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National Environmental Justice Advisory Council

October 22, 2008

Committee Members Present:

Richard Moore, Chair

Chuck D. Barlow
Sue Briggum
M. Kathryn Brown
Jolene M. Catron
William Harper
Christian R. Holmes
Joyce King
J. Langdon Marsh
Gregory J. Melanson
Paul Mohai
Shankar Prasad
John Ridgway
John A. Rosenthall
Patricia E. Salkin
Donele Wilkins
Omega Wilson

EPA Members Present:

Charles Lee, Director, EPA Office of
Environmental Justice (OEJ)
Granta Y. Nakayama, Assistant Administrator, EPA Office
of Enforcement and Compliance (OECA)
Victoria Robinson, Designated Federal Officer

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KEYNOTE: "---" denotes inaudible in the transcript
"*" denotes word was phonetically spelled

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

(9:19 a.m.)

Welcome and Review of the Previous Day

by Richard Moore, Chair

MR. MOORE: I wanted to just take this opportunity to welcome everyone back to the second day of the NEJAC Council meeting.

While we are getting ready to go through the agenda, I was just thinking that I wanted to -- there are a couple of things that I jotted down last night, very quick things and very brief things, in terms of some observations from yesterday's meeting.

For those that weren't here yesterday, my name is Richard Moore. I am with the Southwest Network for Environmental and Economic Justice out of Albuquerque, New Mexico, and I am the Chair of this particular Federal advisory committee, the National Environmental Justice Advisory Committee. And yesterday we did introductions and all of that kind of thing.

Joining me, to my left, is Granta. Many of you know Granta and his work, and so he is the boss, you could say, but I know he doesn't like that -- I just want to mess with him. It is kind of early in the morning.

(Laughter)

MR. MOORE: I don't see any coffee in front of him

yet, or tea, or whatever. But we all know that, one, that Granta is not that kind of individual, doesn't quite run the shop that way, and the input from this National Environmental Justice Advisory Council and the Office of Environmental Justice, and the others are very critical to the work that Granta I think will talk about in his discussion this morning and the work that we have been talking about over the last couple of days and, quite frankly, over the last couple of years.

Charles Lee has also joined us, to my right. You know that Charles is the Director of the Office of Environmental Justice, has been with OEJ for quite a few years.

So Charles and Granta and myself and Victoria are going to facilitate this meeting. Victoria, to my far right -- it was announced yesterday that Victoria will become the DFO of the NEJAC. Charles has played that particular function and he will be replaced with Victoria, and Victoria has been working with the Office for quite a few years and working with us.

So we will go around very quickly. I just want to do a couple of minutes, just a couple of minutes, of some thoughts I had from yesterday's session. And we will do introductions for the Council members again. And when I do that -- and we are going to move straight into the agenda

because we want to stay on time.

Now, just as a reminder, as we are kind of mentally preparing ourselves for today's agenda, that there was an activity earlier yesterday morning and there was about -- I can't remember, Victoria, the number, but maybe 12, 13 awardees of the --

MS. ROBINSON: 12.

MR. MOORE: -- 12 awardees of environmental justice grants, and that activity took place early yesterday morning before the NEJAC meeting convened. And then we went straight into our session yesterday.

There have been some working groups that have been here, starting on Monday -- they started on Monday morning -- the EJC working group, and there might be other -- a couple of other working groups. I know if they -- all working groups didn't meet, the goods movement and some of that, if the whole working group didn't meet, I know some of the chairs are meeting, and so on, to prepare for our presentations, our report-backs, in today's meeting.

Yesterday afternoon I think was kind of a full-packed afternoon. What we did -- we did, when we opened up the NEJAC council meeting formally, we did a session on environmental justice best practices, and this is what I just wanted to make a couple of observations about. And we had, quite frankly, all 12 of those individuals -- if not all 12 of

them, 11 of them -- all 12 of them that sat on various panels, the state government panels, community panels, you know. We had presentations from Native indigenous and academic and so on. Now, that is the first time, quite frankly, that is the first time that we have really done the awards that -- those awards came about from a recommendation that the NEJAC council had made, and Granta supported that recommendation totally.

There was a lot learned in that process, quite frankly. They put together a review panel made up of some NEJAC council members --- some that were not on the NEJAC council that were brought in to a review committee.

I just want to say quickly about that: That was quite a learning experience. One of the -- I think the uniquenesses, if uniqueness is -- at that level is a word, but that is all right, we are not going to worry about that. But one of the uniquenesses of this council, and I was sharing some things yesterday with a couple of people. I said, you know, when we do -- what do you call them now, Charles, the new rules that we are following? Now you have got to have -- not deliverables, but there is another word if you could --

MS. : Outcomes.

MR. MOORE: -- yes, outcomes, the results, you know, this kind of thing, sometimes, sometimes, and this is purely from my own opinion, but sometimes some of those we will say deliverables, outcomes, this kind of thing, quite don't match

in some respects what sometimes the expectation is even on the part of the government or in some cases those that are involved in fund-raising and whatever. What I mean by that, very quickly, is that, you know, I spent quite a few years interacting with this NEJAC council from the conception of this council, and there are quite a few things that have happened throughout these years that to me sometimes is not as easy as Granta is putting them on paper that way, and I just want to give a couple of examples.

Many of us have been sometimes on the other side. What I mean by that, there are community people on this advisory committee, there are academics, there is business/industry, there are folks that -- representing state government that we have around this table, and sometimes we have been on the other side of issues outside of -- out of sight of this room, you know? And then some times, quite frankly, even after we leave this room we may be, in some cases. But one of those examples is you cannot measure -- you can -- from my opinion, you cannot measure the relationships that have been built from those of us on this council and those that have been on council -- previous councils throughout these years. It is very difficult to measure the relationship process that many of us have gone through. That is very, very important. I think that this is one of the most working Federal advisory committees. That is from my opinion.

I try to be objective about that, and I am being objective, because I have been on other Federal advisory committees. But that relationship, as just one example, is very, very crucial to that, and the relationships, the trust and the confidence, the respect that we have built in this -- on this council for each other is absolutely incredible, and that is what makes the work that we do as we sit here together around this table-- I think sometimes the success of the work, the thought and so on behind the recommendations, and this kind of thing. But all I am saying with that one example -- I could go on and I don't want to do that -- but that is just one example I want to share with you all and those that have joined us, the relationships that have been built here, you know? The trust, the confidence, the willingness to agree, the willingness to disagree, the willingness to have productive discussions, the willingness to understand that we are here to carry out a specific task and that task is to, in many cases, to represent the constituencies that we are sitting around this table representing, but on the other side of that coin also, that willingness to give a little bit and to understand and this kind of thing. So I want to flag that.

Quickly, on my last couple of things, has been that my quick observations in terms of yesterday. I started to touch on this, you know.

When we set out this task of carrying out the

recommendation of the EJ Awards, we knew it was not going to be an easy task. Nobody, quite frankly, might -- would want to sit on a review committee that doesn't make a decision. I just want to be real clear about that -- the review committee did not make decisions about who was getting those awards. The review committee reviews the applications and whatever and offers some direction to the leadership of the EPA, in this case, to Granta in the Office and the Office of Environmental Justice and so on, you know?

Now, that was not going to be an easy task. I can't remember at the end of the day how many applications we got -- 30, 40? I can't remember what it was. Could have even have been more in each of those categories and so on, you know? But when you see yesterday is where my last couple of moments about this piece are really all about.

We have got some more work to do and we have learned a lot of things in that process. Sometimes when we learn, we just don't learn in behalf of this council. We learn in behalf of our organizations because we are here gaining experience, you know? We bring some things to the table and most of the time we -- I think we learn as much as we give. And then sometimes we give as much as we learn, you know? And so even the balance sometimes may be balanced to one side or to the other, you know? So we learn an incredible amount of things in some cases we thought we had thought about, in terms

of developing criteria and all this of this kind of thing.

So we have got some improvement to do, but my quick -- my observations, a couple of them, are, one, if you noticed yesterday in all of the presentations that we are giving -- given, there were several things, factors, that were almost said by everyone, no matter what category they received those awards in, you know?

For example, the Community -- Non-Governmental Organizations, they started talking about partnerships, how they had partnered in some cases with state government, with the regional and with the environmental department, the EPA, sometimes with the national, sometimes with the regional, sometimes with both. They started talking about how they had partnered in some cases with business and industry, that in the beginning folk would not sit at the table but through these processes or whatever, and so they started really -- they started even in their presentations helping us to look at, I think, to look at, as a council, what some of the future criteria should be like, you know?

So one of those that I am just flagging to you all as a council I hope you take into consideration when that moment comes is the partnership building. I think as we continue to review the EJ Awards that partnership should be one of the major aspects of those awards in the -- in all categories, you know, whether it is business or industry,

community, non-governmental state. What are in fact the relationships that have been developed not from an advisory committee standpoint -- I don't want to go on about this, it is early in the morning and we want to hear from Granta --- but I am saying this because, one, it was flagged. I think as a council we learn from that. And, secondly, I believe that one of the criteria, when we look at new criteria, should be: Is the state interacting with the grassroots groups? Are the grassroots groups interacting with the business and industry? Are the business and industry relating or whatever with the state and the grassroots groups? Are the academics -- in this case, we heard a lot of that yesterday in terms of the presentation of the academic community -- interacting with the grassroots and this kind of thing?

My last thing is not from an advisory standpoint. We went through this -- I don't want to go through too much of this right now, you know, because we know sometimes, and I have got to say from where I come from that grassroots groups are used, abused and everything else. Now, we are not here to pound or beat up or anything on anybody. I am not trying to get any -- in that this morning. But what I am saying is, sometimes we get put on advisory committees and then we come to find out that it wasn't advisory committee, because, for us, sometimes if we don't clarify language, then from us --- we are going to give some advice, then we tend to think:

Don't even ask if they give no advice, if people aren't going to take the advice. That doesn't necessarily mean that -- you know, we say in the community organizing world if you get 50 percent of what you get when you want, then you celebrate. I want -- I am looking at 80 percent, or 90 percent, is where I come from, okay?

So, not advisory committees. I am talking about planning committees, decision-making committees. I am talking about those relationships and partnerships that are built where we fit equally at the table and we make decisions equally about where the resources are going to be expended, who is going to do whatever.

What are the principles of the working relationship? That is a lot of times we see and we hear some of that yesterday. What are the principles that were established in the building of those relationships? Decision-making. I think the representatives from the state of New Mexico ran 8 or 9 things or whatever -- respect, and they went through a whole set of areas. But the hardest thing to do is to practice what you say, yes. Easy to say it sometimes, and then the practice doesn't come as easy.

So I wanted to leave that. I do have some other observations, suggestions or recommendations -- I know you do, too -- in terms of that yesterday. We will continue the input on that. Again, commend this council for an incredible,

incredible, incredible amount of work that you all have done. I am saying that to you this morning -- we have got a couple more days to go. But you are an incredible, incredible group of human beings, and at the end of the day I want us to also understand as we move on to Granta, that we are working with, whether it is the Office of Environmental Justice, whether in some cases Department of Justice, the Environmental Protection Agency, whatever it is, it is the regional offices of the EPA. We are working with some people. We are working with some human beings, some staff people inside those agencies, that are there to do exactly what the mission of these Departments said, and all we asked for from the beginning was for us to be treated as equal as everyone else should be treated when it comes to that mission, you know? Not as a tag-on, not as a whatever, whatever --- to protect the health and safety and well-being of people or whatever, then protect our health and safety and well-being because we are not a special interest group, okay? We are part of the protection of the health and safety and the well-being, you know?

So I wanted to thank you all this morning, those of you that were with us yesterday and --- a long period of time for your commitment, whether you are EJ regional coordinators, whether you are state EJ coordinators for the states. I know Pennsylvania and some of the other states are here with state folks. Some of the other folks that I know here, too, that

are not with the EPA that are with other agencies and so on. So I commend you for your -- the appreciation for the support and the work that you all have done. Hang in there with us because we have got to do it together, okay? So that is it for this morning.

If I can, Granta, I wanted to move the agenda. I had to say that to you -- I am sorry, you know? But I just had to say it to you, okay? So are we prepared to move forward in this meeting? Okay. Thank you for giving me an opportunity to express my opinions.

Okay, this morning, on this morning's agenda, we are going to move right on in here. We are going to have a dialogue here and we are going to do that with Granta, and I am not going to say any more than that. I am just going to go move that forward and let Granta -- let you take over, and thank you very much for joining us over these last couple days and these many meetings. So I am going to turn it right over to Granta. Thank you.

Dialogue with the Administrator

Comments by Granta Y. Nakayama

MR. NAKAYAMA: Thank you, Richard. Can you hear me? No? Hello? It is on now? Okay, great. Okay.

I am going to get us back on schedule. That is the first thing I am going to do.

I don't have a lot I want to say. I do want to say

a few things because it is my last opportunity to address the NEJAC and I want to talk about a few things, sort of a perspective on where we were, where we are, where we might be going, at the Agency, and then sort of have a back and forth. I am very interested in your thoughts.

But I am not going to spend a lot of time other than say, first of all, I agree with Richard's comments about the need to -- these relationships. You can't measure these sort of relationships between humans that we develop and the NEJAC is sort of a special forum because we don't really have another alternate forum where you have such a wide group of people coming together. You have these groups come together when there is a controversy or an issue, but that is not always the best way to develop a relationship, as we learned in OECA, you know -- we try to develop a relationship with industry, and a lot of times the only time we meet them is when we are showing up with a search warrant or a -- and it is not a great way to start a relationship off. You need another forum. So this a different forum, and that is a great thing.

I have always thought of you folks in the NEJAC as sort of our colleagues, and I really do believe that you are our colleagues. You are -- I know you are a Federal advisory committee and that you are not really officially EPA employees or anything like that, but you really are our colleagues. And I appreciate the time and effort. I know these are long days.

You are volunteers, and I thank you for your -- really, your years of work for EPA and for really the cause of environmental justice because there are a lot of other things I know people have on their minds on right now. There are a lot of other pressures. But you are special. You are a little bit special because if you look at EPA, and you look at the different offices in EPA, you have an air office and water office --- et cetera. They have groups that engage trade associations or whatever. They have groups of regulators like SWAMA, ASWIPCA, you know, NACA. They have these different media programs that engage regularly with those offices.

We in the enforcement office don't have like a trade association of respondents -- defendants -- that come and engage with us, you know? We don't have that same sort of relationship. We just -- they just don't all get together and say, let us meet with you and talk about issues here every quarter. And so we don't have that relationship. You are sort of special for us because you are a unique combination of people here. You both are the regulated community. You are the academic community. You are certainly the community groups, states, et cetera. You are important to us because you are one of the main ways we get information about how we are doing on our EJ program and maybe how we are doing overall as an organization beyond that. So, you are sort of policy advisors as well as colleagues, and we appreciate that.

Here is a little shout-out to Chris Holmes. I know you were one of the pioneers, Chris. I appreciate that. And it would be -- I think your legacy is secure. We are continuing really to move and build on that work. My only message for the folks who come after us is I hope they appreciate all the hard work that you and others have put in. We did not start from zero. We started from, I think, a lot of pioneering work by other people, and I hope they appreciate the work you have done to sort of get us in a position where we are.

Let me talk about where we have been because I think that is important. It gives perspective of where we are, where we are going.

When I came to EPA about three -- a little over three years ago, three and a half years ago almost, and -- let me be frank: EJ program was making, you know, incremental progress. We were good at capacity building with community groups. But we had limited engagement agency-wide. We were sort of a niche program on the side and people really didn't have EJ in their mind when they were going on in their day-to-day activities in the rest of the Agency. The NEJAC was rechartered for only one year. It was frankly slated for termination, and there was a lot of uncertainty about the future of the program. There were a lot of budgetary pressures, obviously, within EPA. And so I think, to sort of

succinctly put it in a, you know, one sentence description: We were having a near-death experience, folks. I mean, I will be blunt -- there was not a lot of attention or a lot of thought and a lot of interest, I think, in continuing the program.

But, you know, sometimes somebody is looking out for you, and some good things happen and some bad things happen, and sometimes we -- you know, people's eyes are opened.

So what happened about three years ago? Well, one of the things that happened was Hurricane Katrina. That happened, right? And out of that, I think you folks responded. The NEJAC really responded with some excellent recommendations. I mean -- and quickly. You know, it wasn't like "let us think about this for two years and then give you a report and then you guys think about it at the Agency for a while and then you think about it for another two years and then we make incremental progress." You folks came around and had some good, solid recommendations.

We responded in writing. We said, you know, we need to respond to you -- the NEJAC in writing when they make recommendations, and let us put the NEJAC letter and our response on the Web and, you know, that sort of transparency will help everybody. And we did listen, and, you know, I know there were some changes we made to our instant command structure to hard-wire EJ into some of our responses to these

natural disasters.

That was a sort of a turning point because I think in the minds of the Agency, at least the senior managers, that those were -- that was value. NEJAC added value. They had something to say that was important, it was useful, and it could be acted on quickly. And so I think people said, okay, now that is actually a solid, credible achievement. We need to engage in further solicited advice because these people have important things to tell the Agency, things we may not have any other way of getting.

So it was rechartered for two years, and the Administrator -- many of you remember this -- issued this reaffirmation of our commitment to environmental justice, and some people, they thought about it. I am not sure everyone understood -- it is sort of "inside the Beltway" kind of, a lot of these memos that go out. But it was an important step in the Agency moving forward.

So now EJ's relevant and it is not going away. We have made that much progress, you know, in the first few months here after the hurricane. It is relevant, and it is not going away. So that is a good -- that was a good first step.

So we continued working. A lot of this is inside the Agency, and Charles will talk more about this in his discussion of where we are going, but we realized we needed

staying power. We needed to have a program that is not subject to -- it is not a slogan, but it is a substantive program. We do have an air program, a water program. You need an EJ program that is not sort of subject to the whims of whether the public is interested or not. It is a program that is there to stay -- it has a substantive program.

What does that mean? What does that mean at EPA when you say it needs to be a substantive program?

Well, we needed to do -- get hard-wired into the Agency's operational structure. So, one of the things that the memo from the Administrator said is all the national program managers need to include EJ in their national program guidance and they need to tell people, you know, this is how we, in whatever program, whether it is water or air, intend to address environmental justice.

You know, that is a first step. That was good, and it sort of hard-wires you into sort of your budgetary and other processes which really are the way the government works, like any large organization.

