be someone who should be considered in a couple of categories, for example.

MS. CALTRON: Thanks.

MR. FIELDS: Charles indicated earlier that most likely there will be an intent to present an award to a tribal government, and at least one indigenous organization. That would probably be two separate awards. But, recognize there may be some overlap.

And I recognize that some indigenous organizations are, obviously, community-based organizations as well. So, it

may be some overlap, but I think we, and the panel -- the Environmental Justice Stakeholder Panel -- will be able to consider all that and make a judgment as to which category fits your situation when the nomination comes in.

MS. CALTRON: Okay. And just for clarification, tribal colleges are accredited nationally, so they are institutions of learning.

MR. FIELDS: Yes, good.

MR. LEE: Yes, I mean, I think the intent of that -- I just like the intent of the NEJAC having created a tribal and indigenous organization category is not to pit tribal and indigenous organizations within other organizations in that larger category. And how we addressed that is like what Time said.

I mean, I know that there has been tribal and indigenous persons, representatives, who actually were in that category, serving on the NEJAC.

MR. MOORE: Thank you. We have John and then Paul.

MR. FIELDS: I would just add to your question also, I would just encourage, Richard, the NEJAC membership - we were talking about it earlier, the question of how we get the word out. I would hope that the NEJAC membership is represented in all six of these categories we have here for the organizations that could receive the award.

So, one obvious source of getting the word out there is the NEJAC membership itself to let people know about the upcoming award call for nominations. And to encourage people that feel they meet the criteria to submit nominations.

MR. MOORE: Exactly. Thank you, Tim. John and then Paul.

MR. ROSENTHAL: Two questions, Tim. Number one, can you give us the rationale for excluding the Federal Government as a category? And the second question is, can people apply in two separate categories?

MR. FIELDS: The second question first, because that is easier. Some people that nominate, or that are nominated - - there will be self-nominations, and there may be others who are nominated by other parties, if you will. Some people who are going to be nominated for this next set of awards will fit into more than one category. But I think the EPA Environmental Justice Stakeholder Panel and EPA will have to conclude what is the best category for you to be considered for an award in.

You know, if someone -- just like the example we just talked about, where someone might fit into an academic arena, but also be an indigenous organization. But, yes, that can happen. That is not a problem, and it may occur.

MR. ROSENTHAL: But does that mean they can only win

in one category?

MR. FIELDS: It doesn't mean they are going to win in either one, it just means they are being nominated and they will be considered. And EPA will make a judgment at the time of the award decision as to which category they best fit into, and which award they ought to get. Whether it is the award for an academic institution, or an award as a community-based organization. I mean, that is a judgment the EPA will have to make at the time of the award decision.

MR. ROSENTHAL: But they will only be considered in one.

MR. FIELDS: Yes, they will be considered for an award.

MR. ROSENTHAL: But in only one category.

MR. FIELDS: Yes. In the final analysis, they will be considered in one category or the other. A judgment will be made by the Stakeholder Panel and EPA as to which category this particular nomination best fits into. And they will be given an award.

EPA, you know, has in the past -- and that is strictly, as Charles has indicated, that in some categories, it may be that EPA gives out more than one award. Like we talked about tribal governments and indigenous organizations. It may be that two awards, or three, I don't know what the

right number would be, would be appropriate. That is a call EPA will have to make.

It may be that the nominations are so good, it may be in some categories EPA may give out more than one award to an outstanding nomination that may come in.

MR. MOORE: Paul.

MR. FIELDS: Thanks for the question.

MR. ROSENTHAL: But what about the Federal Government piece?

MR. MOORE: Yes, I am sorry, John.

MR. LEE: Let me answer that one.

MR. FIELDS: Yes, I will let you. Thank you. Go ahead.

MR. LEE: How this evolved was that the recommendations from the NEJAC identified these categories. And it didn't identify Federal Government agencies. And so that is how they were ---. I guess the follow-up question is, why should or why shouldn't they?

MR. ROSENTHAL: Right.

MR. LEE: So we have to look at that.

MR. FIELDS: And just to add to what Charles said, these six categories, John, are the organizations that are represented around the NEJAC table. Federal Government is not a member of the NEJAC, as you know. So, since this was a

recommendation, as Richard said at the very beginning, they came from the NEJAC, this Council. We thought that the stakeholder group that we focused on would be those representative of the NEJAC. And this is what this is, but Federal Government organizations were not included for that reason.

But, obviously, as Charles said, that is something to look at for the future.

MR. MOORE: Paul.

MR. MOHAI: Oh, thank you. I have two questions. And you partly answered one of them already, and that is what input are you seeking from the Council? And you mentioned one thing, is how do we get the word out? We represent various segments, various institutions, and so on. So I would be interested in also knowing if there is any other input that you are asking the Council for.