But we needed to develop more help. I mean, the Office of Environmental Justice is really catalyst. You can't -- if you depend on the folks who work for Charles, the 16 or 17 people, to do all the EJ activities in the Agency, you are never going to get there because, you know, there are 900 people in the air office during rule-makings, you know,

every day. Charles, even in a zone defense, you are not going to be able to check all those rules. It is just not going to work. Same thing with the water office. So we needed to develop the tools and do the education, the outreach, to hard-wire EJ into what is going on in the Agency.

So what we have done is -- one of the things we have done, and Charles will talk about this, is develop factors. Now, what are the factors so you can do EJ screening and determine whether an Agency action, whether it is rule-making, permitting, whatever, is going to have a disproportionate impact, or have some impact that we need to flag from an EJ perspective?

You need those factors because the folks in those other offices need that guidance. They need help, even when they are, you know -- they are with you and they want to be helpful and they want to address EJ, but if you don't give them sort of the tools, they are not going to be able to really carry out operationally what needs to be done.

So I think Charles has done a good job now. We have engaged with the other programs. That is vital. And we have national program manager guidance that talks about how they are integrating EJ. We have all the rules that were tiered since FY '07, need to have -- at least -- the first step was an EJ statement that said, you know, it will or will not have an environmental justice impact, the rule. So at least they

are required to put that statement in there and think about it and have some sort of record in the administrative record that explains why they made that statement.

But then we have gone beyond that. We have developed these six factors to help them look at environmental justice issues with respect to rule-making and permitting and OEJ meets with, for example, the air office -- what is it, once a month? -- and you go through their -- all their rule-making docket and look at the rules and decide which ones probably would be of interest to the EJ office and need to have their input.

Then we have gone beyond that. For example, the -- one of the most recent rules is one that a lot of people have talked about. This is the lead -- National Ambient Air Quality Standard, the leadNAAQS, where we reduced it by 90 percent, the allowable level. And here -- you know, the Office of Environmental Justice for I think probably the first time, you guys were involved early on, and there is actually now -- if you look in the rule-making record, there is a whole discussion of the EJ impacts, et cetera.

So that is good, and that is the way it should occur, and now we need -- and the Office of Air is the right one, I think, for Charles to reach out to initially because they write more rules than the rest of the Agency combined. The Air Office puts out a lot of rules.

So that is where we sort of operationally get EJ now sort of in the works and develop guidance and something we call "rule aid." We have these aids for people, rule-makers, rule writers, and Charles is engaged in that effort, and I think we are getting the sort of materials to these people to help them help us address environmental justice. And so that is really key. That is something that is sort of beyond -- it is behind the curtain you don't see. You just see a ***Federal Register*** notice with a proposed rule.

But those are the good things that are happening, those relationships that we are building. And we are really getting, I think, some real traction there.

So we are building on those relationships and we will try to build a substantive program. And it is important because we could just not write the rules. We do not write the rules. Those rules are written by the air office, the water -- we get compliance, you know, we enforce the rules, but if we are going to have an impact, OEJ needs to be involved early.

Within OECA itself, we need to insure our enforcement program, takes into account environmental justice factors, and so we had developed this EJ SEAT program. I know there were some briefings on Monday about our progress there. And I think we have made tremendous progress. Having a model is better than -- or tool, excuse me, is better than no tool,

and we are consistently looking to get input and other data sets and other information that could improve that tool. It is like any other software tool -- you are continue and improve, and there will -- you know, you are never done. You are always continuing to look to see ways that we could improve the tool. And I know there are people here with expertise here on the NEJAC who have been helping us and appreciate you folks' input.

But I think we are clearly better off as we develop a tool, because if you don't have these tools or measures, you are not really a real program at EPA, if you are sort of sliding back toward being a slogan if you don't have tools to measure your program, you don't have tools and guidance to help people, for example, in rule-writing, to address environmental justice.

For us in the enforcement program, the reason EJ SEAT was so natural for us we can have the most direct impact in some ways through our enforcement activities, where we enforce, right? I mean, that is going to have an immediate and direct impact. And so that is why I think in some sense we were the right office to work on developing that. You know, are we in the right communities with -- is there a lot of noncompliance and we are not addressing it? Are we missing communities where there is noncompliance? Are we missing opportunities to really have the maximum impact on the

community and improve the health and the environment of the folks there?

We didn't have any way to really measure that before. We didn't have any way to really decide whether we were being where we should be.

So I think we are making a lot of progress there, and I think, you know, that will flower. You will see more and more work of using that tool.

Certainly, we know, you know, there are issues with what sort of factors you can take into account legally, you know, how you can use the tool. But we know that certainly, as a first step, we can look retrospectively over the last year, run it through EJ SEAT and to say, "Here is where we were. Is that where we should have been?" And sort of adjust our enforcement plans for the upcoming year. And so some of the regions have been doing that, and I think it is a healthy exercise.

You know, the other reason that I think it is good that OEJ was within OECA is OECA is sort of an interesting place. Enforcement work is hard -- it is really hard. And of the people you meet in the enforcement world are not people -- it is not a collaborative process when you show up with search warrant at somebody's facility, it just isn't. And those folks out there in the regulated community are not going to show up with a check to 1200 Pennsylvania Avenue and say, "You

know, you guys are such nice guys, you know -- here is our civil penalty, our whatever."

In fact, you know, a lot of office distribute grants. That is one of their main functions. Or they distribute and work on voluntary programs or work collaboratively, and that is great. That is just not what we do in OECA.

So, you know, we are in a different situation. We are in a situation where, you know, we are not giving checks. We are collecting checks. And so it is a different dynamic. It is hard, tough work, and in some sense I think that prepares us or better -- better prepares us for environmental justice work, because it is tough work out there. You have competing interests when you have an environmental justice issue. Some of them are never going to be -- there is no -- you know, for some of these situations, there is not going to be a total win-win-win. Every party is going to have to give a little bit, and it is not clear a lot of times what the ultimate resolution will be or whether it will be satisfactory to all the parties. Just like enforcement.

So in some sense we are, I think, the personality of the organization, we are sort of battle-tested and we don't -- we understand this is going to be complex, and that is okay. You know, we understand that. And these are hard issues, and they are going to require a lot of hard work from people. So

it is a struggle, but I think we are making the right progress.

Then, you know, as sort of cementing that progress, the Administrator visited the NEJAC, and that was the first visit. You know, the last time you folks met. The first visit by the Administrator in a long time. And, you know, he was quick, as I said yesterday, to reaffirm the support for environmental justice. He put out a memo that explained that we really were now moving to the next level. And he did very publicly talk to a lot of people after that meeting and said, "You know, this is a good factor. This is a factor that is actually working and making good recommendations." And you could sense the sort of passion that you had for the issue and he appreciates your hard work.

So I think you are in a good place, you know, and I see a reporter from inside EPA -- hi, John! John asked me this morning -- he said, "Well, do you think EJ is going to be able to get a place at the table with all these other issues?" There are big issues out there, right? Global warming, the economy, a lot of things are going on, right? Global climate change, the economy, all these things are happening. And how does EJ insure a place at the table?

I -- my reaction is it is going to become even more important with a lot of those issues. With the economy, or if you think global climate change is going to be a pressing

issue, the fact that there are vulnerable populations, maybe they are going to be more affected or least able to deal with some of these changes, whether it is the economy, et cetera. I think EJ is going to become more important, not less important, and I certainly hope the new team that comes in is aware of the potential, and I think those -- you know, it is sort of the silver lining.

You know, Katrina was a terrible, terrible event, but I think it spurred awareness of environmental justice, I really do. I think it was an eye-opening experience for a lot of people. And I think some of these other challenges, whether it is climate change or whether it is the economy and some of the challenges that we face, are opportunities -- are opportunities for you folks in the environmental justice world to sit at the table and demand that environmental justice concerns be part of that discussion. And you can do it on the front end because people are sort of just grappling. It is not like a fait accompli, you know. It is not like we have decided how we are going to address climate change or any of these other issues. There are ongoing challenges that are arising and you folks have a chance to, I think, to take advantage of that, leverage, you know, your activities and get in there and really have environmental justice be part of that discussion.

So I think the future is pretty bright. And the

people ask me, and I am consistently of the believe -- and I have said, I think, Charles, since Day One -- environmental justice is not a program of the past. It is actually a program of the future. And I think it has a bright future at EPA and it has a bright future within the Federal government.

Let me just briefly talk about some of the things that we -- I see coming down where we are going. And I think we are going to continue obviously the capacity building, continue working with community groups because they are the lifeblood of really the environmental justice effort. But we are going to start building relationships with the states -- that is very important. We have these state cooperative agreement programs that we have started where we are going to, I think, fund five states to work on a specific environmental justice problem in their state, not fund general operations. And I think there is a lot of excitement.

I was at the Environmental Council of States meeting, their last meeting, about a month and a half ago, and they were excited. They are interested. A lot of them have good ideas about some real exciting projects that would be run. I mean, we heard that great project from San Diego where they were working, right? And the states also have some great ideas how they can work on a local level and get some good results. So that is going be, I think, the great program.

We are going to continue that integration into the

Agency with permitting, rule-making, those things that are done outside OECA. I think Charles has really build a lot of good bridges there and I think you are going to see a more robust discussion of EJ in the Agency's operational documents when they come out. And that is great.

You know, perhaps -- and I would talk about this, and this will be obviously up to the new team, but really revitalizing some of the interagency work, because, you know, as much as we are struggling -- we are the pioneers at EPA -- it is tough, hard work when you are trying to develop, for example, EJ SEAT. We don't have a program we can buy off the shelf. I can't go to another agency and say, "Hey, do you have a good program we can just borrow, or whatever?"

We are the leaders. But there is a lot of good work and a lot of other programs at other agencies we need to tap into. When you think of like Housing and Urban Development, they work on lead abatement with us, you know? We jointly enforce a lot of those provisions. There are a lot of things we could be doing with HUD. DOE, Department of Energy, has a lot of issues that affect, I think -- there are EJ issues there.

Department of Interior -- obviously, there are tribal issues, and we have engaged with them, you know, on some of their facilities, for example, on schools where we find a lot of environmental violations. But there are a lot

of issues DOI works on that are going to have effects, as you mentioned yesterday -- you know, oil and gas development, et cetera. Are they looking at all the EJ impacts the way EPA does? I am not sure, but, you know, it would certainly be good to have a discussion with them.

So I think, Charles, that is a big challenge. We have talked about it, but I think it is something that would be a good, good thing to work on in the future.

I am happy that we are doing those EJ Awards. That was your idea. That is a NEJAC idea. I was -- the only -- you know, the -- and we will continue those. That is a great thing, and I am hopeful next that we are going to have a business up there because I think they do deserve recognition when a business does a good thing. I think it is important to recognize that achievement because I think they -- you know, we do need to engage the business community. You can't do it alone. As community groups, you can't -- you need everybody at the table, and I think businesses have an important role to play, and I am hopeful next year we will have an awardee from the business community.

So let me wrap up here because I said I said I would get you back on schedule.

I am incredibly thankful for you folks allowing us to -- you know, to work with you, for allowing me to personally participate. We in OECA are lucky to have the

Office of Environmental Justice. I have said it many times. We are lucky to have that office because, you know, it lets us be sort of a driver here through our enforcement program. We can directly impact through enforcement.

We can also be the squeaky wheel with the rest of the Agency and really work on it. And it is hard work, but it is sort of similar to our enforcement work, so there is a natural synergy there.

You know, it is a program that -- the EJ program that really I think you folks can be proud of. You have had a direct impact, much more than many factives. You have an impact here. It is sort of a crucial turning point.

I think you can build on that momentum. You have that momentum. You can build on it because in some sense, I think, your activities help in a direct way to focus the Agency on EJ, make it relevant and insure that it was relevant to a lot of people who haven't thought about it in the past. And so you have the -- you know, it is sort of late in the game for this team, but I think you have buy-in now, and you certainly have buy-in more on the staff level, beyond the Office of Environmental Justice. A lot of good things have happened that are sort of behind the scenes the last couple years, things that, you know, you learn about maybe when a rule-making comes out and you look at the leadNAAQS and you say, "Look at that." But a lot of work went into that.

So we are, I think, in a better, better place because of the NEJAC and you guys really -- you need to be -- continue to be the positive catalyst you really are for change. And, anyway, that is really all I wanted to say. I want to get you back on schedule and just want to thank all of you for all your hard work. So, thank you.

(Applause)

MR. NAKAYAMA: Questions?

Questions and Comments from Council Members

Richard Moore, Chair

MR. MOORE: You know, just before -- we are going to just get the cards up there right now. I have to apologize to Donele. This morning, I meant to -- Donele joined us and I accept that, and then I got off into a good moment, I think, but into a moment, okay?

(Laughter)

MR. MOORE: Didn't have a welcome to the NEJAC meeting. If you could introduce yourself to everyone, please.

MS. WILKINS: Good morning. I am glad to be here, and I didn't feel slighted at all. I am glad to kind of ease in. Really hate that I missed yesterday's wonderful event in learning about all the great projects that received awards. I am Donele Wilkins. I am the Director of Detroiters Working for Environmental Justice, a community group in the city of Detroit. Really happy to be a part of the NEJAC. And have

missed you guys, so glad to be back and to be in this seat today.

MR. MOORE: All right. Welcome, Donele. Okay, I don't think anyone else joined us, you know, that I forgot there this morning. So we are going to go right into, and open it up -- now, I didn't see the cards because I was not looking, so you have to make that decision, help me make the decision, and --

MR. : (Away from microphone)

MR. MOORE: You saw?

MR. : Shankar and Chris.

MR. MOORE: Okay, so thank you for that, John. Shankar?

MR. PRASAD: I want to say again --- thank Granta for the support he has given to the Office and to this group. And it is really important for us who came on board and have been working --- the work groups reflect back. And think he said it right in saying that it was ---. And to move that into a force, into a commission, that has been able to make such significant strides actually shows true leadership.

You also may be very proud of taking the lead and giving us an opportunity to address some of the key issues that will be the things that we will be facing in this country ---. That is, the issue of goods movement, which we are trying to finalize. And the issue of the Agency.

I mean, I re-recommend that back in California thinking that we are --- the leaders and take the front edge. We were hoping that we will have something similar in California, but it did not happen, as we said that about not having a champion to champion the cause anymore, but you have in a champion that heart. As you said, all models are not perfect, but we always work with some models, so to take that bold step in order to initiate that effort inside the Agency where it is not a very common practice to address these issues, you have really shown the leadership and also for the Office. And to bring the model the issue of climate change as an issue that needs to addressed because it will have serious implications not only in the context of climate change itself but also in terms of evolution.

So whatever we deal with the climate change, it will also have an influence on the evolution, and both of them have direct as well as indirect on EJ communities. And to initiate those kind of three major, major challenges to be addressed by this group, we really appreciate your leadership, and also the team that you have built I think will certainly be able to carry on the legacy that you have initiated, and thank you for that.

MR. MOORE: Thank you, Shankar. Chris?

MR. HOLMES: Granta, thank you for acknowledging the work that started some 15 years ago for me with Ben *Shadows

in the United Church of Christ. I am sorry -- I can never get this right. Is it better now? Great. I just wanted to thank Granta for acknowledging the work that I and others did 15 years ago, Tim Fields in particular, who is here. And it seems like yesterday when Ben Shadows and his colleagues from the United Church of Christ came to EPA and people were trying to understand what this was all about.

I worked in enforcement also, and it is really complicated and it is really tough, and that what I have learned from my participation in this NEJAC is what a critical tool the NEJAC-supported organizations play in protecting human health in the environment and that enforcement is a critical tool.

But what happened yesterday when we were listening to all those presentations, they were all protecting human health in the environment. And I am hoping that when the next Administration comes in that they see this as a tool, not just as a vehicle to collect the views of people on the ground but rather it is something which is very active and very important, particularly as we recognize the criticality of tapping into all races and all cultures and all levels of our society in dealing with these challenges.

Finally, Tim and I had breakfast this morning, and we were talking about the kind of the all-star team of past EPAs going back a long time, and I sincerely mean that you are

the best. You are really fabulous. And you are wise and you are humble and you are technically adroit, and people will really miss you, and thank you.

(Laughter)

MR. : Thank you.

MR. MOORE: Thank you, Chris. Jolene? I have got the list -- I am back on it right now. Jolene? Thank you. I got a little help from council members -- I am with you. Jolene?

MS. CATRON: Thank you. I have been thinking a lot about this process and the history of NEJAC and where I fit into this picture and how I can be most effective as a voice in this council. And I am really humbled to be sitting here in this young stage of my life. I am not as wise and as experienced as a lot of my colleagues on this council.

So when I come to the table -- I will just relate a quick story. One time I was up in Canada and I was out visiting, making new friends, and I was shaking hands with some elderly gentlemen. And I said, "Oh, well, so what do you do?" You know -- "My name is Jolene. What do you do?"

And he says, "Well, I am the Grand Chief of the --- Tribe, --- Nation. "And, oh, okay."

"And what do you do?" "Oh, I am the" -- what was his name? He had some high seat in the Canadian government. You know what? "Well, what do you do" you know?

But I kind of find myself in these situations where I come in and I -- you know, into a situation and not quite knowing the history behind or the experience behind the -- where I am now. And it is hard to learn that up front. So I have a lot of respect and a lot of appreciation for the work that the NEJAC has done in the past.

Part of that lends, though, when you come into a situation like that. The first thing I want to do is say, "Well, why isn't this done this way?" Or, "why isn't -- how come it hasn't happened like this?" Or, you know, "Why" -- you know -- "can't you guys see what is going on here?" Or, you know, just kind of be blunt about it.

But I have to understand the history behind it first, I think, before I can really just blurting things out.

But I think one of the issues that I am really heartfelt about is the integration of the work that is being done at the American Indian Environmental Office and how that is integrated into EJ Office of Environmental Justice. And I think those two should be hand in hand. I think they should be walking hand in hand together instead of, oh, I didn't know that they were doing that over there and I didn't know you guys were doing that over there.

I look at the historical perspective of environmental justice, environmental racism, environmental injustice in Indian country and that one aspect of EPA of how

AIEO and OEJ are not integrated is really blaring, really blatant, on my young perspective.

So I would encourage OEJ and AIEO to always strive to walk hand in hand in developing any kind of future program. I think that integration is so important. And it just goes back to like EJ SEAT. You know, when we were talking about EJ SEAT, the first thing that popped into my mind is: Oh, if you are relying on census data, you know, half of the tribes don't even -- you know, tribal members don't want to be filling out any kind of forms or answering questions about where they live or how many people are in their house if they are giving that information to the Federal government.

I worked as a Field Operations Supervisor in the last census counting, know how difficult it was to be a census counter in an Indian reservation.

So that data that feeds into the EJ SEAT leaves tribes at a disadvantage, I think.

So I started asking around and I found out that AIEO is also developing a criteria that is similar to the EJ SEAT. So how does that integrate? And how do those two efforts integrate?

So I would just really like to say that I am very humbled to be sitting here and any way that I can be of future assistance, I am just so excited to be even able to be sitting here and adding my two cents to this discussion and I would

highly encourage OEJ to continue and strengthen, even strengthen, their tribal participation and tribal focus in all the work that they do. Thank you.

MR. NAKAYAMA: I think that is an excellent comment, and it is something that we have noticed and we have really reached out to AIEO to try to -- first of all, develop synergy where we are both working on the same thing. We have got too many challenges. We don't need to be duplicating effort.

The other thing is we have -- we invite the head of AIEO, Carol Jorgenson, to attend our OECA sort of senior staff meetings. She is -- and she attends, you know, from time to time, because she has an open invitation and we try to invite her every time because there is a lot we are doing that definitely is important to that office.

Then, finally, I am not sure if you are aware of it, the Tribal Enforcement Priority, which is -- we have a limited set of what we call our national enforcement priorities. These are basically eight things we are going to work on very, very hard, and we devote a lot of resources to, and we actually have goals, et cetera. And so we have a tribal priority and so it is, you know, first and foremost in our mind: What can we do to improve the environmental conditions with respect to the tribal entities? And we would be glad to provide a lot of information to you, and I really want us to take you up on your offer to, you know, help us get better

integrated with AIEO's operations because it is an opportunity for us to do some good work here.

MR. LEE: When I became the Director was to -- and we had a long-standing relationship, Carol Jorgenson and I, was to agree to meet once a month and just to talk, you know, and share our perspectives and find opportunities to work together.

The -- you know, there is also another opportunity which is that there a formal liaison for here at this Committee to the Tribal Operations Committee. There are -- the Indian Program Policy Council is kind of the equivalent of the EJ Executive Steering Committee. It is composed of Deputy Assistant Administrators and Regional Administrators. There is only one person other than that that is on that -- that sits on that Council, and that is the Director of the Office of Environmental Justice.

You know, we are working with the OECA tribal priority to really focus on really sharpening some work in terms of environmental justice and working to build community capacity in the process of a lot of the compliance work in tribes, particularly among schools.

So these are all different examples, but I think overall the -- there is a discussion that many in the Agency want to have to strengthen that larger programmatic relationship between environmental justice and the tribal

office.

So just want to lay that out for you in terms of what is already happening. And so we agree with you. We need to build on it some more.

MR. MOORE: Thank you. The order that I have here was Omega, John, Lane and Patty, okay? Omega?

MR. WILSON: Thank you, Richard. I would like to thank Granta, too. I think he is the ultimate diplomat. Some of these situations that I know he has to deal with is almost like, you know, working as a diplomat for United States trying to get involved in issues that are part of this country and it becomes a tough situation where laws were in place but they are not complying with. And I want to compliment on the work that he has been for the years he has been here.

The question that I have has to do with part of the issue we are going to discuss later on is the goods movement, because I am working on that work group. And I mentioned this briefly yesterday. We thought we were doing something wrong, or we weren't approaching it in quite the right way when we were trying to get to the Department of Transportation for North Carolina to address issues related to how it planned for 16 years or thereabouts, at least over a decade, to run an interstate highway with Federal monies through the Afro-American communities and get rid of them without compensating them or replacing without public participation.

But I really sincerely thought at this level that we would be able to shake hands with the Department of Transportation through the Federal Highway Administration, and that hasn't happened here. So, I said, my goodness, you know? This is hard work.

I expected at this level that that leverage from, you know, from the Office of Environmental Justice and EPA standing behind it and we could at least get, even with arms crossed or brows furrowed, the Federal Highway Administration to talk to us. So now begin to understand where their attitude -- I will say "attitude" or "culture" -- that the Department of Transportation at the state level feels protected by because it is systemic. I am just picking out that one agency, but there are others I can talk about.

So, one of the things that we are so concerned about at the local level and -- is how you have some ideas. You know, is there some place, some vision, you know, some light in the box somewhere, that puts us at a place where we start, you know, developing relationships where laws are in place but culture stops it for -- I am saying using the word "culture" -- for whatever reason, that clearly there are things in place to protect and enforce compliance and help people with their public health situations but you have state agencies, local agencies, Federal agencies who just don't want to come to the table to deal with the compliance issue? And

clearly it is a tougher, tougher, tougher thing that I had imagined it would be, especially at this level, right?

So can you respond? I am not asking for a magic wand, but, you know, can you give us some perspective on that or where we go with this because we are not quite, you know, holding hands or shaking hands or even at the table yet on this issue?

MR. NAKAYAMA: I think that is a good issue there.

One of the things we do at EPA -- we are not -- you know, we don't directly regulate the Department of Transportation only to the extent that they submit environmental statements when they have a big project and then they need to address a lot of issues and we comment on those environmental impact states. And we have sort of taken a fairly, I think, progressive view of the need to address environmental justice issues in a lot of those letters, and if they are not satisfactorily addressing the environmental impact statement, we write letter when we review every environmental impact statement and we sort of discuss whether we think those concerns are addressed or not.

The difficulty comes in in our operational level, like the Department of Transportation or the Federal Highway Administration, you know, is part of that organization. If this project is too small, then they are not required to do an environmental impact statement. They just do a -- you know,

sort of a no significant impact sort of analysis and move on.

So to the extent that we can be an ombudsman -- I mean, certainly we have people within OECA that can -- that have the relationships with DOT, and certainly be interested in following up with you with respect to the specific concerns that we can then bring to DOT and then they are going to have to, you know, go down to the state level and the programs they administer, and it is going to be tough, tough road because, you know, as much as we talk about hard and incremental the progress is at EPA, I think the focus on the environment and the sensitivities to the environmental justice issue is much, much higher at EPA than it is frankly at a lot of other Federal agencies. They are just not even anywhere near where we are.

So it is sort of -- it is missionary work, you know? I mean, it is going to be long, it is going to be hard, but it is sort of you have to be -- we have to be champions.

So I don't mind, you know, working with Charles and we can at least set up a meeting where we can talk about that with some of these people. So we should follow up with you after this meeting, Omega, and see if there is a specific that we could leverage and then we could talk to our EIS people who review all those EISers and then talk to the DOT folks.

But those are my initial thoughts -- non-magic bullet.

MR. LEE: You know I was going to add something to -- this is one of the harder issues that we confront, and the -- you know, the activities on the part of other Federal agencies is pretty sporadic at this point. And some of the ways that we can -- what we have been thinking about using to reach out to the other Federal agencies are through --- vehicles like EISes and the National Environmental Policy Act and things like that.

So -- you know, and some of that requires in the first instance a really good engagement with the Council on Environmental Quality. And so we have begun to do that. And I just wanted to say that a lot of this is due to Granta's kind of encouragement because within the Office of Enforcement and Compliance Assurance within OECA, there is not only the Office of Environmental Justice but the Office of Federal Activities which is the steward for NEPA, you know, for the EISes in the EPA.

So with the Director of that office, we have been working together to do the kind of outreach and lay the groundwork.

So there are lot of different places that we need -- we could go to to really do the kind of meaningful engagement that you are talking about, and we are starting to do that. And, you know, that is part of the building up of a strong foundation not just through our office but through other

offices.

MR. MOORE: Thank you, Charles. Okay, now the list I have got is John, Lang, Patty and Bill.

MR. : (Away from microphone)

MR. ROSENTHALL: Thank you for the opening engaging relationship that we have had over the last couple years. And your staff I have found totally committed to environmental justice and very easy to do their job.

Earlier in your statement, you mentioned that one of the things we could probably do is revitalize the interagency working group, and Charles just said that some of the EJ work in the agencies is rather sporadic.

What type of device would you have for the incoming Administration and the person who takes your place for revving up actually -- not for revving up, but for getting a robust environmental justice program into other agencies?

MR. NAKAYAMA: Oh, John, thank you for the kind words. I also -- one of the things I should have mentioned during my review of where we have been, you have been a force with that environmental justice conference at Howard, and I think that has been a really good thing for bringing people together and I think we have -- you know, that has been a great conference, the one that is held in the spring at Howard University on environmental justice.

We are -- as far as advice for any new team, I would

say that it would be important early on to have a sort of a convening meeting to sort of get the players at least in the same room and get them thinking about this. And, in fact, you know, the most -- I guess your conference is one of the most widely attended in some sense because there are many Federal partners who came there to the conference this year. We had sponsorship by DOE and some of the other, you know, Federal agencies were there as their representatives were there. And so perhaps we could take advantage of that conference because that would be in the spring and get a number of Federal agencies there and they can sort of -- you know, their session, a separate session on how we are going to integrate EJ into the whole Federal family. I think that might be a possibility, something we might throw out there.

I mean, just trying to think -- you know, sort of open-minded we are about some of the opportunities. But that would be the best ways -- is -- you know, as always, we need to develop a relationship and start talking with the folks and your conference might be an interesting place to make that happen.

MR. MOORE: Thank you, John. Lang?

MR. MARSH: Well, my background as a state official -- and I wanted to add to the general appreciation, that one of the things that I think you kept going and expanded actually is the relationship with the states on EJ

issues and recognition of the important role that they can play.

I view OEJ as a really essential entity to keep the states sort of thinking about environmental justice issues. And, you know, I think with your various outreach programs and the new grant program, that really tends to bring -- and I was really pleased to hear the excitement that was generated at the recent ECOS conference.

So, you know, it is a hard thing for EPA or any Federal agency to figure out the best way to be involved in community activities, and OECA is one of the few places where there is a -- you know, a direct relationship between OECA and communities through the grants program and so forth. And the states are, and need to be, good partners in that, and so I really wanted to appreciate your encouragement and support of that relationship.

MR. MOORE: Okay, Patty?

MS. SALKIN: Ditto on the kudos and the appreciation, Grant. And I guess I just want to say that what I bring to the table is, through the Government Law Center where I have been for 18 years, what I focus on in general is figuring out how to instill change in governments at all levels, how to bring research, how to bring people together, how to make fundamental changes into the thought processes of policymakers and lawmakers on issues that the Center by its

staff thinks are important.

So, you know, one issue that I have been personally committed to for a long time is environmental justice and trying to make a difference in that regard.

So I just wanted to share some thoughts with you, and maybe some of these are for Charles also for the next presentation, and I think I am going to pick up on what Jolene had said that, you know, it was important to hear the history, and that, like Jolene being new to NEJAC and being new to a lot of you, I am also not sure of how much to say and how much not to say and when you are stepping out of line. And so I am just going to blurt it out, carpe diem, seize the day. I have got the microphone, and I will let our Chair tell me if I am out of line or decide if there is anything in here that we could pick up on later.

You know, one thing: We are going to have a new Administration. In New York, whenever we have a new Administration, we have got transition teams that are working on background papers for the new Administration. I am positive that both camps have their teams in place and they are looking at issues.

But I am wondering whether there is an opportunity for NEJAC to come up with some sort of background paper in terms of what we might like to see that we can present to whoever the appropriate people might be in the new

Administration. And I am talking about the White House, before people actually get to EPA.

You know, there is a short time frame in which to do that, but I think the people around the table have some pretty good ideas and have a history, and that might be an opportunity to have some impact Day One.

The second area is sort of the raising of the visibility of the issues. You know, there has been great history, we have momentum. How do we document that, because sometimes, you know, some of us are hearing the continuum, putting the pieces together for the first time, and we are people that view ourselves as actively engaged in looking for stuff?

So I guess in my academic hat, I am wondering of we can embark either officially as a NEJAC or unofficially as members, individual members, of NEJAC, in things that raise the awareness of NEJAC's accomplishments, EPA's accomplishments?

There are things that may be academics and individual citizens can say that people who get their paychecks from government can't say, and I think we need to be aware of that. But if we can publish things in different places, articles that are used by policymakers and lawmakers and advocates who then appear before those policymakers and lawmakers, I think we will set the record straight, that we

will set history. We will document things, we will record things, because I think that that piece is missing, you know?

Everything that Grant laid out this morning was terrific, but where is it going to be published besides maybe inside EPA News that will be buried on a website after the first couple of weeks that it is up there? So how are we going to let other people know about this?

You know, I sort of go back to one of our grantees yesterday. He said that she was a storyteller. And I think that we all have to be storytellers for what has happened and also what is possible.

So, in that regard, one idea that NEJAC might consider and that EPA might consider is coming out with some sort of EJ journal that could be published a couple of times a year. Other agencies do this. HUD has got some publications on housing that look kind of a law review or a public policy journal. Fannie Mae has got one, other agencies have one. Those I am aware of because I read them. But I am sure that others exist. And, again, that is a way to document the past and talk about the possibilities for the future.

Cooperation with other agencies -- Granta, you know, you mentioned HUD and DOE and Interior, but, you know, we know that there IS Health and Human Services, we know there is DOT, we know there is the Department of Commerce, lots of other places for cooperation, lots of opportunities for NEJAC to

suggest or develop report cards about how other agencies are doing.

Again, if NEJAC can't do it and if EPA can't do it, then we need our Chair and others here that participate in some of the national advocacy groups to put these ideas out there so that we can help advance change within a bureaucracy.

I have seen this be successful. For example, in the last Administration, one of the things that the Vice President had been interested in was Smart Growth, and he had his domestic policy advisor advancing Smart Growth within the White House. And all of a sudden, many, many, many Federal agencies that were Smart Growthesque -- meaning sometimes it was within regulations, but more importantly it was within grant programs, and they were getting state and local governments to change behavior not by regulation but by the incentive of small grants that were available through different programs that all of these other agencies had done. And so I think, again, the partnership and talking to the other agencies about how they view things will be important for advancing environmental justice.

Again, within there, I just want to make the pitch for, and ask the Chair to help me figure out for the duration of my tenure here how to advance this local land use component for EJ because I really think that where we may not be as successful in the courts, there are certain things clearly

with regulations and things that EPA can do and things that the state can do, but every single day, thousands of local governments, legislative bodies, planning boards and zoning boards meet and have public meetings and are making decisions that impact us in the community. And, you know, that is where the greatest opportunity for impact is on a daily basis. And I don't want to lose that while we are looking at, you know, some of the big Federal issues and the big state issues because these things are just happening every day and we are missing it. So I will shut up.

MR. MOORE: That is great, Patty. Thank you. Is there any response to that? I am going to move on to the next person.

I know I have listed some things, and then Charles is going to go when we make this round. I just wanted to take a minute or two before Charles goes just to -- I am going to quickly run through a couple of those things, Charles. I know you are running some of them down, too, and maybe you can add a couple of those into your report back on the future directions, if that is agreeable. Okay. Bill?

MR. HARPER: You know, being new to NEJAC as well, you know, my comment really is more on when I think about the fact that this organization has been around for a while and, Chris, you know, you and I had dinner last night. We talked a little bit about, you know, all the work that you have done.

And there are a lot of you who have been here for quite some time.

It is interesting because to me it seems when you hear some of the stories that the people gave yesterday, you know, when you listen to, you know, what Omega has been saying, and some of the plight of the communities that have gone on for a very long time, it is shocking that -- to, Granta, to your point -- that, you know, we have to be such an advocate that people don't listen more than they do, that there is not more interaction of things going on.

So I guess, you know, my comment really is, you know, thank you for the leadership because I think if you think about it and if you think about what people are going through and what they have to deal with every day -- and we are going to hear more tonight from folks coming from the communities to talk about, you know, the things that they have been going through -- as a human race, it is sort of deplorable that we even have to have this body to bring out those points and try to right some of these injustices. So, you know, realistically, it is great that -- it is too bad that you had to turn around the thought process that, you know, the NEJAC was almost dead. But it is fantastic that it was turned around and that the group is still here doing the right things, and, you know, I applaud that.

So I hope that we can just carry that on, you know,

that we can push forward to make sure that the new Administration is -- picks up and does the things that you started to do and that we could be pretty positive in that.

MR. MOORE: Thank you, Bill. Sue?

MS. BRIGGUM: I will just talk. I was thinking of the transition when the Clinton Administration started the NEJAC, and some of us have been around since then. And it was pretty tumultuous, and it evolved into a group that became very deliberative and produced work products that could really endure -- you know, the Brownfields project, the template for public participation, a lot of really seminal works in terms of environmental justice from a programmatic point of view.

Then I will take my business hat here and say when the Administration changed, you never know what will happen with transition. And some of my colleagues thought that perhaps environmental justice wouldn't be a key issue anymore. And it clearly became, in fact if anything, more embedded in the Agency itself under your leadership.

You made it so clear from the first meetings you had with business organizations that environmental justice was a very high priority for you, and that was incredibly important to the people in the business community who have been working with the NEJAC over the years because we feel that we have worked together with consensus and come up with some templates about how we can go back to what Richard was saying sometimes

we start at the opposite sides but we can come to common ground and make recommendations that are meaningful and have some impact.

So as you are getting philosophical looking to the next transition, how do you feel about that? Do we have enough embedded within the people who are civil servants and will endure and they will be able to tell the stories? Does NEJAC need to do more in order to make sure that the new Administration doesn't decide, "Oh, no -- this was with the old group -- must try something new and different?" Because I do think there is a continuity and a dedication to work products that are meaningful here that we would certainly hate to lose.

MR. NAKAYAMA: Let me just say this. Charles is working very hard to insure that the right briefing papers and the right attention is being devoted to EJ and it is not lost in the shuffle. And Catherine McCabe is also working very, very diligently.

So this is one of the higher profile items because it is one -- you know, a lot of our programs are -- let us say -- let us talk about a routine enforcement program for the Clean Water Act and PDS permits. Very straightforward, nothing is going to change. I mean, we just go off and -- you know, we enforce the rules, et cetera, and that is pretty straightforward, so you don't need as much, I think, care and

sort of thought to how it goes through transition. That is just a regular, regular thing.

I think EJ programs is both -- it has got opportunities, but again, it is a fragile situation and we need to insure that we carry that momentum, that now that we have got that momentum, we need to carry it forward. And I think you have a good team. I think Catherine and Charles are really working hard on that.

Obviously, there are limitations on what Federal employees can do as far as lobbying or other things, and there are things private citizens can do that are different, so I -- you know, I think, you know, Patty and Sue, you really need to talk to Richard about some of those things. And there are things that are appropriate for a FACA but are not really appropriate for a FACA and that is another discussion.