And the second question is, I guess I would like a little more clarity in terms of where in the process this is. It sounds like from what you said, Charles, that it is still in development? I don't think you used the word pilot, I think it sounds like the decisions have been made, and there has been a lot of what has already gone on in it and has been put into developing the program.

But is it correct to say that it is still sort of in development?

MR. LEE: Well, no. I don't think that is the right way to characterize it. In response to your first question, I think the input for the NEJAC is going to be an ongoing one. I mean, there is several questions here that just come with the idea of having awards. I mean, awards, if done correctly, are a great way to incentivize positive behavior and to reinforce lessons learned. But, they also create a lot of issues.

You know, as you know, identify in an industry organization for an award is just difficult in and of itself because there is just going to be somebody that has an issue with some aspect of a company. In terms of, to be quite frank, if you have an organization, you have many organizations, there is always issues having to do with competition and, perhaps, ill-feeling. And those are real things in the real world.

So these are ongoing issues. And the other ongoing issue has to do with linking, being able to better clarify what the goals are in terms of what kind of positive behavior we are trying to promote. And then how do you structure a process, particularly, in terms of the criteria that help, that manifest that. So, these are just two things.

In terms of the specific process, I think, earlier this year EPA announced an award -- a call for nominations for an award in business and industry -- you know, Tim said that a number of people here actually served on the award panel, and the can all attest to the fact that this has not been an easy process.

And not to go into all the issues that are involved there, but one of the issues that kind of came out was, perhaps, inadvisability of having a business and industry award; particularly, on environmental justice. The first award on environmental justice, be a business and industry award alone.

So, because of that, we are thinking about, perhaps, then folding that whole process into next year. And that would be a much more advisable thing to do. I mean, I can't go into the specifics because it is an ongoing process, but that where the process is.

MR. FIELDS: And just to add, I think that the Council can continue to play a critical role. You know, we talked about the call for nominations, helping get the word out, but also the Stakeholder Panel. The Stakeholder Panel will be expanded beyond Richard, and Sue, and Veronica that were on the panel this year.

We may request another member or two of this NEJAC

to serve on the Environmental Justice Stakeholder Panel, for example, to help review the best nominations that do come in.

We also may ask the membership of the NEJAC to give us some input on some of the finalists for the Environmental Justice Awards in the various categories; because you, obviously, will have some views on some of the best nominations that are in. And this group could be a sounding board to get input to EPA on how a particular nomination is viewed by other stakeholders that you know about and represent.

So, I agree with Charles, there are a lot of ways in which this Council can play a very critical role in ensuring that the award winners that are picked have the right credibility.

One thing that Richard said in the very beginning, which I think is critical as we had the first Environmental Justice Stakeholder Panel meeting, is that we have got to make sure that the resulting process is credible. That is critical. We have got to make sure that the award winners that are picked by EPA -- and I know Charles wants this -- have the appropriate credibility to receive this very important award from EPA. I think the involvement of the Council can help ensure that.

MR. MOORE: I just wanted to make sure, Paul, are

you still up there or is the card just up?

MR. MOHAI: No, that answered my question. Thank you very much.

MR. MOORE: Thank you. Sue.

MS. BRIGGUM: I am glad to hear that there is more deliberations on the process. I mean, I was on the NEJAC Workgroup that came up with this idea of the awards to begin with, and I have to tell you, it was not a very sophisticated concept. We kind of said, oh, let's incentivize good behavior. And then we just kind of moved on.

But we didn't really think about the difficulties. And the business one was hard, but boy, imagine if you were doing like grassroots community groups, and networks. It makes my head spin to think about how hard it would be.

I mean, because after all, these are the people that created the environmental justice movement. And there are a number of dramatic individuals in our organizations. And they have done different things. Sometimes there has been powerful and dramatic, and direct action, and it has really changed.

Other times, there have been people who have like changed the world in terms of small ways that they just made so many people's lives better. And there are a lot of them.

And the one thing that I worry so much about is that in creating an award that makes one group happy, you make

other people feel bad; especially, if there is any potential that there might be criticism from those who didn't get it.

I know you really wanted to hear about more complications with regard to this, but the whole point was to make people feel good about advancing environmental justice and the details of how you fit that into an award system, we just really never imagined.

MR. MOORE: Thank you, Sue. Charles, if you had a comment, then I want to move us on, because we are definitely -- we are going to lose two more Council members, I think, at 1:45. And I just wanted to make sure that we get these last couple of pieces in there.

Tim, we thank you very much for your assistance in all of that. It is always great having you hear at the NEJAC meetings, and NEJAC Council meetings. Thank you.

Okay, I evidently made an error, just in terms of the Goods Movement Working Group. There is two pieces that -- there is a piece that we didn't have on the agenda, or we didn't move forward in terms of the other members of the working group.