But I am actually pretty encouraged with respect to we have made so much progress with the other programs within EPA. We have made so much progress in the national program manager's guidance and with what is required now for rule-making that it is just embedded. It is sort of like a barbed hook -- it went in, and it is not coming back out. So I think it is a good situation.

I am -- I guess I am pretty optimistic that it -- this new way of looking at rule-making and permitting is here to stay. I don't see us going back.

MR. MOORE: Thank you, Granta. Okay, we are actually doing very well in terms of time, and I think, Granta, I was the one that got them back on agenda.

(Laughter)

MR. MOORE: But I want do something that don't feel too uncomfortable with before we go with Charles, but I am going to ask that everyone comment on the earlier discussion. So I am going to just make the rounds to a couple people that didn't put up the cards, Charles. And if you choose not to say a comment, that is perfectly fine. So I am going to start on this side of the table. Paul?

MR. MOHAI: (No response)

MR. MOORE: Okay. Greg?

MR. MELANSON: I guess my comment would be in terms of the partnerships that were discussed earlier. I think those are very compelling and strong.

Coming from a perspective that doesn't have nearly the history of many other around the table in terms of the EJ issues, I bring the perspective from financing community development. And what I observe is that there are a lot of similarities in terms of the partnerships in that space. And there are some differences, and I guess I am learning as I attend these meetings as to how to bring some of the continuity and some of the strong partnerships that take place on the community development side between private and public

sector and how to bring those into the EJ community to complement and to add on top of the existing partnerships that have developed here.

So I haven't come up with a revelation yet, but there are a few opportunities that I am hoping to provide value here. But it is a -- I think there are clearly some opportunities in partnership with other agencies, Granta, as you mentioned, at HUD and many of the programs that they have that support the community development efforts. Should have a lot of interactions, and I haven't seen those yet.

So, again I look forward to being able to, in my capacity, help identify where those might take place. Thank you.

MR. MOORE: Thank you, Greg. John?

MR. RIDGWAY: Likewise, kudos to Granta, Charles, Victoria, everybody on this group. It has been a pleasure to work with you all, and I am also humbled to be here.

A couple thoughts. One is, following up on what Lang said, I think the states are a key to insuring that EJ progresses in between what EPA does and what communities need. And I would like to see whatever thought that can go forward to help bring these states into an opportunity to show resources, commitment, collaboration et cetera. And I think that the work group that has been looking at what is being proposed for the state grants is affirming that that is a good

thing to do, so we hope you will support that, and we have a letter ready for that.

I think it is really important for the people who weren't directly involved with this work to see in writing reaffirmation of the priority of environmental justice come out of a new Administration, and I know that that is something that is perhaps hard to do up front, but the sooner that that can happen, the better. So that would be a recommendation for whatever transition teams.

I think that some people think that this may get very down below the higher profile issues that go on nationally, and I think this needs to remain a continued activity by EPA and the other Federal agencies. I definitely agree with what we have heard around interagency coordination and efforts to insure that environmental justice is instilled and integrated and working across the Federal systems as well as it is -- needs to be in the states.

So those were a couple thoughts there, and I think this group stands ready to help with that in a new Administration. I hope that we are not forgotten when that new Administration comes in. It is -- there is some momentum here. It has been a very progressive, productive group in the last three years, Granta, under your leadership, and Charles, and I, too, was very concerned that this body was going to die by atrophy. And I think it is to your credit it did not, and

I don't know you pulled it off, but congratulations on that. I would like to see it continue. Thanks.

MR. MOORE: I have got two more people I am just going to call on. We will pass if we need to. Chuck?

MR. BARLOW: I will give you a little bit of a success story, what I think EPA's work rubbing off on the work of another Federal agency. As the Nuclear Regulatory Commission has been revamping its rules over the last several years because there are so many nuclear plants that have been going through license renewal and the NRC actually has become very active in the environmental justice arena, and I note as my company has been filing some applications, we get push-back and we get feedback and we get questions: Have you done enough? Have you been looking at the right communities? You know, they -- and they have been asking very good questions as an agency, showing that they are paying attention to this.

You know, years ago, just sitting around and thinking about the Federal agencies that might have really taken EJ to heart, I am not sure that I would have listed, or even thought about, the Nuclear Regulatory Commission, but I think because EPA was taking this very seriously and making it a priority at the time that NRC was sort of going through this revamping of their process, they also took up that torch and, you know, made it something that is central to their process. So I think that is very much a credit to EPA.

And then the other thought that I had was back on the issue of transition and not getting lost in the shuffle. You know, we -- we are going to talk more at this meeting about climate change and the disparate impacts of climate change. And of course they come in more than one way. They -- we need to talk about disparate impacts of climate change physically -- you know, to populations who have less resource to adapt or to just move or to, you know -- or to prevent, or whatever.

But there is also a very financial -- important financial component, that as Congress goes forward in regulating carbon emissions and obviously they look to -- they are going to look to utilities in a big way and that is a cost to utilities and utilities' costs are usually regulated areas just passed on to customers, so there is a big concern about how to regulate climate change, regulate CO2 without having the cost of that just piled on the shoulders of low-income communities that are already maybe paying a third of their income for, you know, gas, water, electricity, the basic services.

How do we keep that from happening? How do we make sure that part of the income from a --- structure or the income from a carbon tax or whatever is recycled into a program that helps low-in -- you know, that makes sure that the burden is not disproportionate placed on the shoulders of

low-income customers?

So that is a climate change issue, and everybody is going to be talking about climate change, but obviously it is also an environmental justice issue, and so I think that is one of those barbed hooks like you were talking about. That is a place where, you know, every time people start talking about climate change, we can also talk about environmental justice and make sure that we are an important part of the discussion, you know, as we go forward in the transition.

MR. MOORE: Thank you, Chuck. Donele? And then Donele will be the last person, and then we are going to move to Charles, and then I am going to do some two-minute summary, and then we have got a presentation that will -- we will close out right before lunch, okay?

MS. WILKINS: Thanks, Richard. So much has been said that I do agree with.

I think that there is much to be done. We know that there is a lot of work that continues to be done. I do appreciate the leadership headed by Granta and Charles and others and the combined commitment here at NEJAC.

As I think about the work from a grassroots perspective, there is a lot of work to be done still at the local and state level, and that is the hardest part.

The most difficult challenges are to get state and local folks to seriously consider the impacts and to seriously

align resources and commitments that would relieve the burdens that Chuck mentioned, and others.

I do believe that there are -- depending on who we get into office, there is reason to be hopeful and there is also reason to be scared.

I think that on one level there has been a recognition throughout this campaign season that the environment -- climate change, energy -- those things rank very high. At least, both candidates say that.

Our challenge would be to make certain that the issues of disparate impacts and environmental justice don't get lost in the process. And I do know that at least on one of those -- in one of those campaigns that is a priority.

So my hope is the largest if we get who I would like to see come into office --- and apologize later.

But I don't have much more to add to that.

I think NEJAC is in a great position. It has a lot to draw from.

There is a lot of work that has taken place, a lot of great examples and models assuming that we can build upon, and I look forward to adding any assistance to moving the agenda forward. Thanks.

MR. MOORE: Thank you, Donele. Thank you, council members.

We are going to move right along here. Charles?

EPA'S Environmental Justice Program: Historical Lessons and Future Directions

by Charles Lee, Director, OEJ

MR. LEE: Am I on?

MR. : Yes.

MR. LEE: Am I on? Yes, thank you. Well, first of all, before I begin, Patty, I think the -- you raised a great issue about the role of the NEJAC and the intersection of NEJAC with a lot of the issues relevant to the transition of the Administration, and we should have an ongoing discussion about that throughout this meeting as well as maybe something to wrap it up at the end when we talk about the -- when we talk about other business and scoping out future kind of activities.

You should note that we already have identified a number of the opportunities for the NEJAC's work having an impact on the future Administration through the work you are doing right now, and so part of that -- that is going to be part of the discussion.

The other thing I would say, that in building on what Granta said, is that the way that the Office of Environmental Justice is approaching the transition is to do what we are doing now and doing it well, because I think building a strong foundation for issues that are as basic as this is the best way to go, and not to -- you know, and so -- and I think the whole point of this presentation and the whole

point of this presentation being done in conjunction with Granta's reflections around past, present and future is -- speaks to that fact.

Before I begin, I just want to preface this presentation about historical lessons and future directions for the EPA's environmental justice program with two thoughts, the first that I think that you shouldn't -- embedded in this presentation and throughout all that I have said ever since I became the Director of the Office of Environmental Justice is the fact that may be so self-evident that we do not even recognize it, that a huge amount of work goes on every day by the very committed people that work in EPA that has tremendous environmental justice benefits, that this goes on all the time in the day-to-day work, that goes on in all the programs in all the regions. And, you know, one example of that is the new lead region for environmental is Region IX and they are just besides themselves with enthusiasm about working with us in terms of their ideas.

You know, Katherine talks about the 3,000,000,000 pounds of pollution that has been reduced by virtue of OECA's enforcement actions. You know, --- captured that in terms of environmental --- benefits is not an easy thing to do and it speaks to some of the things that Granta talked about.

But I recently -- I have been trying to identify some of these just as examples. Region VI, you know, recently

sent us a report about the amount of SOx and NOx that have been reduced in the -- and SOx, that has been reduced in the Houston, Beaumont and Port Arthur corridor. So those are refineries, and we know what refinery communities are like in terms of demographics and socioeconomic status: 40,000,000 pounds of NOx and 88,000,000 pounds of SOx in that particular corridor. And those happen all the time. We just do not have a way to capture it. We do not way to identify it, to communicate it.

So this speaks, I think, to the kind -- oh, the other thing I just want to tell you is this, and I am sure Granta has a lot to do with this. Marcus Peacock, who is of course a Deputy Administrator, is doing -- does -- he initiated these closed-circuit TV shows, talk shows, if you will, for EPA staff around, you know, programs which have some kind of interest or, you know, new things, innovative, and he is going to do one on environmental justice and it is going to be focused on environmental justice and rule-making. So these are just some of the examples of that.

The other thing I just want to say in terms of a note before I, you know, go into this presentation is that I wanted to give this presentation really as a tribute to Granta Nakayama, that I wanted to give this in terms of a particular lens around these eight particular eight lessons historically and give you a picture of some of the things that Granta did

to make these come about. You know, the little things that you never hear about that makes all the difference in the world because of Granta's commitment and passion and, you know, really dedication and care about this issue. And our Granta is going to -- you know, ever since I became the Director, whenever I say something, you know, that, you know, in terms of praise, tribute, introductions, he always says, "No, no, no, it is not me." You know, "It is all you that do the work" and so on and so forth. But, Granta, you know, you are going to have to hear it now.

(Laughter)

MR. LEE: This is the time. This is the time when we get to say our say, and, you know, you have to hear it from us. And so, why don't we go to the next slide?

(Slide)

We developed these eight lessons in -- as part of a reflection when, in trying to tell a story when Senator Clinton had her environmental justice hearings, and these are -- and these reflect the historic, what I would call, historical lessons that EPA has learned thus far in the conduct or the development of this environmental justice program over the last 15 years since the Office of Environmental Equity was formed, or was established, by Administrator Bill Riley in 1992.

(Slide)

And so, and of course, you know, just to run them through, is, first is build community capacity. Second is meaningful involvement. Third is clarify legal authorities. Four is to define this idea of what is disproportionate impacts, collaborative problem solving? A consistent approach to identify areas of EJ concern incorporating environmental justice in the agencies' planning and budget processes or the core planning and budget processes and environmental justice reviews. So, next slide.

(Slide)

So, the first one in terms of building community capacity, and we have always said, you know, that is the bedrock of environmental justice. And we heard that yesterday. Many of you speak to it all the time.

One figure that is pretty astounding, actually: Since 1993, EPA has given over $31,000,000 in environmental justice grants to over 1100 communities across the country. And this does not reflect all the other EPA resources that are provided to communities that are -- that have environmental justice issues, including Brownfield grants to community action for a renewed environment, lead grants, tribal grants, so on and so forth.

Over -- and these include -- you know, a lot of really kind of great stories come about as a result of this. Not to go into a lot of them, I just will mention the one on

the bottom left which, of course, Omega knows well. That is the work that was done in terms of teaching or building the capacity of young people to do water testing in Mebane, North Carolina.

The -- in -- over the last three years, EPA has given $4,600,000, or EPA will give, including the two EJ small grants and the EJ state cooperative agreements. So that will be the ones that EPA will be giving under Granta's watch.

The thing that is not known well is that in FY'07 there was a continuing resolution, so, you know, these -- the $31,000,000 is really our budget as presently structured with a base budget and a rather wildly fluctuating Congressional add-on, you know, that really does pay -- that is what pays for funds, a lot of the -- our direct support, assistance, to communities in solving community programs. And so in FY'07, there was none because there was a continuing resolution, and Granta really worked very hard to get the agency to internally redirect $850,000, and that is what made it possible to grants that were given FY'07 that -- at the level that they were.

So -- and, you know, these are the kind of things, like I said, that most of us, most of you, would never know or hear about unless, you know, you are directly involved in the internal workings of the agencies.

So I do want to mention in terms of this particular slide, the person on the lower right is a person you would

know well, actually. Rosa Hilda Ramos was a -- is from Catano in Puerto Rico and she is a community leader there, and she was, of course, one of the charter members of the NEJAC. And, you know, over time, she has been -- she has done some pretty remarkable things, one of which is the work to get -- focus attention on the power plants in her community and that led to EPA taking enforcement action that led to a $7,000,000 fine and a $3,400,000 supplemental environmental project that went to recover the wetlands in that community.

Now, Rosa Hilda Ramos is also the winner of the 2008 Goldman Environmental Prize. The Goldman Environmental Prize is the most -- is the largest prize given in the world to grassroots environmental leaders. And so Rosa Hilda credits her association with the NEJAC and her association with all -- many of you, and, you know, many of you in the audience and many of her -- and many EPA staff people, one of whom went down, I think, to Puerto Rico 14 times to work with her to -- with -- for --- as a really important part of her development from being a community leader to the accomplished environmental -- a community activist to the accomplished environmental leader that she is today.

So when she came to Washington, DC to accept her Goldman Award, Granta hosted a meeting for her at EPA where it brought together many of the people that worked with her over the years, including Rob Brenner, you know, and I think it was

one of the more moving kind of meetings that we had. And I know that Walker Smith, who is the -- I guess now the former, or soon to be former, Director of the Office of Civil Enforcement.

She told me that, you know, this is the thing that makes our work really meaningful. Our -- these are the stories that make our work really meaningful.

So that is the next slide.

(Slide)

Ensure meaningful involvement. Well, that is obvious, because, you know, environmental justice is about fair treatment and meaningful involvement. That is the very definition of environmental justice. And, you know, there are a lot of ways about -- you know, to go about insuring meaningful involvement, and the thing that I do want to point out is, of course, the NEJAC, the National Environmental Justice Advisory Council, and over the years, you know, the NEJAC has evolved into a very productive, you know, body and the kind of advice the NEJAC has given around Brownfield --- cumulative risks and impacts around public participation, around the use of statutory existing EPA statutory authorities to address environmental justice, you know, are all really things that have long-term impact.

Of course, you know, Granta has played an instrumental role in the revitalization of the NEJAC over the

last several years. And I think his commitment to the EPA will respond to all future NEJAC recommendations in writing. It is a real model because, you know, the fact that, you know, that in the past, EPA has not been as good as it should -- could have been, or should have been, in terms of responding to your recommendations is no different than many other factors, or most other factors, you know.

So in that sense, not only is that in terms of his commitment in terms of the agency responding to you, but also a model for all Federal advisory committees.

The third -- next slide.

(Slide)

The third lesson in terms of clarifying legal authorities, this is a, I guess, arcane kind of conversation that has been ongoing. And, you know, we know that the Executive Order carries no new right in terms of legal rights. And so the question has always been, has been a conundrum about -- so, you know, what are the authorities that, you know, that when you address environmental justice issues you would rest on?

So that is when the -- both the NEJAC asked about: Was there discretion under EPA, existing EPA environmental statutes, to address environmental justice? And it -- and that was done in 1995. And in 2000, the general counsel did come up with, you know, an opinion that says yes, indeed,

there was authority to do that in the permitting context. And that was codified in an administrative --- memo.

This has huge implications as we move forward in terms of the -- all the efforts that Granta is talking about as far as incorporating EJ in rule-making because if you don't have a strong nexus between, you know, the statutory, regulatory authorities, then it is really unclear what is it that you are trying to impact? And we would have a long discussion about that, but, you know, this is really fundamental, foundational as far as moving forward and building a program around environmental justice. Next slide.

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Determining disproportionate impacts -- Granta talked about that. You know, the -- this is -- we moved forward in the last several years to really kind of begin to put meat on the bones in terms of this.

Parenthetically, I would say, ever since I got to EPA, you know, there have been permit writers, rule writers that say -- and, you know, and I think it is important to note that most people, as Granta said, at EPA want to address environmental justice. And, I mean, I would say -- not just most people -- I would say virtually all the people at EPA want to address environmental justice.

(Slide)

You know, a lot of rule-writers and permit writers

say, you know, I want to address environmental justice, you know, we want to address disproportionate impacts in this particular permit or this particular rule, so what am I looking for? And you know what? We couldn't answer that question. And we couldn't -- we did not have a good, practical way to -- easy way to start to answer that question.

So, you know, over the last several years, you know, we began to kind of identify some of these factors -- exposure and proximity to environmental hazards, susceptible populations, unique exposure pathways, cumulative multiple impacts, ability to participate in the decision making process, and vulnerable physical infrastructure as a basis, as a kind of a framework and as a set of basis for discussion around, you know, an entry point into a methodology or framework for doing identification and assessment of disproportionate impacts. I will talk about that tomorrow when we have that discussion about these and we have a whole set of activities.

The importance of this is that, you know, and Granta says that we want to move this program in -- move environmental justice from a slogan, from rhetoric from a "you know it when it see it" type of, you know, activity to something that is truly evidence-based, that we have an evidence-based program. It has to be based upon substantive and --- factors. So this is the -- this is a part of, you

know, that direction that we are moving in. Next --

(Slide)

Collaborative foster -- collaborative problem solving. And a lot of the questions that you have asked about working with -- in other agencies has led to the kind of collaborative problem solving ideas and models that we have been trying to work with. And, of course, you know, the -- one of the real shining examples of that is the ReGenesis Environmental Justice Partnership in Spartanburg, South Carolina, Harold Mitchell's work.

But that was also work that many people at EPA and other Federal agencies really -- and state agencies and business and industry and academia, you know, all played a really big part in. But it did start with a $20,000 EJ small grant back several years ago and has led to now over $165,000,000 leveraged in terms of public and private funding. And starting with environmental issues in terms of several Superfund caliber sites there and some Brownfield sites into an effort of wholesale community revitalization.

You know, when the DVD that OEJ developed produced to tell the story and share the lessons and what is -- and when it was premiered down in Spartanburg last year sometime, you know who was there to help do the premiere? And that was Granta. And Granta has been really supportive of our efforts in this regard. And I think that his -- you know, he just

talked about states and his efforts to kind of promote environmental justice among states, among businesses, among all groups, you know, to kind of create the proper alignment, the proper partners, strategic partnerships, are critical for this kind of collaborative problem solving to achieve results. Next.

(Slide)

Shankar said -- this is consistently identifying areas of EJ's concern. And, you know, Granta said that -- I remember several years ago that, you know, we need to have -- you know, you can't have a national program without some kind of metric, or metrics. You know, you can't have -- you have to be able to tell a national story. We have to be able to say, you know, what is the progress we are making, you know? And without things like that, we really don't have a national program.

So, you know, like Shankar said, it was a very bold kind of step, that Granta commitment, that Granta -- it was a bold vision that Granta had that, you know, really kind of pushed us in this direction in terms of developing what is now a prototype, a national tool, for consistently identifying areas of EJ concern.

You do not know all the internal machinations that go around something like this -- you know, policy, the technical issues, the issues that have to do with, you know,

the role of race in environmental decision making and analysis, that -- you know, and so -- and I think that, you know, the far -- that we got to this point is really a huge credit. And, you know, it puts us in a direction that is so truly important. And we can talk more about this. Next.

(Slide)

Integrating environmental justice into agency -- core agency planning and budget processes.

In 2005, Administrator Johnson issued that memo reaffirming EPA's commitment to environmental justice by identifying 8 priority environmental justice areas which are those listed and directing all the EPA offices to set targets for environmental justice within these priority areas in the 2006 to 2011 EPA strategic plan.

You know, and that is something that I thought, you know, didn't get a whole lot of notice in one respect. It got a lot of notice because of the issue of whether or not these priorities actually were sufficient and issues that we can talk about later, but the importance of this didn't get noticed, which is that if you don't do this, you can never truly integrate something because as we all know, the true test of an organization's commitment to something is whether or not it is going to devote resources to it. And this is what, when you say "core planning" and "budget processes," when it is in the national program manager's guidances, when

it is in the strategic goals and has targets and it has resources dedicated to it, that is when we can say that this is truly integrated.

But then so this puts in that direction, and I think this is hugely important. Next slide.

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Of course, you know, in -- when the Inspector General said that EPA should be doing environmental justice program reviews, under Granta's leadership, and, you know, EPA said yes, we agree with this and we are going to do it.

But to get the entire agency to develop the kind of approaches and then the commitments on the part of all the offices to do environmental justice program reviews is no small task. And, you know, the memo that came out, the memo that Administrator Johnson signed on June 10th, directed all the national program managed -- all the NPMs and the regions to conduct an environmental justice program review in FY'09, and so we are on our way, you know. It is still going to be a challenge, but, you know, this is really important.

I don't think that the idea here, and I think the agency responded in the affirmative not because -- to the IG -- not because the Inspector General said that we should do program reviews but that we -- you know, and many of the deputy assistant administrators and deputy regional administrators said that we should be doing this because it is

the right thing to do, because if we do good program evaluation, that leads to better program design and program implementation. And so, you know, and that leads to better integration of environmental justice.

So these are the lessons. Next slide.

(Slide)

So where is this going? And I would -- and in the next few slides I just want to kind of give a short summary in terms of encapsulizing maybe where we think we are going.

So what is different -- you know, what -- Granta has this saying that we need to be a program that has -- that begins to show, or ultimately shows, measurable results, that we are talking about results and what kind of results. We are talking of results in terms of making a difference in the environmental public health conditions of disproportionate impacted communities, that we are talking about results that make a difference in the lives of communities that need it the most. And so -- next slide.

(Slide)

So that is why, you know, over the past year, and I have been saying that what I think are real accomplishments over the past year is to be able to really kind of look at -- step back and look at the fundamentals of what this EJ program at EPA is all about.

So we began to articulate what are -- what we think

EJ and what we think the EJ mission at EPA is. And so, you know -- and so that is encapsulated in that statement about integrating environmental justice.

The term -- you always heard this idea of integrating: What are we here to do, which is integrate environmental justice in all agencies, agency programs, policies and activities. But, you know, that is not really a sufficient statement because it begs the question of: To what end? Right? It really begs the question of, to what end?

We would argue that the end to which that integration is all about is to achieve environmental and public health improvements for populations' disproportionate burden by environmental harms and risks and that -- and those include minority and low-income communities.

So that is why I love this picture, right, because it shows that what this program should be all about, you know, what -- this is the U.S.-Mexico border, you know, 3,000,000 tires, you know, that got removed. And this is what we are trying to achieve.

The ultimate test, I think, of where we are successful or not is we make a difference in terms of environmental public health conditions in communities that need it the most. Next slide.

(Slide)

So I think if we do that, then we can truly talk

about how to make environmental justice part of the very fabric of what EPA does. And I do want to say, you know, over the last few years has been this kind of back and forth about this idea of environmental justice for all. And I think environmental justice for all is a fine concept. But it is not one that programmatically makes a whole lot of sense because: What is environmental justice? Environmental justice is about environmental protection for all people irregardless of race, color, national origin, income, et cetera, et cetera, et cetera, right?

So we -- and so what EPA, what the programs do every day is what we have got to be part of integrating to. And we would argue that if you integrate environmental justice in all of EPA's programs, it would help the agency accomplish its mission more effectively by focusing attention on the area that needs it the most by achieving environmental public health improvement in communities, in the disproportionate burdened communities. And I think that as we see this play out, we can begin to see how all these programs, all these activities, on a day to day basis have huge environmental justice benefits. And so what is it that we are trying to do is to increase that. I mean it is really simple, actually, you know? All we are trying to do is trying to get the agency to do what is doing good, the good is doing, to do a little bit more, a little bit more focused, a little bit more in

terms of trying to get the kind of results that make a difference for the communities that need it the most. And all the tools and all this disproportionate impact analysis, identifying EJ communities of concern and, you know, --- have performance measures et cetera, et cetera, is about that. And, of course, making it a part of the strategic plan. It is all about this. Next slide.

(Slide)

So the other thing we decided that we needed to do is just step back and talk about fundamentally what is it that we are doing? You know, and I have talked to you guys several times about this whole idea of a program theory for environmental justice. And a program theory is simply a succinct statement of: What is it that a program or -- is trying to accomplish and how it intends to accomplish that? Very simple.

So now we go to the other most often used statement around environmental justice which says environmental justice means a meaningful -- a fair treatment and a meaningful involvement, you know, of all -- in the development and implementation, enforcement of environmental law and regulations and policies. And, again, that is an insufficient statement because it begs the questions of: To what end? And so we really think we need to link those EJ principles to achieving results. And those results are significant,

measurable, environmental public health improvements again in disproportionately burdened communities.

(Slide)

I think parenthetically we do want to, looking forward, have a large discussion about what this means with the NEJAC, with, you know, our stakeholders, and within the agency because this is our -- fundamentally what we are about. How do we understand what we do?

The other thing -- and I said in the June meeting, this is part -- this is truly Granta's legacy to have an EJ governance and implementation structure for EPA. And this came about because -- and let me -- and that would of course involve the top leadership in terms of the administrator, deputy, regional and assistant administrators. It also includes a national program manager for environmental justice, and that is the assistant administrator for the -- for OE, for Office Enforcement and Compliance Assurance. It would include the EJ Executive Steering Committee which are the deputy assistant administrators and deputy regional administrators, the senior -- which is the policy and leadership body within the agency composed of the top career leadership in the agency. And then it would include the staff, the EJ coordinators in the programs in the regions, but also the kind of -- the people that work on the programs in regions on a day to day basis, and they are all part of that process of the

kind of the people that work on environmental justice. And then it includes the Office of Environmental Justice.

Our role is to provide the leadership and guidance and to facilitate the development of those kind of results based, results oriented, robust results oriented, evidence based, cohesive environmental -- national environmental justice program.

I do want to say that you used to be that OEJ -- when people talked about environmental justice, and it still is, that when people talk about environmental justice at EPA, they think of the Office of Environmental Justice and the environmental justice coordinators, and that is it, you know? And they think of the Office of Environmental Justice as the center of the universe when it comes to environmental justice.

You know, when I went up to the Hill to brief the Hill staffers about -- in preparation for their hearing, they asked me, "So, Charles, what do you want? You want more money? You want more authority?" You know? And I said, "Well, you know, maybe, maybe not. I don't -- you know -- arguably. But you are asking the wrong question." Because without that kind of structure, you can never be part of the whole -- the inner -- the workings of the agency on a day to day basis in terms of the functions that it carries out on a day to day basis. And, you know, I am -- I think it should be noted that heretofore OEJ has always been on the outside of a

structure like this. You have got to understand that. And to a large extent, we are not fully integrated into this yet. And if you actually -- and, you know -- and so what the import of the question that the Hill staffers asked me would be: You know, if we are presently at this point a small, marginalized entity -- you give us more resources, we are -- we may be a larger entity, but we are still a marginalized entity. And so -- and that is the wrong direction for us to go in.

So -- and like I said, this could not have happened without Granta playing that role as a national program manager, because without that, we could not have a vibrant environmental justice steering committee. Without that, we could not have the kind of support at the senior level in terms of the administrator and others. And, of course, you know, without that, we couldn't have the kind of support that the Office of Environmental Justice gets.

So -- and of course you know that the NEJAC is there and that is a very important part of this. Our other stakeholder input and partnerships are really part of this. Next slide.

(Slide)

So -- and I talked about this before, but I just want to mention that, you know, the kind of activities I just talked to you about in terms of building out the science base, in terms of the evidence based program, the substantive

factors and analytical factors, they are totally critical in terms of how we move forward. And next slide.

(Slide)

So this all comes to -- this all comes down to -- and we thought about this -- and this is a crystallization of a year maybe of thought, dialogue, with many offices at EPA in terms of where we think OEJ's goals are looking forward FY'09 and going forward. And that is then to integrate environmental justice to achieve measurable results in disproportionate burdened communities, to build the scientific and legal foundations for evidence based policy and regulatory development, to develop innovative approaches to build healthy and sustainable communities. And, lastly, to develop tools and mechanisms to foster national program cohesiveness.

This is what we want to present to the new Administration. Next slide.

(Slide)

So as I want to -- the way I want to conclude is just to say that, you know, I noted that it is really important that these lessons are really hard learned lessons. I mean, a lot of nice -- you know, people spend wakeful -- staying up nights. A lot of blood has been spilled, you know? It has not been easy, right?

But to the credit of EPA, and I don't mean the Office of Environmental Justice, I mean a lot -- many, many,

many people at EPA, they take these really seriously now. And they are not just lessons. They are real milestones for the development of EPA's Environmental Justice Program.

I would also argue, because of that, they are also guideposts for other agencies that want to integrate environmental justice.

So when I go -- like Bob Barney said, next Tuesday I will be talking to the environmental commissioners in New England. I am going to make essentially the same presentation, and I am going to tell them: If you want to integrate environmental justice in your programs, policies, activities, this is -- these are some lessons that, you know, may be of real value to you.

In order to move forward on this, we want to -- in order to move forward on this, we really want to have dialogue about this. You know, this is a story that has been largely untold, and so we need yours -- we need -- we want a dialogue with you about this. We want your help in stimulating a dialogue with everyone around this because understanding this is totally critical to us building on this and moving forward. So that is why we come to about the fact that we do -- we need your help.

In conclusion, you know, for me, and this is really directed at Granta, this is -- really, a lot of this is Granta's legacy, a lot of this. And, you know, when I told

them about, you know, that, you know, there are all these things I hear that are part of your legacy, he said, you know, "What do you mean, legacy? You know, you do all the work," and so on and so forth, right? He didn't want to talk about it. But, really, you know, I mean, as a leader, you know, legacy is really important, and I think as a leader for -- in terms of environmental justice, what Granta left behind as a legacy in terms of things like this is truly important, because, again, you know, that is something that is -- that when it is crystallized, is something that, you know, people can really look to. And so, Granta, I just want to thank you. I really want -- I mean, on behalf of the Office of Environmental Justice --

(Applause)

MR. LEE: -- on behalf of the environmental justice coordinators, the environmental justice executive steering committee, on behalf of all those people that come up to me in the hallways, you know, all the time and say, "Hey, I got this great idea for you," you know, we want to really thank you, you know? We want to thank you for your vision, for your leadership, for your support, and for your inspiration, that, you know, we came out of a time that when we were really down, you know? And right now, you know, we are really -- you know, we are -- you know, there is a vibrance about this, there is a momentum, you know.

You know, Granta always used the word, you know, "The wind is at our backs." You know, when I first started talking to Granta, you know, he -- you know, he asked me about being the director, acting director at that time. He said, "You know, I know the wind is in our backs, you know, and there is a momentum." And I -- when I started to take on this job, I kept saying to myself, yes, you know -- Granta is totally right: If we only knew how to put up our sails, you know? If we only knew how to put up our sails. And so I want to thank you.

So I just want to conclude by sharing with you a conversation I had with Granta.

He said to me that, you know, that the Office of Environmental Justice is a small office and we don't have a lot of people, we don't have a lot of resources. And so -- and so we have got a lot to do. But it isn't about how much you get done, because you can't do everything. It is about what direction you are moving in. It is about the direction. And so, Granta, you know, a lot -- much to your efforts and your leadership and your inspiration, I think we are in the right direction, you know? And I think that is all -- that makes all the difference in the world.

Granta said that -- I mean, I loved this, you know, that, you know, he thinks environmental justice is truly a program of the future. And we think that, you know, we -- you

know, we kind of -- we look to that, you know, as a really hopeful statement, as an optimistic statement.

But to me it is also a statement that says that, you know, we have some -- we have a goal that we are aspiring to. It is a truly worthy goal, the kind of -- what Granta says when he says that he wants us to move -- to become a program that is results oriented, where we can show results, we can measure results, where we have -- that is a substantive program, you know, that has the kind of cohesiveness that a national program needs. And the reason he says that -- he said that at the last NEJAC meeting -- is that, you know, this is an endeavor that is worthy of resources, and we can't get resources unless we can make a case that we have a program like that.

So with that, Granta, I just want to thank you. I mean, this is a -- I have been looking forward to giving this talk, and I just wanted to thank you.

(Applause)

MR. MOORE: Okay, before we -- we wanted to give Granta our appreciation both verbally, and I think many of the council members and I think others do that are here have done that in many, many ways, but we want to present Granta with a token of our appreciation for the work and for the commitment that he has made not only what I believe this NEJAC council but I believe to environmental justice and the integration of

environmental justice within the U.S. Environmental Protection Agency.

Before we do that, I just wanted to give some very quick observations which I think will speak to some of the earlier comments made the council members and by Charles in regards to the transition process and so on.

One of the things when many of us really had gotten involved initially in the Presidential Executive Order, that particular transition process, recommending membership to the transition process. Without going through a lot of the history, that is a very similar process and some of it has been reflected today.

I just wanted to touch on two or three areas, Granta, that I think you can be helpful and continue to be helpful with us and I think as the Office of Environmental Justice continues at the same time.

One is that -- and this is what I have heard, and I am just making a very quick, concise piece here and I am missing some out and I know that you will do this -- one of the things that we have always discussed is, and we think it would be a mistake on the matter whose transition team it is, quite frankly, and as the new leadership comes in to the U.S. EPA, and we said from the initial things, don't things for us but do things with us. You know, for us, sometimes we have to say amongst ourselves is that, and we are having discussions

in community meetings and so on and different functions and we come to the conclusion around something, and we say, "But that is too simple. They will never understand it because it is too simple. We have got to make it complicated."

(Laughter)

MR. MOORE: And I heard some -- you know, some references made to that, and some of what we are talking about, quite frankly, is common sense issues. We could have learned it, and did learn it, from our parents, from our grandparents, from other relatives and friends and colleagues and comrades and whatever all that is.

But some of it is extremely just very simple. Don't do to anybody else what you wouldn't want done to you. Well, that seemed to me very somewhat simple, no? Don't be dumping things in our neighborhood that you wouldn't want dumped in your neighborhood. Well, I think some of those are very, very simple things.

So when we are doing this, don't decide what is important for us. And this will be a mistake. And I think, Granta, quite frankly -- and this is not a love fest -- I wanted to say this to my friend from the journalists that have joined us and to all of you today is not about a love fest. And some say, you know, that they have had earlier problems with the NEJAC and the NEJAC from hell or whatever -- it is the different, the FACA from hell, whatever, these different

references that I have heard through --

I don't agree with that, okay? There are many of us don't agree with that. There is everything that has got its historical moment, you know? And those moments throughout the history, after the signing of the Presidential Executive Order and before, were historical moments. They needed to be what they were. And what we are today is what we need to be, what we are today with some modification, you know?

So the NEJAC throughout all these years has done an incredible job, all those working groups and task force and staff and all of that that went along with that recommendation. Some of them were spoken to, and so on.

So the NEJAC has a long history of being a very important instrument in moving forward environmental justice issues. So don't decide for us what is important. I think that is an important message to take to the transition team and I think it is an ongoing message that needs to be taken to the continual leadership that replaces Granta and others within this structure from the administrator right on down the line, you know?

I think it would be a mistake to decide for grassroots people: What are our major issues? We decide what our major issues are in consultation with many others, you know?

The other thing I will say, and I think this is to

be appreciated and I am going to run them quick because I want to do this, but this is very, very important, is the respect for the regions, okay? I am just going to put it out there. You know where we have been, you know?

The most of the contact that we have in communities is not all the time with the Washington, what we will call the headquarters, you know? It is with those regions throughout this country, you know? And we got some hell of supporters of environmental justice in those regions both in some cases in terms of administrators, regional administrators, deputy regional administrators, environmental justice teams that exist in some of those regions.

So in order for great activity to continue, then you have to be given the moral and political authority to unleash your credibility at all levels, you know? We used to hear earlier council members many times from the EPA and other agencies, but we can't do that. It is not in our jurisdiction, or whatever the word is there, you know -- I am not going to start using big words because I will make a mistake, you know?