And I just wanted to -- do we have this piece? And then from Lang and Greg. And I really do apologize, when we were doing that, moving forward in that discussion, we should have had the input from the both of you in terms of the Goods

Movement Working Group.

So I just wanted to open up that, and then we are going to close with just emerging issues. And Chuck left a note that he asked if I could read to the Council particularly around emerging issues. So we are going to engage in some discussion around emerging issues, and then we are going to close out and everybody get back home, and so on. Lang and Greg.

Continue Goods Movement Workgroup Action Plan Discussion

Comments

by J. Langdon Marsh

MR. MARSH: I guess I just wanted to maybe bore down a little bit on the principles that were in the framework. Kathryn asked a question about it, and I wanted to assure that it is all in the context; not only of environmental justice, but more specifically on how to reduce emissions from the Goods Movement process that have a disproportionate impact. So I am sure we will make that clear as we write the report.

The other thing that I wanted to emphasize is that the reason why we think collaborative problem-solving --- governance is so important is that many of the recommendations that we will make as a workgroup and, ultimately, as NEJAC will require on the ground implementation. And on the ground implementation will require the bringing together of the

sufficient resources, financial and otherwise, to get the job done.

Whether it is some kind of big regional issue that requires technology adoption by some sectors of the Goods Movement industry, or whether on the community level it is investment in local infrastructure, and traffic management, and land use, and so forth and so on.

That the purpose of this -- kind of to follow in the Administrator's definition of collaboration -- is to secure the necessary resources to realize public health and environmental improvements. So the emphasis is on action and what system do you need to get the action.

So, I just wanted to put the principles in front of you briefly. They are just one possible model of how we might proceed.

(Slide)

And rather than get into the discussion of the wording, I really would like feedback on whether the way we are thinking about the implementation is on at least three different levels.

The national, where there may be some recommendations we'll make about changing national rules, or whatever.

The regional, which can include the state or a

multi-state, or multi-jurisdictional area where there is some policies, or technologies, or rules, or whatever, can be put in place at that level to implement the recommendations.

And then on the community level, where you have issues like land use, and the development of infrastructure, and -- well, not only zoning, but other kinds of land use techniques that might be useful to minimize or eliminate the differential impacts. That those two, the regional and the community, need different kinds of collaborative processes in order to get to implementation.

So, what I would like feedback on is whether we are thinking about the regional and community things in the right way, is that the right way to think about it? And number two, are there any other suggestions for, or things that are left out, possible implementation needs that are left out, by defining it that way?

I did not really get in this framework in to the national discussion because there are so many rules around how you do national policy. You know, rule-making requirements, and so forth and so on.

And lots of different methods out there for getting public input. So this is really about how to bring community people to the table to help adopt and resolve regional and community level problems related to Goods Movement.

So if we could have a little bit of input on that, I would appreciate it.

MR. MOORE: Okay. Then we are going to go over to Greg. Joyce.

MS. KING: The thing I have been struggling with sitting on the Goods Movement Workgroup is we are talking about communities that have the ability to be mobile. You know, you have communities like South Carolina that are considering leaving their area and moving to a different location where the impact won't be so great.

When we talk about Indian territory, we are not going to move. This is our land by treaty, this is our land that is given to us by the Creator. We are not going to be moving.

So, when a facility expands and impacts on an Indian territory, we have to take the consequences of those impacts. And we are going to live there forever. Our territory is protected by treaty rights, and also by federal legislation.

So that is one of the things I struggle with. You know, you can move communities, but I don't think you can move Indian reservations.

And Shankar had asked me what if an Indian Tribe wants to move? I don't know if an Indian Tribe would want to move. You know, the land is just so sacred. And when I say

Indian, I am talking about the ones where the blankets, not the sheets.

(Laughter)

MR. MARSH: What I should have said at the outset is that the work that Omega has done is, and needs to be, completely integrated with the decision-making process. And I really, as Kathryn said, I think it is important that we put them together in some fashion.

But it is extremely critical to this process that the community folks have the capacity to participate in these decision-making bodies. So the community facilitated strategy that Omega talks about is sort of an essential part of this, without it being yet recognized in what we have written.

MR. MOORE: Kathryn.

MS. BROWN: Lang, the issue of national level here, it is interesting, because that was one of my notes in this section. I understand why you are not putting it there, but I think you need to explain why it's not there because it is glaring in its omission, I think.

And while we are here, the technologies are under regional strategies and, I guess, as a group as a whole, it would seem to me that is something that you might push a little more is what are the new technologies coming on-line, and how could we think outside the box about those

technologies.

And I guess on this, it is the second slide that I had with th stuff that was sent out in advance, where does business fit in here? I mean, if business and industry is to be a partner in the process, are they national, are they regional, are they local?

So, maybe we ought to think about how that entity fits into this slide.