We can't do that. What we said is that the EPA has a lot of influence. You don't have to wield political influence by telling people what to do that is beyond whatever. But open up the doors -- you heard some of that -- for communities and for others to be at the table to express

their opinions. And I think that is very, very important both with county government, city government and whatever, and state government. I think, Granta, that these are, or some of these things.

I think we have heard that this whole thing of integration -- of integration -- we heard some of the council members speaking to integration, you know? And that integration, the movement forward at the EPA as the lead on environmental justice within the Presidential Executive Order, we need to the continue the support grant both from the transition recommendations and from the Office of Environmental Justice is too important. It is not just the EPA and the environmental justice movement. We have spent many, many years working with, dealing with, struggling with, and whatever else, with the U.S. Environmental Protection Agency and we have seen some gains in that and we have some ways to go.

But there is the DOD and the DOEs and the HUDs and the -- and all the rest of those in terms of the agencies which many of our issues are overlapping on BLM, just a whole set of -- BIA -- there is a whole of them, you know? So we need to see some ongoing movement from an interagency standpoint.

Just the last couple of points. Performance measures was the word I couldn't think of a little while ago,

ad Charles reminded me of that. Issues -- hey, we touched on issues. I am not doing it in order. There is no question, Granta, you said it and others have said it: The impact on climate change on communities of color, working class communities and low-income communities throughout this country, there is no question in many cases that we have been left out of the debate on the climate change and whatever, not only at international -- I mean, at national levels, but at local levels, sometimes with county government and whatever. And as grassroots people, as my sisters and brothers continue our struggles in terms of building strong and powerful organizations in our communities, we need to continue to demand -- demand -- the presence of our representation at those tables. We need to be able to do that.

So I know -- and even some of your comments, Granta, around that, as we continue the transition process, yes, climate change and so on will be very important. Don't decide for us whether it is capping trade, capping option, capping tax, capping cap, whatever it may be. We need to, as grassroots people, be at the tables to help those discussions because no one will make that decision for us without our participation. I can guarantee you that.

Last couple of things. Communications came up. And there are many other issues, I should say. We talked about climate change and energy -- there is a whole list of issues.

Unfortunately, history speaks for itself, that low-income people, our communities, are many times impacted, targeted by, and overburdened by and over-stressed by many of the things that we are talking about.

Two more points. Communications -- we heard it. Patty spoke to it, gave some examples. Some of the other council members brought it up. We have talked about it, the NEJAC council. OEJ is talking about. Regions are talking about it. State governments are talking about it.

We need to find out, and the grassroots needs to also be included, as we need to find out: What are the most productive ways of communicating not only success, but challenges, you know? And so we have touched that. Whether Patty said journals and different kind of things that you said -- we --

I was talking to somebody, I think it was yesterday or the day before: What is the new thing the lovely youth are doing? I even forgot the word.

(Simultaneous conversation)

MR. MOORE: Blogs and MySpace. Blogs, yes, MySpace, and all of that. That kind of thing, you know?

So let us bring -- let us integrate some of our younger sisters and brothers in this process on this NEJAC council in the Office of Environmental Justice, in the regions, in the states and whatever. We need the integration

of younger people into this process. We need to bring the blogs and the yogs and the whatever all that stuff is that I don't know anything about because it is a little bit beyond my capacity. But communications.

Okay, lastly. Granta's -- I am going to tell you, Granta, you are to be highly respected, okay? I know you don't like all of this, but we would rather do it while you are with us than when you are not with us, okay, because then we are going to be talking amongst ourselves and you are not going to be here.

I understand what Charles said in some of that report back and some of that discussion, and that is to be very highly, highly, highly appreciated. But I want us to, in the transition, and at OEJ to consider something. We support state grants. We have said it in this council. And we support some of the other grants.

But we need to increase the resources that are coming to grassroots organizations to be able to truly participate at the table. You can create policies and principles and you can do everything else, but when grassroots people don't have the possibility of participation from a resource standpoint, then we just ain't going to be there, and sometimes the best of the best is going to be there.

So we need an increase around the grants. We need an increase of the EJ small grants. We need an increase. We

need to be that additional creative and open up some new possibilities of some granting situations.

I am not going to keep going on. I do have a couple of other things that I do want to say, and one is the integration, and Jolene, I think, brought this up, and we know, Granta, in terms of some of your comments, and Charles, and others, the integration of the American Indian Office -- we have that. We used to have even representation, Jolene come to our meetings and so on and give presentations and whatever, you know, from the Office -- from the American Indian Office.

So we need to be -- we need to strengthen that, you know? Yes, there are questions of sovereignty and we know that we are not impede -- God, we don't have to teach Native indigenous people what sovereignty is all about. They already know what sovereignty is all about.

We do need to learn, do some learning ourselves, about what sovereignty is when you are a nation within a nation and all these kind of things that we struggle in terms of environmental laws and all these other kind of things.

So it is very, very important that not only tribes continue to be integrated, and I know we will have some new NEJAC members coming on here soon, but also that indigenous, Native, grassroots organizations within Native nations also move forward in this process. We have done some of that. We

see some it in the grants, we see some of it in the other things.

And, lastly, I just want to say one more time that I think it would be a disjustice -- an injustice -- disjustice! -- we watch it. Okay, unjust -- it would be an unjust situation that if we as a NEJAC council and as the OEJ and as the leadership, as Granta has been, if we don't listen to that bottom up process, no? And sometimes our head gets a little bit bigger than our behind --- whatever. And then we start thinking all of a sudden -- well, we know exactly what -- we know we are going to pat those people on the back when the new Administration -- we know what your problem is, we have been experiencing, we have heard of it, and all these kind of things.

Don't do no favors for us, sisters and brothers. The only thing that we ask of you is to bring us to the table, keep us at the table, and we will operate equally under that process as with respect and honor and all of that that goes along, the same thing that this leadership wants and the same thing this leadership wants. That is what we want.

So I want to close there, Granta, and just say to you, in the most sincere way, and when we go home and my brother reminded me of Omega, that when we go home, somebody says to us, "Why did you agree with this and why did you agree with that and the EJC, can we discuss that, and what about

that, and is that going to bring bad situations to us and is it going to be used against us and all these kind of things that happen?" But that is not only unique to our community as grassroots people. I think Sue gets the same thing from business and industry, and others here get the same thing, whether it is Chambers of Commerce or whatever it may be, you know?

I want to tell you as a colleague, as someone that I consider my friend, as a I person that I understand that trust don't come easy and when you walked through that first door that day and looked around at us and went -- I assume before you got here and said, "This is the -- I hope this is not the resemblance of the FACA from hell" --

(Laughter)

MR. MOORE: -- "because just give me an opportunity to get to know each other in trust and confidence and respect and all those things that we talk about doesn't come easy."

I am telling you as a brother: Anybody can do whatever and call it whatever you want -- a colleague, a comrade, you know, all the other --- names that go along with it. I am saying it to you in my most sincere way, Granta. Your person has been -- that is something very important to me, a person that has been very important to me. Even many times when we may communicated and I remember you saying, "Call me and call me and call me" and I did that a couple of

times and that -- and opened up that invitation.

We in the most sincere way, Granta, wish you the best of the best in your future endeavors. We think, and we hope, that you will never forget what you learned here and what you shared here because, as you said many a times, it has been a learning process and it has been a sharing process.

So we want to thank you. I want to thank you on behalf of this NEJAC council.

I am going to open it up for others. We want to present you with this small gift of our appreciation -- not over $20.00 on there --

(Laughter)

MR. MOORE: I was telling that brother yesterday from Hawaii, you know -- I was telling that brother yesterday from Hawaii, if any of those government people don't take those little gifts that you are passing around because they can't take a check because it is $22.00 and not $20.00, give it to me because we will take it home!

(Laughter)

MR. MOORE: Granta, in all sincerity, on behalf of this NEJAC council, we wanted to truly present you with a token of our appreciation for, as I say, for your commitment, for your sincerity, and I believe your honesty. So on behalf of the NEJAC council, we present you with this token."

Granta Nakayama accepts award.

(Applause and standing ovation)

MR. MOORE: Council members, we have a little bit of time, I think a few minutes before we break for lunch. I wanted to open it up for any comments or -- Victoria is reminding me we have got a couple minutes, so you can't go on as long as I did, okay? But any comments? Omega?

MR. WILSON: I just wanted to go back briefly to Charles's presentation and thank you so much for how you put things together as far as a vision, instrument to work with. I think that was great.

I have one question about the goals relative to the legal components, right, the clarification of legal authority, and I just want you, if you could, briefly explain why Title VI of the Civil Rights Act was not included in your list of, you know, legal cornerstones.

MR. MOORE: Charles, I am going to ask if we could -- I think there is going to be -- yes, there is -- Omega, if you agree, I think there is going to be some additional time. Very, very important question. And if you would agree on holding that, I think that we will integrate that right into the agenda for some of the afternoon stuff, okay? Thank you, brother.

Any other comments? Donele?

MS. WILKINS: Like Omega, I just really wanted to

congratulate Charles and the staff for the hard work. I know that was tough work, and I think that it really presents a model for change from inside out. And I think that the greatest barriers that has been presented to us over the years has been how to help the agency kind of see it in a way that they could really institute desired change.

I know that there has always been an interest to see things shaped -- do things differently, but this provides, I think, a great framework for that. And congratulations. And so for all those who said, okay, NEJAC was on its death bed and all that kind of stuff, what I think was a great opportunity presented to the agency, even NEJAC, was this moment to think through these kind of processes.

So, congratulations to you. Congratulations to your staff. We appreciate the bloodshed and all the fights and whatever. I couldn't really -- I have compassion for you around this because this is really -- I just want to saw wow, and congratulations. And if it is embraced not only at the headquarters but regionally and even taken on at the state level and whatever, we could see real systematic change.

So, well done.

MR. MOORE: Thank you. Jolene?

MS. CATRON: I would just like to mirror what Donele provided and kind of what went through my mind when I was looking at -- watching and listening to your presentation,

Charles's, the top-down process of EPA and, you know, and how to make systematic change within programs and how -- but really environmental justice issues from a community organizer and a grassroots person is really a bottom-up process on our end. And how do you get those two to come together?

So I am really appreciative of the process and I thank you.

MR. MOORE: Thank you, Council members. I think that was it.

Victoria, do you have any orientation, anything you want to tell us right quick?

MS. ROBINSON: Yes, a couple real quick things. (Luncheon logistics)

MR. MOORE: Okay, so we are ready to break for lunch. Thank you all, and let us get the photo up here quickly as possible so we can go eat in case there are any problems. Thank you.

(Whereupon the luncheon recess began at 12:00 noon.)

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

(1:08 p.m.)

Welcome Back and Overview of Rest of Day, Questions and Comments Continued

by Richard Moore, Chair

MR. MOORE: Okay, I think we are going to begin if we could get your attention, please.

I just wanted to begin. Hope everyone had a very good lunch break. Council members, I hope we were able to eliminate some of the confusion from yesterday over the lunch break by doing those ordering -- orders and that kind of thing for those that did that.

I just quickly -- and we are going to go right in some order here. Just want to remind the council that this afternoon what we are suggesting is that we -- there was some question I think that Omega started off, and I am just running through the agenda right quick, and to some of Charles's comments.

So the first thing we will do is we will open that up. We will start off with Omega when we are ready to go there, Omega. We will start off with Omega to repeat his question. And then if there are any council members that have any additional comments or questions around Charles's presentation in particular, we will go straight into that. We are going to take that up for a few minutes. We are going to really try to keep with the agenda because I am going to show

you some challenges here, okay?

Then we will do -- I think Lang and Shankar and Victoria will give us a report back on the Goods Movement recommendations, report back on the Goods Movement working group. And then later on this afternoon, we are going to do the impacts of climate change. You can see in your binder there, and your agenda, those that will be participating in that discussion and making some comments.

We are going to have to be very, very cautious of this evening's agenda around the public comment period.

We are really going to want to start the public comment period at 6:30, so we are asking -- you all know as council members, we have to have a quorum to proceed, you know? And so we really want to start at 6:30 on the public comments. I think there are 20-some people that have been signed up thus far on public comment, and so that could take us for a little bit, you know?

I am going to try to -- try my best to facilitate that public comment period and you all know, from us working together, I may have to, and bear with me -- cut a people off if they are going too long because there are so many people and out of respect to everyone else, we are going to have to try to keep them as close as possible to the 5 minutes, and I know in those public comments, you are going to have some questions as council members because that is what that public

comment period is all about, people presenting and then the council members either asking questions or asking comments.

There might be some of the things that come up that might be regionally oriented when they make the comment and I am going to have to try to mentally digest a little bit of that and then ask, as the regional people start coming back in this afternoon and so on, that they take good notes, the regional coordinators that are here and others, because we may not be able to answer some of those questions. They may be it is beyond the capacity, or whatever, of the NEJAC councilmen.

So that is kind of where we are -- and, you know, shoot -- people are telling me that the meeting tonight will end at 10:30. We start at 6:30. And so that is why I am saying that to you. I am going to try, and I am asking us to try to be as deliberate and whatever because we want to give the people who have traveled a long ways and so on to make public comment. But it could go as long as 10:30. I am preparing you all for that.

So that is kind of where we are in terms of the agenda. I am going to open it up. Omega, if you could start us off a little bit and repeat the question, the comment, that you have, and then I will ask the council if there are any other comments or questions of Charles in regards to his presentation. Omega?

MR. WILSON: Okay. Thank you, thank you, Richard.

Just a review again. I was making a comment and question relative to Charles's very well presented report about our recommendations and goals for the future, future directions, and the question specifically had to do with where we outline the legal strategies or legal parameters of what OEJ does for environmental justice is why Title VI of the Civil Rights Act of 1964 and what it covers is not included at this time as a part of that legal strategy because clearly we know that the populations we are talking about -- low-income, minority, distressed, disabled, et cetera, children, seniors, women -- are included under Title VI under the Constitution of the United States.

MR. LEE: This is a long discussion that -- we don't have to -- I don't know that it is worthwhile to go into it in its full glory, right, because there is a lot of stuff involved.

But the -- in the context of the Executive Order -- the Executive Order, or the Memorandum that accompanied the Executive Order, called upon agencies to use existing statutes. One of them has to do with NEPA, another are environmental statutes, another is Title -- is Civil Rights statutes such as Title VI.

Title VI's authority is really very narrow. It basically says that whether -- it just deals with, you know,

recipients of Federal financial assistance, and it is actually the recourse is taking away the financial assistance. So it doesn't really speak to the -- you know, the day to day kind of environmental health issues that one runs across. Those are covered under Clean Air Act, Clean Water Act, Clean -- you know, the Resources Conservation Recovery Acts, so on and so forth.

So -- and within there, that is why, you know, we really need to find -- that is a vast majority of what EPA does.

I think the -- I mean, I think that is the most straightforward way that I can talk right now before we go into -- if -- without going into all the ins and outs of this and actually to go into all the ins and outs of this, I should really have an attorney here because it does get to be pretty nuanced.

In terms of the programmatically EPA, the Office that is responsible for overseeing the Title VI of the Civil Rights Act is the Office of Civil Rights, not the Office of Environmental Justice.

MR. MOORE: Omega, do you have any follow-up or have a comment, but please go ahead.

MR. WILSON: Quickly, I just wanted to make the point that you or Charles, as he was mentioning, there was question of funds or monies, right? I am drawing this tab

based on our experience of a local level is that the funds or monies, how they flow -- taxpayer resources to communities -- a lot of the disparities that we are talking about in some ways are permitted by or permissioned by, right, permitted -- i.e., permitted, as in issuing a permit, right, with the source of Federal funds involved. So that is one way we were looking at it, or I have looked at it, or we have discussed with other community groups that Title VI actually impacts it that way.

Then those monies are being used to augment the environment or not improve the environment based on the people who are impacted under Title VI. So maybe it is a circuitous way to get to it, but the people that we are talking about and the funds we are talking about are Federal funds. So, you know, I am just trying to clear up some of the cloud about how we are separating the people who are impacted under Title VI from, you know, OEJ's responsibility.

MR. LEE: As I was seeing your case down in Mebane, you know a lot of those had to do with transportation issues and those were funds that whose source was the Department of Transportation. And the -- you know, the Department -- and so, you know, within the environmental justice context and the application of Title VI, it would be applied to Department of Transportation. And Department of Transportation has just like any -- like EPA has an Office of Civil Rights and so on

and so forth.

MR. MOORE: Omega, I know this is going to go --- suggestion when you get finished.

MR. WILSON: Yes, I understand what Charles is saying and I understand what the legal part is. So it is something to be discussed further.

I know it is a bit of a legal conundrum, but I am just looking at the fact that maybe we need to put it on the table and discuss what the laws are or guidelines or statutes are relative to what -- and I will use these descriptions -- what OEJ and NEJAC can advocate and the laws and regulations that community groups can use to become more effective advocates -- activists, rather -- activists.

MR. LEE: You know, one of the persons that -- I think she is here -- Yasmin Yorker is the Title VI program manager in the Office of Civil Rights, and she is here. So you should really sit down with her and just walk through all these issues and, you know, and I think -- I mean, I think having a discussing is good, but I think it is also important to walk through these issues with her, these questions, you know?

MR. MOORE: You know, I just wanted to -- you know, again I just wanted to just mention, and it is something that OEJ can take under consideration that, Charles, I have been receiving, you know, a lot of, you know, communications from

different grassroots groups from throughout the country and our visits, you know, to different groups throughout the country and a lot of them are really flagging of this Title VI issue, you know? And Omega I think is touching on a piece of it.

Is that -- there was some earlier confusion, you know, around the role of the Office of Environmental Justice in terms of Title VI complaints and that kind of thing, and Charles had stated that -- you know, that those complaints don't come really to OEJ. They go directly to the Office of Civil Rights.

So I just want us to consider this, you know? I think it would be important at some point for the council members to get a -- called a briefing or have some discussion or whatever the right language is around this, and I think it may be important also to get someone from the Office of Civil Rights to come in and have some discussion with the NEJAC council members.

So I am just adding that piece to it. I think it is a very important issue.

MR. LEE: Just like when I -- you know, I said before that we have regular meetings. We think Carol Jorgenson, the American Indian Environmental Office, on our -- you know, our regular basis.

Karen Higginbotham, who is the Director of the

Office of Civil Rights, and I have regular meetings. I mean, we established this to make sure that there were ongoing -- make sure their was continuity and also there was real understanding, common understandings and coordination between these various offices.

MR. MOORE: Great. Still, Victoria, just please, for the record, note that I think that the council is requesting some form of dialogue with the Office of Civil Rights and we could figure out how -- together we can figure out that is one of our calls, whether it is a face to face when we have our NEJAC meeting. Okay, Jolene?

MS. CATRON: I am thinking back to one of Charles's comments about raising the sails and making sure, you know -- raising the sails and making sure that, you know -- yeah. And then I was thinking about your presentation and kind of a historical context and where we are going now.

From a tribal perspective, I think that it is really important that OEJ be the leader in environmental justice to other agencies or provide that guidance to other agencies. You know, the tribes, due to their government to government status with the Federal government, always are dealing with other Federal agencies and the environmental justice issues I see coming up with BLM and BIA and other Federal agencies I think really need to -- you know, if EPA, OEJ had the -- you know, is working interagency with them to really work on

environmental justice goals, I think that is great. And not just at the Federal level, but also at the state level, too. I think tribes are really starting to appreciate the -- and understand the effect that state laws applied to tribes now and the effect that state decisions have on tribes, and you are really starting to see a lot of more tribal involvement in state government. And NMED is a good example of that -- New Mexico Environment Department. Montana has also got a lot of tribal legislators in the state legislature.

So I think that kind of coordination across agencies, Federal agencies and with the state, is really important, so I would encourage OEJ to set the sails high and look towards being a resource to other Federal agencies and making that available.

MR. MOORE: Great. Thank you, Jolene. I think we are going to take one more and then we are going to break it. Donele?

MS. WILKINS: Back on the question of the Title VI piece, just a point of clarity, and maybe you can help me out, Charles, because what I recall back in the '90s when the Title VI sort of strategy was introduced and during that what I would consider the heyday of at least more involved community folks in the NEJAC, that was a deal-breaker in a lot of ways, particularly for industry.

One of the things that emerged out of that, I

believe, was the fact that EPA lacked a guidance in terms of helping the various departments within EPA to address these concerns utilizing the Title VI Civil Rights piece, unlike other agencies who, from what I understood, many other agencies have a guidance that allows them to make decisions with regard to the Title VI laws.

So the clarity here for me is to help me understand how that plays into this and whether or not that is a thing that we have the ability to offer some leadership around, creating a guidance, and/or is this something that we need further conversations, like you suggested?

MR. LEE: I mean, I think that all this augurs for a larger discussion with the Office of Civil Rights.

But in terms of context, as far as what you were -- what you are speaking, Donele, I think it was in the mid-'90s that EPA decided to, or was -- had been able to develop a draft Title VI guidance both internal and external. And that has -- and I -- it took several years, I can't only remember exactly how many. But that has been finalized.

And so, now -- is Yasmin there? No. And the -- and so that is one point.

The other point is that Title VI is administered purely by the Office of Civil Rights. It isn't a Title VI provisions being incorporated into the application of other statutes. So that is a -- there is a distinction there. That

is a very important one to recognize, so -- but I think that it is important, you know, being that there is interest and that you have a fuller discussion.

MS. WILKINS: (Away from microphone) -- real quick, following up to that.

Thanks for correcting me and providing clarity about the status of the guidance. So does that mean that the pending complaint that folks utilize the Title VI process for -- under EPA, they have been resolved?

MR. LEE: I don't know the answer to that. I think there have been a lot of them that have been looked at. And you are talking about, in this case, Title VI complaints?

MS. WILKINS: Title VI complaints as they relate to environmental exposures in vulnerable communities.

MR. MOORE: Okay, Chuck, and then we are going to move on. And when I get at -- I think those are very, very -- Chuck, were you going to make comment to the Title VI or are you going to make a different comment? Please go ahead.

MR. BARLOW: I was just -- Donele, I know that back when I was at the state of Mississippi there were two complaints. This, you know, would have been in the -- around the 2000, and I know they were in full -- they were investigated by the Office of Civil Rights, by attorneys at the Office of Civil Rights, under the EPA policy, and, you know, a conclusion was made one way or the other as to those

now. I obviously don't know the status in other states or other complaints, but I know that there was a full, you know, blown investigative process that was going on under that EPA documentation.

MR. MOORE: Thank you, Chuck.

Okay, now we are going to move on. I am going to make a final comment if I am on board here. Let me know if I am not. Accept my apology, but I am going to do it anyway.

What I think we are requesting, just so that we are real clear, is that at one of our meetings, convening of the NEJAC, that we have a representative here from the Office of Civil Rights to be able to respond and to answer some of the questions that the council members have put forward now.

Maybe what we could do is -- what I meant by this other piece -- if there could be an action taken by this council requesting of the Office of Civil Rights to give a report in terms of the status, then I think that will pick up a piece of what Donele is saying to give a status report in terms of the complaints and so on that have been made, Title VI complaints. Thank you for the piece, Charles.

Title VI complaints, that will be made, and then additionally to that, when we figure out how we are going to do this engagement with the Office of Civil Rights that the council members prepare some questions in advance that we know that will be being asked during that discussion. So I just

merged several of them together, if that is agreeable by the council members.

Okay, we are all right with that. Great, thank you.

Okay, so now then we are going to move into the panel.

I just wanted to express an apology to you before we do this. I have to step out for a minute. I have got an urgent situation that I have to deal with. So I am just going to step down for a minute and then do that and right quick and come back, you know? Charles is going to pick up, take over the chairship for me.

Before we move into the Good Movement back in discussion, there is something I wanted to do yesterday and I just failed to keep it on my mind or whatever, you know?

You know, we have been talking about the Spartanburg DVDs and the work of ReGenesis from the community standpoint and all those combinations.

But I realized when I came into the hotel on Sunday, you know, I saw the MARTA Police and the -- you know, just different things, you know, that there is another DVD -- and I was getting a flashback of that.

That is the Environmental Laws DVD, you know, and one of those groups that played a very significant role. I would highly encourage the council members, if you have not seen that DVD on environmental laws, I think it is very

educational. I mean, it is very informational and so on. I would encourage the council members that don't have a copy of that or haven't seen it to really take a look at it.

But we also have two people that have been with us that I just -- I want to be able to identify here right quick that were very involved in the making of that DVD.

One I want to give mention to, Connie Tucker from the Southern Organizing Committee.

Connie is a long-time NEJAC member, long-time environmental justice, social justice, civil rights, all of those, activist throughout the Southeast and beyond, and just again thank you.

I get in trouble every once in a while for doing this, but thank you, Connie, for that work, and the contribution that southern organizing committee has made across the board both to the work of this council but to the environmental justice movement across the board, you know, both nationally and internationally.

Cheryl was actually the person that -- there is some comicness to the DVD when you see it, some back and forth, and Cheryl, I wanted to make sure that you got identified here. Cheryl was one of the leading star actors of the environmental laws and environmental justice now you are using and whatever and just again, Cheryl, thank you for your work, for your contribution, and we have distributed -- I will say "we" and I

know maybe OEJ would be beyond, but just out of the Southwest, we have distributed hundreds upon hundreds.

I think at one point we had over 1,000 of those DVDs in our office and someone requested one right before I left and Russell was reminding me that we don't have any more. And so those haven't just been distributed for -- to be put in somebody's closet. Those are being used in training activities, in community meetings and this kind of thing.

So again, Cheryl, thank you very much for your work and for your contribution in that DVD but also to that long history you also have in terms of environmental justice in the Southeast and whatever.

I just want to give Cheryl and Connie a --

(Applause)

MR. LEE: Richard did not say, however, that one of the other stars of that environmental laws DVD is Richard Moore.

(Applause)

MR. LEE: All right, I think we are ready to go.

MS. ROBINSON: I am just going to go ahead and make sure we send a copy to all the members --

MR. MOORE: Great.

MS. ROBINSON: -- when we get back, okay?

MR. MOORE: Great. Thank you, Victoria.

Charles, I am going to turn the meeting over to you

and step out for a minute.

MR. LEE: MR. Okay, great. Thank you.

Goods Movement Recommendations

Charles Lee, Moderator

MR. LEE: Okay, at this point, we are going to get the report from the Goods Movement work group, and let me say at the outset, this is a, I think, a really fabulous report in the making.

I mean, I have known, I have followed this -- not to the degree I would like to, given my responsibilities and other matters that require my attention, but I have been very encouraged by the kind of depth and the breadth and the thoughtfulness and the really kind of the substantiveness of the description of the issue as well as the recommendations.

This does -- in my mind -- I just want to kind of begin to lay the groundwork and speak to the comments that were made about NEJAC and the interface of NEJAC and the transition, that this is a set of recommendations that are really -- that are worthy of really a lot of attention as a -- for the new Administration.

That kind of brackets, I think, the importance of this discussion. And I have put this out there as a -- you know, as one of those things that we would like to bring to the new Administration's attention in whatever way, shape or form that that plays out.

So, that in terms of background.

Victoria, are you going to introduce this?

Comments

by Victoria Robinson, DFO

MS. ROBINSON: Yes, I will. Thank you, Charles.

Today, Lang and Shankar and I will all be giving a presentation about the status of the report. But before we do, I would like to thank the 11 work group members who have really been working extremely hard on this report. They each offer a unique perspective to this process and they are very steadfast in making sure that they remain to that perspective and make sure that those points are -- influence all the recommendations.

They have been working really hard to these common grounds, and as we have just prepared this preliminary final draft that we will be talking about, they are now on some of the last few items, starting to really get to some real serious consensus of some very tough issues.

I will ask Lang to hold it up, if he can. We have actually prepared a preliminary final draft report. It is there, so -- but you do not have a copy of that because the work group members are still working on it and they do not feel comfortable yet to present it to the members in full.

It is a 40-page document. It includes a strong background section that serves as the backbone of the report.

It outlines the scope of the issues. It details the extent of the problem. Shankar is going to speak to a bit of that when he comes up next.

It also offers a comprehensive set of recommendations. We have identified approximately 50 proposed recommendations in 8 areas. We realize 50 is a lot, and in looking at all of them in toto, the members realize that there is a need to streamline and consolidate those recommendations. Lang is going to speak to those. And then after Lang and discussion of the recommendations, Shankar is going to discuss the next steps.

I think that is -- I will turn it over to Shankar.

Comments

by Shankar Prasad

MR. PRASAD: Thanks, Victoria. Victoria has been very helpful in keeping us on line and trying to push us in the right direction in --- our target. And she pointed out it is a very, very diversified stakeholder group. So, some of the issues we have -- that have been brought up to the group's attention, as well as in the form of recommendations or in the form of comments, have been very hard and have taken a time to resolve or to come to grips with us.

That is one of the reasons that we have been delayed. We were hoping actually to give you the draft report or in some form or the other today, but the community for

various different reasons, and in turn, each of the members have their different stakeholders, so they had to consult with their stakeholders and come to this conclusion and a consensus on that.

Just to let you know, the report commonly focuses on Goods Movement, which is a national priority today, and there has been talk a lot about how it is in the current economy how we want to move forward, how we want to build back the infrastructure in the country and how that could spur the economy. So there is much more interest on this aspect of this -- much more interest than it was originally thought on this report. So the interest have actually -- that has led to a higher set of debate within the work group on this aspect.

In addition, people are also talking about the --- also has an important role in terms of the climate change, and so the climate change also becomes -- this raises further -- it also plays a role into that.

So suddenly the --- two years, approximately 18 months ago. You have seen me making the presentation on the background, the importance and all that, so I am not going to repeat those three presentations today. So I will just highlight to that part.

So the Goods Movement in this context draft is commonly referred here --- is the freight transport, and naturally the --- emissions from ships, trucks, rail yards,

and distribution centers, primary focus.

In our list, the common --- is the priority and is the major source of pollution. That I just want to say that depending on the state and depending on the region of an air base, and it can be anywhere from 30 to 50 percent of the contribution --- that so it becomes -- it plays a big role in terms of how we are going to address this issue in a national scale.

Secondly, it also plays -- these emissions both in the context of it is all directly related to the fuel, fossil fuel, but mostly it is diesel in different forms of diesel. Some, the truck fleet runs on a cleaner diesel, but as of the agriculture operations and the other sort of things which operate on a dirtier diesel, come to the ships -- they are operating much worse, --- a bunker fuel kind of situation and so on.

So, it is different grades of diesel exhaust is where is the primary concern. And diesel exhaust has been known to be a hazardous air pollutant and it has significant health effects. And remember -- we should remember that diesel exhaust is also kind of a -- people have always referred to it as a double-edged sword.

In the sense it has this --- source in the --- cancer-causing potential in terms of its PM and its VOC emissions. But it also is a major contributor to NOx, the

nitrogen oxides, which gets --- finally into the PM faction of the particulate matter pollution.

So we had to focus on this. So when we come to the question of its impact, it has a regional impact. And because of its --- both as a direct emitter of particulate material and as a secondary particle formation, it has even the localized impacts.

If you look at these, what are the hubs? What are the major areas? You look at the ports, rail yards, distribution centers, and where they are located and what is projected in terms of the growth, you will find that these are predominantly in the low-income and -- surrounded by the low-income and minority populations.

That is where the nexus comes in in terms of the goods movement bringing in and the ---.

So this is pretty well illustrated in our presentations in the background section. We are still -- and also I just want to say that there is a slight difference of opinion on how we move about in addressing the health impacts in the context of in the national scheme versus what California has done. The fundamental difference is that in California, diesel exhaust emissions are considered as a toxic air pollutant and it has a unit cancer risk.

So what one can do, it essentially translates to when you do --- you drive --- around the source, if you have a

good emission --- data, to be able to demarcate that kind of an area which is maximally impacted with --- which go distinctly and where it dissolves, and probably that where your secondary importance comes into play.

But that is clear that at a national level, EPA or any other organization to consider it as a cancer-causing -- it has a cancer-causing potential, but there is no unit risk value. So we cannot just apply the California model as a national model to do that. And at the same time, we do not have as much detail of emission in our entry as needed in order to do a near-source health risk assessment.

So that is kind of the issues that we are dealing with. Though we know that it has to be done, how do we formulate the set of recommendations which would have a -- which can be prioritized, and how it can -- whether there is enough resources to do those kind of things, and how do we finance these kind of recommendations? And we are also making sure that all of our recommendations has the priority put by this NEJAC two years back. We want all those recommendations to have to have a bias for action.

That we have to relate it, that we have made very clear. When we changed this NEJAC structure and what its functions are two years back, they always said that our recommendations will always move in the direction of bias for action.

So, with that, we want to say that we are trying to come to consensus on the prioritization and priority recommendations. We hope to bring -- or we will send it to you within the next few weeks, a draft report.

We hope to come to a consensus opinion, but I would like in there some feedback from the NEJAC members, should there be a couple of recommendations that we cannot come to consensus upon, how you all would like to see them. Or should we delete them? Or what is it -- some feedback from this group, including from the -- Charles, you, and Victoria will be very helpful for us.

Lang has kindly agreed, and I really thank Lang to make some presentation and explain to you about the set of recommendations. And Terry Goff from Caterpillar has been an excellent co-chair and he has really helped us to move this forward and for -- he could not -- he planned to be here and he is very regretfully he could not join us today.

If you have any questions on my part, I can take it now, or on the other hand, we could do it afterwards, too.

Comments

by J. Langdon Marsh

MR. MARSH: Well, I just wanted to add that this has been a really first-rate group of very thoughtful and dedicated people, and I am -- I think we have come up with some -- with a very decent report and a set of good

recommendations. And I also think they can be improved, so this is part of the process of helping us get to the point of making them as powerful and action-biased and well-supported as possible.

(Slide)

Before I get into the detailing some of the priority recommendations we are looking at, I wanted to mention a few things that have happened recently that have just since the -- kind of our last meeting and this time that cause us to change our approach somewhat.

The MARPOL Annex 6 Treaty, which deals with emissions from ocean-going vessels, has been signed. I don't know that it has been ratified, but it has been --

MR. : It is being ratified.

MR. MARSH: Being ratified now. And that therefore our recommendation which had been in the area of wanting the sea emission targets and goals set has been done by that Treaty, and now it is a question of implementing it. So we are going to change our focus more into the implementation and enforcement side.

Then also a new locomotive and marine rule has been adopted which has new standards for locomotives and marine engines, and again that will have us move towards more of an enforcement focus than getting the standards in place.

(Slide)

So the key recommendations -- we kind of started to group them into different categories, and so far I come up with four just to underscore the need for action, the bias for action.

So the four outcomes that we are hoping that these will produce and that would help us set the priorities among the different recommendations are:

First, that we want to see near-term reductions in emissions in or impacting the most significantly impacted communities. So we are looking for things that will -- that can be put into place reasonably rapidly and it will have a lot of reduction effect.

Secondly, we know, as Shankar has indicated, that we need better data in order to focus some of the actions, and in particular to identify, you know, which populations are in and out of the most impacted zone. So that will help us guide immediate decisions but also help in the long term as well to figure out what other actions or recommendations might be required.

The third is we want to make sure that because the focus of this work is on the impacted communities, we want to make sure that there are plenty of localized initiatives and actions that can reduce risks and exposures and so there is that bias we want to make sure happens.

Then the fourth so far is because of that bias

toward local action, we want to make sure that there is the capacity and the tools for the impacted communities to obtain the appropriate solutions for their localities.

(Slide)

So as Victoria mentioned, there are 51, actually, recommendations so far. We divided them into 8 different areas, and I will just read off the ones we have.

Some are in regulatory and enforcement mechanisms. Land use is the second category. Research and education on exposure and health effects is another. Community participation strategies and collaborative governance and problem-solving are another couple. There is one on environmental performance planning and management. One on technology. And, finally, on resources and financing.

Those aren't displayed up there, but I just wanted to give you the idea that we will be making recommendations in each of those areas.

The thing we have done most recently and called it -- Victoria hosted last week -- is to begin to put some priorities among those 51 recommendations and to tie them to the outcomes that we want to make sure that they achieve.

So I am just going to go through there not in particular order as related to those outcomes, but I just will go through them in the order that we have listed them and try to relate them to the outcomes we have said.

So the first is really a near-term outcome and is extremely important -- to accelerate fleet modernization of fleets of diesel, mostly trucks, because there is an opportunity, given the fact that the new trucks, diesel truck standards, emission standards, which are very good, but they only affect new trucks, and what we want to make sure of is that we have incentives and other programs in place and financing for small, particularly small, fleet owners to be able to accelerate the adoption of those -- or the replacement of their current engines with the new ones or the ones that are upgraded.

Victoria, did you have the --

MS. ROBINSON: (Away from microphone)

MR. MARSH: I thought you were pointing at me.

A second one relates a little bit to a longer term idea but also the notion that we need to focus very definitively on localities and sort of echoes some -- what we heard a little bit today about getting more attention to land use.