MR. MARSH: Okay, well, on that third point, absolutely, they fit in all three. And not only businesses that are kind of part of the problem, but also businesses that may be able to bring some solutions or resources to the table to help resolve a particular problem.

For example, at a community level, it might be the real estate development industry would have a critical role to play; although, their part in Goods Movement may not be considered as major. Although, they benefit from it, certainly. So it is a very inclusive kind of thing.

And, certainly, on the national part, I agree. I just put it in as a footnote, basically, but it needs to be explained. And if there are ideas that we come up with about how to enhance national collaborative approaches to resolving issues, then we should, certainly, have the opportunity to do that.

And the third point I have forgotten.

MS. BROWN: It had to do with the businesses, which you spoke to. But I would not leave that to change. You say it is implicit, I would specify. Because I wouldn't assume anything here. Because in some ways, you are thinking outside of usual -- you know, this isn't business as usual. So, I would be more specific than less.

MR. MARSH: Oh, I remember what your third point was now. It was about technologies listed. Those were there as kind of dummy examples. What we need to do is to incorporate the specific technology recommendations that are in separate documents into this.

MR. MOORE: Omega.

MR. WILSON: Yes, I would like to respond to a couple or three things here. One is, of course, the work that Lang has already done, and the community involvement part, because we are working on two different areas.

And we had a discussion very early on in the workgroup about definitions, and defining, understanding. And, of course, I did a little background research around community involvement. And it was determined that community involvement from the point-of-view of EPA is, basically, community involvement from the EPA down.

And my initial understanding when I took on the

charge of taking a look at what community involvement was, and what we wanted to do with it relative to the Goods Movement is, the assumption was community involvement had to do with community.

But it does have to do with community, but it has to do with making sure that EPA, government agencies, are responding to community needs. That we have public meetings, there is participation, that there is notification in a timely fashion, that you bring resources and materials to them.

However, it does not include community facilitated strategies, which is something I added in here as a whole other area. It is just interesting that the process in the past has been structured from the government agency out, rather than the community up.

We know that there are some things that this process can encourage, and some things it cannot encourage. And there are some things that will happen in a community years ago that created the environmental justice movement in itself.

So, we don't want to make the mistake of making the community facilitative process, which identify in a new language to distinguish from community involvement. Because there is a policy already written by EPA in 203 that I identified in here.

The community facilitative process already includes

the things that communities do. And Richard made note of this, and he did it in a humorous fashion about the kinds of things that communities do to get a point, like chaining yourself to the bannisters, and the fire escape, right.

Those things are not necessarily endorsed by EPA, but they are realities. Litigations, law suits, the community meetings that take place in communities as individuals that you never know about that brings me to the table so my agenda is not set by you, it is set by what is going on in the community.

When I talk about collaboration in this part of community involvement, I am talking about collaboration from the community point-of-view. When we talk about community facilitated strategy, we are talking about what the community decides it is going to do in response to what the government has put in front of them.

What we have not done, or what I have not seen writing, is recognition of what the community's rights are for civic engagement. And those include protests, demonstrations, city council meetings, response to public hearings, doing its own research, White Paper, public comments like this kind of session. And want to recognize that.

Obviously, this group may not be able to endorse it and say we want you to do it, but my input from a community

perspective says we want to recognize it. Because that is what brought us to where we are right now, that is what created the environmental justice movement in the first place.

But I haven't seen it formally recognized. The strategies, and kinds of things that were done in a community, the kinds of collaborations that were already there before the word collaboration was doing, was a part of what created Charles' involvement in what we are doing right now. He was a part of that, one of the cornerstones of that in Warren County, North Carolina.

I think what we need to do is maybe come up with some new terminology and define what that terminology is. I know we have got a ton of acronyms already that my head is burning, right.

That identifies and supports community facilitated strategies where communities decide we are going to accept what this group does, what EPA does, and how we are going to respond to it, based on what we are allowed to do as citizens and residents to the United States. That is the part that I am talking about.

Of course, I would certainly like to hear from Jolene and Joyce, and other people who are community representatives. You know, we don't have a lot of time to talk about that now, but to talk about how we integrate this.

And we don't want it sublimated and made a footnote.

Because collaborative governance, the strength of it talks about what the government can do to rectify the problem, right, and address the issue. But, it doesn't give the strength to the community of how it responds to it. And I don't think it should be a footnote, or a side note, or a part "B" of the structure we are talking about.

MR. MOORE: Thank you, Omega. And then we had, I think, one more card. Let's just keep an eye on the time. Very good discussion. Let's keep an eye on the time. Jolene.

MS. CALTRON: Thank you. My comments kind of mirror yours, Omega, in that you know we always talk about tribal governance at a government-to-government level, and consultation at the federal level, and being inclusive. You know, we are always pounding our hands on the table saying this, but also community is also at the tribal level.

And tribal members on the county councils, on the schools boards, serving in the state government. So it is at a local level too. The higher level of decision-making for a tribe itself, a sovereign nation, is at the federal level, but when you talk community, it is the tribes too. And regional.

MR. MOORE: Thank you, Jolene. Greg. Oh, I am sorry, I missed a card. Kathryn.

MS. BROWN: Two very quick things. One is whether

you would consider reversing the order of collaborations from local to regional, as opposed to regional to local? It sort of sends a signal, I guess.

And then the other has to do with capacity building, which is something we always talk about relative to EJ activities and, yet, it is not really explicitly mentioned in this section. And I was just going back through, Omega, your section to see whether it was there. But, I guess somewhere there may be -- there was about in financial and technical support, but if it is there, good. Okay, my apology

MR. MOORE: Okay, thank you. Greg.

MR. MELANSON: I wanted to focus a little bit more attention on the framework that we included and distributed around resources and financing. A couple points that were brought up earlier that I just want to circle back on.

I think it was Elizabeth this morning that made a comment regarding the costs related to health and the economics in these areas that we are going to be focusing on. And I think that is a very good point that we can explore that really ties to the internalized cost of the project.

And looking at making recommendations around, including some of those broader costs. And, again, the examples that she raised was the cost of health and the cost to the economy.

But, I think it underlines the point that we were looking to make here, in terms of as these Goods Movement areas are looking for either new locations or expansions is to be able to internalize some of those costs. So I think that is one point that I would underline, and that is something that we will continue to focus on.

The other point that Shankar made was regarding the stationary sources. And we had some of the discussion earlier. And I think one of the key points, as Shankar points out, is the issues of the legal basis for that.

It is something that we, certainly, need to explore because I think that is kind of an underpinning of a lot of how we would make recommendations around resources and finances. So, I think, that that is -- I don't know, Shankar, do you want to explore that further.

Lastly, again, there was a comment that I think that Kate made regarding including more of the environmental justice comments throughout. And, I think, that that is duly noted as well. But I would see if there is any additional comments on any of these principles that we advanced on the resources and financing side of things.

MR. MOORE: Thank you, Greg. Shankar?

MR. PRASAD: One of the struggles we are facing in this Council in getting it to the next step is when we talk of

financing, I want to kind of look at it, how do we address the issues at the current problems, or the existing issues, and how do we address the issues in terms of the expansion and new facilities? Or, do you suggest that we should combine them?

And I have a slightly different view than Greg, of course. We will discuss on our workgroup. If we are talking of the mitigation cost, the health cost cannot be included in the cost evaluation. Because potentially we are already looking at the emission reduction as a reason to put that cost in.

So, if you are looking for a cost benefit analysis part of it, it makes sense to include the potential cost of the expansion that is going to have an impact and make that part. But the emission reduction that is required has a specified cost of its own. That is what we are looking, and so while it is necessary for making the point in terms of the potential impacts and that to be cost-wise, it cannot be included as the cost for emission reduction.

MR. MOORE: Good, thank you. Any other comments?
Joyce.

MS. KING: Greg, I was just wondering, when you do the financing, are you going to target the low-income populations? Because we talked about the fleets and the ones that have major trucking operations, they already buy fuel

efficient vehicles. So, you know, is this another tax break for them, or will this financing really encourage the low-income people who have trucks?

MR. MELANSON: That is a good question, and I think what we are looking to do is expand off of some of the work we have heard from Mitch Greenberg in the SmartWay Group.

And, I think, based on what we heard from him in terms of the independent owners of the trucks, looking at those owners as potential members of the EJ community, and those are the ones that we would target especially with creative financing sources.

Such that it really solves the issue to the broader EJ community, as well as those who may be members of that community who may be contributing to some of the issues. So I think, certainly, the priority would be in making those sources available broadly, but how do we target specifically those low-income, independent owners of the trucks who don't have the resources.

And including reaching out to them in terms of creative financing sources, but also leading up to what are some of the issues that are barriers for them that might be including in terms of financial education.

And then just general budgeting and business finance type of information that could be a resource that we pull

together that is part-and=parcel of --- the actual loans, the low-interest rate loans, but looking and recognizing some of the barriers for them to access those programs, are a part of what we will look at in sort of the broader resource/financing.

MR. MOORE: Sue.

MS. BRIGGUM: I can see it is very helpful to focus on the programs that would be helpful for the small kind of owner/operator trucks, and I encourage that.

I would ask you to think before you write off large fleets, however, because if your focus is not on the people who are running the businesses, and their size and means, but if your focus is on the health and environmental quality of the people who are adversely impacted in these communities, large trucks are in many ways an infinitely easier way to do substantial change. Because you already have mechanisms and the ability to deal with things.

And, Shankar, you know about this. I think, Lang, you may too, things like the Carl Moyer Program in California, which leveraged an enormous amount of pollution reduction in an environment justice community by trading the pollution out by actually a deal between PG&E and Waste Management, where we converted our trucks. And the not insubstantial cost of conversion was assumed by PG&E in order to get the credits

they needed for an expansion. And they were in a non-EJ community.

And we have talked over the years about trading out. The thing to remember with larger companies is sometimes you get more bang for the buck because you have to get over that investment hurdle rate. That is a lot smaller than the cost of replacing the truck. If you are going to do it anyway, but you can really devote those resources -- so if you could look creatively at that, I think, you could get some dramatic improvements.

MR. MELANSON: And, Sue, I have thought about that too in terms of looking at both ends of the spectrum. Looking at sort of the hands-on, community-based, non-profit creative lending approach to the individual truck owners, but also taking and working off of what we heard from Mitch about some of the newer programs that SmartWay is developing with the use of DOT Private Activity Bonds.

And, looking at how that could be sort of a larger, more national scope that could facilitate the larger industries to come together. Utilizing something that may not be a huge and deep and rich subsidy, but something that is just that gap filler. That small gap filler that just needs to get them over the hump.

And it may not just be the large industry, but the

mid-size organizations, the regional truck companies. And some of the programs that we heard about recently, and how would be recommend taking some of those programs to scale. As well as, at the bottom end, providing some support and assistance to the localized individual owners. So, again, it is sort of the barbell, either end of the spectrum work.

MR. MOORE: Thank you, Greg. Well, thank you to both of you, Greg and Lang. Again, accept my apologies, we'll make sure the next time that the agenda is a little bit more in-tact.

Closing Dialogue

Items of Concern to NEJAC Members

MR. MOORE: Okay, we have got the last few minutes left before we close the meeting. This particular item for discussion, and it was just to start brainstorming a little bit on emerging issues. And then I will give you some examples of where we are going there.

And it won't be the last discussion again that we will have in regards to some potential merging issues.

MR. ROSENTHAL: Richard?

MR. MOORE: Yes.

MR. ROSENTHAL: Excuse me one second. Would you put this discussion in context for me please?

MR. LEE: Do you want me to do it?

MR. MOORE: Yes, please, Charles do it. Thank you, John.

MR. LEE: Well, you know, I thought that it would be good to hear from you in kind of a pretty open way, based upon anything that you have talked about over the last couple of days, or anything that comes to mind, in terms of what you think are some of the issues over the horizon, or on the horizon, that you think that EPA should be thinking about.

And it is meant to be pretty open-ended. You know, of course, this is not to create undue expectations. I mean, if we want to -- I mean, obviously, there are ongoing programs and commitments of the EPA in terms of the NEJAC itself. Anything that gets done has got to be done in a well-structured way. So that requires resources and commitments of staff, as well as your time.

But we wanted to hear from you and then begin to think about this so that if there are issues that are significant, we can plan for them and address them in an orderly manner.

MR. MOORE: If we could just begin -- again, this is an initial discussion, and we have got only a few minutes to engage in it. But Chuck had asked me to read his comments around this.

(Chuck Barlow comments read by Mr. Moore)

"I believe that the environmental justice implementations of climate change would be a wonderful topic for study for the NEJAC during the next year."

So that is, again, he is moving forward on some potential issues on a brainstorm.

"Energy was the first national utility to voluntarily cap its carbon emission, capped at 2000 levels, but currently reduced to near 1990 levels and was lobbied for the National Carbon Regulation for several years, including following a brief on the Massachusetts v. EPA case on the side of carbon regulation by the EPA.

My company's location has a headquarters in New Orleans. A decision to return to New Orleans after Katrina also makes this issue very personal for me and for my co-workers. I also live in Mississippi, another state greatly impacted by climate change issues. The issues are broad and deep, and some particularly suited to treatment by NEJAC.

Additionally, one more idea for the NEJAC discussion, the idea of taking EJ into the boardroom, developing methods for getting buy-in at the highest corporate levels for integrating

environmental justice into business decisions."

So that was just some of his comments. I think Chuck did refer to this, this particular piece here, in some of his comments.

So, quickly, Greg are you up on emerging issues?

MR. MELANSON: Yes. Actually, prior to you reading that, I wanted to make some comment regarding Chuck's earlier comments. And, I think, Sue referenced through the engagement of business as well. And I would, certainly, agree with Chuck in the ability to engage corporations in the issue.

The thought that I had was in addition to outreach to individual companies, corporations, there should be a consideration for reaching out to the industry association groups that represent many of the industry trades.

You know, my field in banking, represented by American Banking Institute, and other major organizations that could be part of the discussion as well. My thought is that in engaging the associations around various industry groups, you have a broader outreach to more of the organizations, as well as a place for them to sort of focus their thoughts.

And you may not get consensus, but at least it may be something that has not been tried before that we find ways to outreach more to some of the key industry groups that we find in this area.

MR. MOORE: Jolene.

MS. CATRON: Thank you. Some of the issues that I kind of thought about, and were brought to my attention also in the capacity that I serve, really are around carbon technologies and global change, global warming, whatever you want to call it, climate change.

Specifically, carbon sequestration -- I don't know if I am saying that right -- and its impacts of siting those kinds of facilities around EJ communities.

But I think when we start looking at carbon and we need to kind of maybe broaden that scope a little bit, because there is a whole lot involved in that. So, really, its impacts to EJ communities.

And then another one specifically is the Alaskan communities and how they are -- and the Alaskan tribes are really paying with their lives, literally, for the impacts of global warming and loss of their fisheries and land, and et cetera.

So I think we really need to either provide a voice somehow for the Alaska First Nation's people to really talk about the issues that they have seen, not just now, but they have seen this happen for 30 or 40 years now.

And then just a couple of other quick things, we were talking about the financing part. And I was thinking

about that both here in our meetings themselves. I know there is a lot of rules around how we conduct a NEJAC meeting and the public participation, but really how is the site located for our next meeting.

And since we are representative of our communities, of our states, of our people in general, can we take turns hosting a meeting and sharing the cost of that meeting? And if that is a viable financial way of looking at it?

The reason why I bring that up is because these chairs were incredibly uncomfortable, but the facilities were just amazing.

(Laughter)

MS. CALTRON: But these chairs were incredibly uncomfortable to sit in for three days, and if we had more money, we could maybe afford better chairs to sit in. I am sorry, I have just got a bad back, so I really pay attention to that.

And then the other thing, again, this goes back to the process of being on the NEJAC. I am brand new, so I have got a lot of questions and I am just kind of feeling my way around, calling people, asking opinions and how I can be a more effective Council member. And I would like to also open that invitation up if anybody would like to call me, and talk to me about ways that -- just start a dialogue or whatever. I

would really love that.

And let's see, I guess that is it. Thank you.

MR. MOORE: Thank you, Jolene. Joyce and then John.

MS. KING: Thank you. As you know, I am representing tribal communities, tribal government. What I am seeing throughout most of EPA language is the exclusion, or maybe their oversight, of including tribal people, or Native American people -- you know, those governments -- into the language as we go along.

I find that constant. You know, where are the tribes? And, especially, we have to pay attention to the jurisdiction that they have. There is a lot of things that apply here. You have the Winters Doctor, you have the Native Graves Protection Act, you have the National Historic Preservation Act.

You know, all of these things apply and, in particular, it applies to Native Americans. And when you build facilities, again, tribes aren't going to move. When you build facilities, you have to have an environment impact statement, as well as making sure that there are no archeological areas of significance in regards to Native Americans. So I am finding the language is being omitted, or overlooked.

And the other point I wanted to make, and I tried to

make that point yesterday to Granta, was along the St. Lawrence Seaway, we live right on the St. Lawrence River. We have jurisdiction on both sides of that river. And we have the International Joint Commission that is not even paying attention to our needs.

They are lowering the waters, they are making policies that are detrimental to our view, and our view is creation-based. We talk for the Mother Earth, we talk for the waters, we talk for the birds, and no one is listening. I think we need to be a part of these commissions, and these other policies, so that our voice is heard. And it is not being heard.

We go to the hearings and they are stuffed away in a binder somewhere. What does it take? You know, our communities are frustrated. Frustrated to the point that if drudging happens on that St. Lawrence River again, we are going to stop it unless they come to the table and talk to the indigenous people of that area.

So, I just -- you know, my frustration is apparent, and it reflects my community. Not only my community, my nation, my confederacy. So I just want to add that we have to have more of a stronghold, or we have to be able to have a voice in the things that are effecting our territory. Thank you.

MR. MOORE: Thank you. John and then Sue.

MR. ROSENTHAL: In that same vein, I am just wondering what recommendations can we as a body make to EPA to empower the environmental justice advocate in the various federal agencies to make sure that we do get the representation, or we get environmental justice consideration included in the type of boards and panels that you just mentioned a second ago?

Because if these other agencies were as involved in environmental justice as EPA is, I don't believe you would have the issue of not being represented on the various boards and commissions.

MR. MOORE: Thank you, John. Sue.

MS. BRIGGUM: Yes, I would just like to second what Greg said. I think the idea of the trade association is very helpful, because these are the groups that can really magnify the message.

On the first night, we had public comments from the Council to the business network for environmental justice, which he described very briefly. It is 200 organizations, most of them trade associations from every major industrial sector in the United States. So, if there could be thoughts about how that group might be engaged and energized, I think that is one positive thing.

The Director, Keith McCoy, was on the NEJAC Workgroup before. We have seen a little less effort lately. So, energizing that would be good. That probably is more doable than the CEO level.

Richard, I remember the CEO efforts we tried awhile ago. It is really hard to get CEOs to pay attention in a sustained way. It is time consuming, and they are not the ones that work it too, so maybe we get a little more effective action with the trade associations. And I really support that.

On climate change, it is a really important issue, it kind of layers a lot of things that we are talking about. We want to make sure that we have the right people at the table. Just from Chuck's keying it up, he has a competitive edge in the market in terms of the services he provides.

And I wouldn't want to see the people who need to be part of the solution feel that they weren't included in terms of voices.

As you talk about this kind of issue, you get robust dialogue. You are going to have to have the coal fire people, and those who will need to part of the solution.

So I would just say, as we look at that -- there is that issue, and it is also really important that I think a story of climate change impacts at the grassroots community

level hasn't been sufficiently articulated. And that might be something that the NEJAC could work on too.

We talked about trading out toxics sometimes, and that sort of thing, but that could be a fruitful future issue.

MR. MOORE: Thank you, Sue. Well, I think we are going to stop it there. I just will say that some of those issues and points that were brought up are very important and very significant. And we should continue this kind of engagement in terms of offering suggestions and issues that the Council should be working on.

Quite frankly, in some cases, that has not been done in the past, or the most recent past. And I think the re-initiation of this, the Council was initially always involved in doing what we are doing right now. Dialoguing suggestions in terms of issues that the Council should take up, or whatever.

And I think that is a piece of Charles' acting in the capacity that Charles is acting in as Director at this point of OEJ. So, Charles, I am going to turn it to you for a response right quick. A short response, it is after 2:00. We will close just by a very few quick couple of comments, and then we will get everybody heading back home.

MR. LEE: Yes. I mean, Richard said what I was going to say in terms of, I guess, this being a recent new

practice. But also, it is really important to hear from you in terms of seeing the larger picture. You know, it could be very informal like this, but it is really invaluable.

So, with that, I just want to thank all of you. I want to thank all the people from ICF, I want to thank Victoria, and Lisa, and Rene, and the other people from the OEJ staff. I want to thank Richard for his excellent, outstanding, stupendous job in terms of chairing this meeting and going through a whole bunch of issues. Very difficult ones.

And I guess before Richard has the last word, I guess I should have deferred to my boss, Lynn Buhl, for our last word.

MS. BUHL: This will be brief. This is the first NEJAC meeting I have ever attended. So I have to say, I thought it was active and, certainly, interesting. We got some good feedback and, of course, that is what we count on you guys to give us. So I really appreciate it.

And Richard already mentioned this morning, I can't describe the level of Granta's commitment. You know, he really wants to see this stuff take hold. And as he says, get traction. And we are feeling good that we built some momentum, but there is much to be done. We are reminded of that constantly.

And just so you know, we do anticipate some congressional hearings next month, they haven't given us a date. I missed -- there was a hearing in July where, I think, although Granta did a fine job, in some instances, he was not allowed to even finish his answer before he was interrupted. And as you all well know, that is so frustrating when you have a lot of points to make.

So, we are going to keep up the good fight there, there is certainly a lot of Congressional interest. You all know that. But, we are looking forward to that and being able to describe some of the positive things we have done. And, of course, we will always be hearing about things that remain.

But he is a powerful advocate, and it is a pleasure working for him, as you might imagine. I don't know how soon we will see you again, I am not certain how often you meet, but I look forward to it and I thank you.

MR. MOORE: Thank you, Lynn. And I would like to also thank you on behalf of the Council for your participation in the meeting for the last couple of days.

Okay, I have lost my voice. Excuse me. Okay, so we have done it as a Council. I think that we have covered a lot of issues, I think that it was a very positive meeting from where I sit.

When we started this off, we said that there is some

things that have been done, and those are to be complimented and congratulated. And as I think Lynn in her summary words said, there is a lot of work that still needs to be done, and we are very knowledgeable of that.

So I would like to also thank the EPA staff, the OEJ staff, and the staff at ICF, and the workers of this hotel, quite frankly. I think the hospitality here -- although, I did spend more time in this room than I spent in any other room -- has been great. And, Victoria, if you could communicate that to the management of the hotel, we would appreciate it.

My last comment is on the Interagency Working Group. And you are going to hear us keep pounding on it. There was a lot of activity in the past, momentum, activity, movement forward, and so on, in terms of the Interagency Working Group. And Quentin and others, our sister that has been here with us too, have been very, very active in that.

So, EPA, OEJ, in this case, we know the staff, we need to build that up. We said some of that, we need to rebuild the staffing, and so on, of OEJ. But let's keep pressing on the Interagency Working Group to move forward in additional activities. And whatever way we as the NEJAC can assist in that, I know we will.

Thank you all. I wish a very safe trip home.

(Applause)

(Whereupon, at 2:08 p.m. the meeting was concluded.)