EPA, of course, doesn't have any direct influence over local land use, but what I think EPA does do well is to provide information and guidance and model ordinances and that kind of thing, and we are hoping that one of our -- this recommendation will help localities and state agencies and so forth really focus on the connection between land use and air

quality, particularly in relation to the land uses in and around these facilities that we are most concerned about.

The next one I have already gone over about, the ocean-going vessels and the need for enforcement of those rules.

The next on this page is about trying to do something that Shankar mentioned, which is to really hone in on what are the risks from current operations at the facilities of concern? And what is the projected growth in the emissions from those facilities?

So we want to make sure that there is a process for investigating what those potential emissions are, both current and potential emissions and preparing emission inventories for those facilities. It won't be all facilities, but it will certainly be those that pose the greatest risk.

(Slide)

On the next page, there is a -- I think -- just a -- this is more of a principle, really, because it is hard to implement, but I think it is important to put out there, and that is to use a variety of methods to internalize the cost of mitigation when a goods movement facility is being built or expanded. And that can be done through a variety of techniques, including impact statements and incentives and so on, but it is just something that is extremely important because of the potential impact from these facilities.

Another little bit longer term idea is to encourage the development of mitigation plans for those highly impacted communities from goods movement. And again, it is a resource, a technical resource, that EPA, in partnership with states and other organizations, can provide.

There are several recommendations in the report on financing. I just picked out one here which seemed especially easy to do because it is a recommendation that has already been made by another FACA environmental financial advisory board to call for state air pollution control authorities like the state revolving fund for water that can issue bonds to finance the cost of modernization of fleets and a number of other kinds of things that could happen at ports and other facilities. But there is a whole suite of financial recommendations that we think are key because otherwise things might not happen.

The last one on this slide is to emphasize the need for research and data both on the national level to insure that the best possible standards are in place but also on health effects, exposure assessment, other studies, and proximity studies similar to the GIS work that we saw yesterday to really pinpoint where the greatest impacts might be.

Then moving on, the -- in addition to research, of course, monitoring is extremely important, particularly on

those highly localized areas where the impacts are likely to be the greatest. This is different from the usual monitoring that goes on for compliance with air quality standards which tends to be done on a regional basis. This is really focusing on the neighborhood communities that have been identified by GIS or other data as most likely to be impacted.

(Slide)

The last set on this slide really are relating to the work that Omega has done to identify what he mentioned earlier this morning, is how to give the communities the resources and the knowledge to be able to select the best way forward, the things that need to be done and the way best forward to get them done, whether through action on the local level, political -- you know, education, a number of other things. And it is really -- these recommendations, including the one on the next slide, reinforce the notion that the capacity of local community organizations to be able to play on an equal playing field with the other parties in the area is extremely important.

(Slide)

Omega has come up with a tool that he calls a "community facilitated strategy" that allows communities to identify the boundaries and also the kinds of actions that are needed and to do it in a way that is under their control.

(Slide)

The third on this page is really something for EPA to assist with policies and procedures that make sure that communities and others who are concerned are involved at the earliest stages of decision making.

The last one on the page relates to the idea that if there is a decision on the part of the community that they want to use a collaborative process in order to address the concerns that have been raised that there is a model of what we call a collaborative governance process that might be available for them to invoke if the political leadership in the area is willing to invoke it. It is not something that will work in every situation, but if there is a governor or a mayor or a county official who is willing to see the problem resolved, not necessarily to advocate for a particular solution, that there is a process that has been proved successful in other contexts that might be available for them.

(Slide)

On the next page is -- again, I mentioned the need for resources that are available to the community and tribal-based organizations to come up with and manage the strategies that are necessary.

The final one is, again, kind of the principle of EPA helping states and localities to adopt initiatives that go beyond the Federal requirements that might be in areas other than the emission reduction for fleets but things that might

be in the way that infrastructure is designed or buffers and other barriers are created in ways that will reduce emissions and health risks.

So again, these are the -- this is a kind of a preliminary list of priority recommendations. It is open to other members of the work group to propose others. We didn't have one in here, for example, on the environmental management systems and I expect one of those to be added because that was a whole area that we went into.

But we are really interested at this point, I think, in your input as to whether you see any major gaps or have major questions about some of these recommendations that will help us continue to refine the list and prioritize it.

Now I am going to turn it back to Shankar to talk about next steps.

Next Steps

by Shankar Prasad

MR. PRASAD: Thanks, Lang.

This basically lists our target, which is very, very ambitious but at the same time we understand the importance of getting this to the hands of the OEJ in time for transition team.

So with that in mind, and seeing that we hopefully -- we should be able to be done before we go on our Christmas vacation, so any insight, any suggestions, questions

are welcome from the members and the others.

Questions and Answers

Charles Lee and Richard Moore, Moderators

MR. LEE: Let us see -- Jolene?

MS. CATRON: Yes, I noticed that this presentation isn't in the book. Is that correct?

MR. : Right.

MR. : That is right.

MS. ROBINSON: Could we get a copy of this?

MS. ROBINSON: Yes, the copies will be given to the members later today, after the break.

MS. CATRON: Okay, great.

MS. ROBINSON: We have copies made.

MS. CATRON: Yes -- and that was my only question.

MR. LEE: I think, Bill, you are next, and then Omega, Chris and Paul.

MR. HARPER: You guys obviously did a tremendous amount of work on this and I commend you for all the work.

The one question I would have, and it may be in the final set: Did you develop dates and timelines around recommendations of when you suggested of when you suggest that many of these things be implemented by?

MR. PRASAD: We have not, and I think that is a good suggestion, but we if we can come to grips with it, that is why we want to categorize them as near-term, midterm, and

long-term, as opposed to saying that within the next year, or two years, kind of thing. But if you think that is something is what --- I will certainly pose it to the group.

MR. HARPER: Good. It is just that, you know, sometimes when you put that responsibility time out there and there are some parameters around the goals that you set, it just forces people to either, you know, say maybe they can't get it done by that time or it is just that carry-out that they have to strive to.

MR. LEE: Omega?

MR. WILSON: Of course, you know, I would like to thank everybody for the very, very vivid conclusion of community-facilitated strategy and the whole idea that communities have to be a powerful part of solving its own problems from top to bottom.

We have talked about this -- I will bring this up again as just the elephant in the room, you know, so to speak, and how we talked about it and haven't been able to totally address it or capture it, is the how we identify the agencies -- and the number one, of course, is the Federal Highway Administration -- that have to be a part of a full, effective, robust implementation to the process, you know? How are we addressing?

I am putting it out there, you know -- I am not answering the question because I don't know the answer to it.

We have talked about it in little ways and big ways more than one time, how we get those agencies that are a part of this process other than EPA and OEJ to become a part of the process because clearly the Federal Highway Administration is a big, big player, maybe a council -- several elephants in the room, so to speak. And I think all those people listening and recording, you know, I think they need to understand that we didn't forget it or we didn't just overlook it because clearly we are talking about goods movement which is a major, major transportation issue. How do we deal with it without having a transportation authority for this United States to be involved in the process?

MR. MARSH: Let me just tell you the way I think about it, and it may be something that we can address more clearly in the report. I think there are two ways that immediately occur to me.

One is, you know, EPA does have the clout of having addressed EJ through all the things we heard about this morning and it is beginning to have some impact on other agencies. You know, we heard about the Nuclear Regulatory Commission. And there is a potential and something that the new Administration might want to consider, is using the Council of Environmental Quality or some other White House organization to kind of guide agencies that have been, you know, and there are more than the Federal Highway

Administration -- I have experienced it with other agencies -- to guide them to do more in this area and to participate with other Federal agencies at the regional and local level to do something. So I am not sure that is an appropriate recommendation for this group, but it might well be for the kind of discussions that are going on with the incoming Administration that were talked about earlier.

The second possible response is that in those cases where there is willing leadership at the political level in that state or community that there have been instances where reluctant Federal agencies have been brought to the table through basically the convening authority of one -- in the case I am thinking about, of the governor -- in -- where -- the example I am thinking of is the governors of Washington state and Oregon convened a process about dredging in the Columbia River and enlisted the support of the CEQ and got a traditionally very reluctant Corps of Engineers to the table to play in ways that they were not traditionally used to doing. And so I think there is -- you know, there is at least that opportunity as well.

But I think the question you pose is really a very powerful one and it is something that we may want to think a little bit more about. We have addressed in the recommendations the desirability of doing that, but, you know, we haven't prescribed a mechanism.

MR. PRASAD: If you look in California, for example, two years back we went through the same problem. Caltrans, which is very much is the primary agency which is charged with the maintenance of the highways and the roads which gets its -- primarily its money from the Department of Transportation and FHWA, and the governor decided that there will be a bond issue of $26,000,000,000 put on the initiative that will be used for the infrastructure expansion as the prop that will help those who are from California. It is the Prop1B funds. --- recommended that it has to include the consideration of air quality in terms of its utility of the funds. And it was basically a --- but in the two agencies, and they basically said it is all ---. We are not going to give a million dollars even for the air quality -- it is not our purpose and this is your recommendation.

But ultimately then the people in the governor's office asked the two agencies to work together and come up with a plan. It was a long-stretched process with multiple-level -- 65 stakeholders on almost a monthly basis for about 18 months and ultimately agreed upon that $3,000,000,000 of the money that will be coming in will be spent on air quality reductions.

So it is --- as Lang pointed out. How do you convince, and how do you get a champion to bring those parties or to make that say that it will happen, it is going to

happen, will be the challenge. And actually, even with Charles and us, we have tried earlier to get the DOT onto the table. I got the FHWA onto the table. And so in last 10 years of my time, working with EJ on it very closely, I have seen them only twice.

MR. LEE: Chris?

MR. HOLMES: My compliments also to your work. Do you get into many of the recommendations when you are talking about technologies that could readily be put in place? Do you get into the kinds of technologies you are talking about?

MR. MARSH: Yes. Yes, there is a list of, I don't know, 10 or so technologies that would be extremely helpful to get in place quickly, and we have listed those in a chapter.

MR. HOLMES: You know, these technologies that have already reached back status so there isn't a fight over the development of them -- are they -- because I can see in the Southern California quality management in the district that they are all going to say "backed or nothing," and then you get into that trap.

MR. MARSH: I believe they are mostly on mobile equipment --

MR. HOLMES: Okay.

MR. MARSH: -- so I don't think we get into a backed issue.

MR. HOLMES: Good.

MS. ROBINSON: I wanted to add that Terry, who is not here, wanted to make sure that when we talk about the fleet modernization, he is also talking about accelerating the deployment of such modernization into industry sectors that may not be looking at them as well, so not only accelerating the modernization themselves, but accelerating the deployment.

MR. HOLMES: They are not getting the communities the tools, which is Recommendation No. 3? We have got all these wonderful tools here that we have developed, so I am assuming that they would all dovetail.

MR. MARSH: Yes.

MR. LEE: Paul -- yes?

MR. MOHAI: Is that on or off? On. I also saw Donele's sign over there.

My question has to do with the air and water quality monitoring needs. It is clear from the comments and from the report that there are probably some obvious improvements that can be made by technological improvements and they were mentioned.

But -- and, Lang, you mentioned that the regional air quality monitoring is not -- obviously not sufficient to find out what is going on at the local level. So I was wondering whether your report is going to address the local air and water quality monitoring needs.

In some ways, I can -- one could say that, well,

some of the improvements are so obvious that that is not really a high priority. But on the other hand, maybe it is more important than that, and certainly if you wanted to measure progress, you would have to be able to measure that on the ground, so to speak. So I wondered if you would address that a little?

MR. PRASAD: In fact, that is the recommendation on the monitoring --- community level, monitoring because it helps us to characterize the current levels as well as puts us kind of a semi-surveillance in terms of the actions that --- actually produce the results.

MR. MOHAI: Well, then would that mean significantly more monitoring points located in the communities of concern than currently exist? I don't know how many already exist, but I wonder -- are we talking about a major --

MR. PRASAD: I was looking -- I mean, in my mind, it is not going to happen in all communities. It will be a representation of the types of facilities. If we want to monitor something near a distribution center, what is a representative sample that can be monitored? If it is around the ports, what types of ports, and which type of the meteorology is going to influence that port and say whether that will be one other place.

So it is kind of the characterization of each of these type of goods movement activity, hubs I would call them,

that you would have some kind of a sample monitoring, whereas until monitoring becomes a --- monitoring type, I don't see that as a viable way of being able to put them across the country on a -- or establish another air quality monitoring network.

So in terms of the -- if -- until the technology becomes available for a --- monitoring type, it will be only a limited sampling that can be done, because it is also an expensive process, as you know, especially if it is --- not just the ozone or the PM which are kind of direct monitors but on collecting the samples and the analysis for the toxics and so on.

MR. LEE: Donele?

MS. WILKINS: Thanks for the hard work the committee has done -- tremendous.

I think it was you, Shankar, who introduced this possible problem in terms of not being able to have consensus on everything, and, clearly, 50 recommendations you won't be able to prioritize every one of them.

I was wondering if there has been any discussion about creating space for dissenting opinion piece, sort of summarize some of the more overarching issues that people may not be willing to let go of very easily. And then perhaps folks who have been at this a little longer, if there has -- what has been done in the past when -- because I am sure this

has come up before -- that consensus may not have been, you know, easily achieved, and so if there is some policy or something that NEJAC may have created so that as they go forward, that can be a tool to help make a decision about what to do with those things that people may deem as really important and not willing to give up.

MS. ROBINSON: I will go ahead and address part of that and then I will turn it over to Shankar and Lynn.

On one hand, as a Federal advisory committee, the NEJAC is compelled to provide consensus advice to the Administrator. And I think one instance in the past where it actually had a dissenting opinion that was presented in an appendix by the document.

But one of the things that the work group is looking at -- the work group is preparing proposed recommendations for this body to develop and decide on its own consensus advice. So one of the things they are looking at doing is that Shankar got opposed and was wanting input from you, from the members, is if there is something that they can't reach, that the work group itself cannot reach consensus about, if they present the -- identify those items and state the case for both sides, presenting it to you as a council, as a body, for you to make that decision, because these are really your recommendations, not the work group's recommendations. So that is one possible approach.

One of the other approaches that Shankar mentioned was potentially not necessarily including that recommendation. He wants -- the work group wants to know what is the council's feelings about how they want to get this information so they know what to do with it and can make the best body of recommendations. Did I capture that right? Okay.

MR. LEE: Sue, did you want to talk to that?

MS. BRIGGUM: (Away from microphone) -- I try. I appear to be totally inept in terms -- I just admit it, okay -- I can never run --

One of the things that I have noticed over time is that the NEJAC has tended to try whenever they can to avoid having a dissenting opinion because that by nature characterizes that part of the report as lesser than the rest.

There is really a reason that you have to go there. It is usually the case that you can frame an issue in a way everybody agrees to, which is EPA is doing to have to determine whether it does X or Y or whether it supports, and show that this is important.

But I think it is always a mistake, especially with a group like goods movement. You guys have been working so long with so -- such a level of detail. You would bring a richness to the discussion of why there are two opinions. And since -- I mean, we could vote on it in the NEJAC, but ultimately EPA will have to decide.

The way we have usually done it in the past is we tried to key up those issues where there was a difference in terms of fleshing out the logic and acknowledging that EPA will decide, and then you have a consensus report and it also gives respect to both sides. It doesn't say, well, you know, we did a vote and one had to dissent, and everybody else agreed, which is not really in the spirit of the way we have tended to do things, which was not to marginalize even one person who is saying something that they feel very strongly about.

MR. LEE: -- this issue very well, and, you know, I mean, I think -- you know, what is that? Consensus is not total agreement with everything but that which you can live with in order to move forward. It is a little different nuance to it. And, you know, when you have really complicated issues like this, I mean, it is a virtual impossibility that everybody is going to agree on everything, so, I mean, that is a given, you know? And so, I mean, I think in that context, both Victoria and Sue's points are well taken.

I will say that my advice would be that, you know, if there are -- it is important to clarify or to at least state that there are different points of view. State them. But do not have a dissenting opinion because the value of your recommendations automatically go down because the focus is going to be on the dissent rather than what the agreement is.

And so, I mean, like I said, you could do whatever you wish -- it is your report -- but that is my recommendation.

MS. ROBINSON: Welcome back, Richard. Anybody else have any other comments, suggestions?

MR. : (Away from microphone)

MS. ROBINSON: Oh, I am sorry. John, and then Donele.

MS. WILKINS: No, not Donele.

MS. ROBINSON: Oh, okay -- John.

MR. RIDGWAY: Given the nature of the topic, I am wondering if -- and this is not a recommendation, it is just a question -- of all the pavement involved, and thus storm water pollution and implications for communities, and less direct rather than the air emissions, has that being addressed at all?

MR. PRASAD: The --- focus was on just the air segment. We know that there is a lot of storm water issues and there were water table issues and so on, but this is -- the charge was primarily on the --

MR. MOHAI: I think I will just add to that. I think one of the -- to me, the beauties of Omega's work on community facilities and strategies, potentially supplemented by the collaborative governance piece, is that it relies very much on bringing people in, an inclusiveness, the different stakeholders, and what happens in my experience when you do

that, you begin to be able to address other issues, whether they are transportation issues or water issues or toxics issues or what have you that may be of great concern to people who are willing to participate in the, you know, collaborative process, or to which they have some resources to bring to bear.

So, you know, the beauty of these collaborations is that they tend to become -- address other issues.

We did not do that because that wasn't our charge, but I think the -- you know, it is not -- what we are trying to set up isn't inconsistent with trying to address those other impacts from those facilities.

MR. LEE: I think -- is that all now? Any other questions, comments?

So before we close out on this, perhaps the important advisor, Shankar or Langdon or Victoria, you can review the next steps. Like I said, I think it is very important that we keep to a timeline here to really make sure you maximize the good work that has been done and we do see this as a truly important report and the recommendations as really some things that we really want to bring to the attention of EPA.

MS. ROBINSON: I will go ahead and do that.

But, first of all, I was negligent in calling out the members of the work group and identify them by name for

all the work they have done.

As you know, Shankar and Terry Goff were co-chairs of the work group.

Margaret Gordon from -- very actively involved in West Oakland, the ports there, a community-based organization.

Wayne Grotheer, representing the Port of Seattle.

Andrea Rico, bringing the public health/environmental health perspective.

Joyce King, who could not be with us today, bringing the Tribal and Indigenous perspective.

Kirk Marckwald from the Railroad Association.

Lang Marsh, of course.

Cynthia Marvin from the California Air Resources Board, bringing a very strong regulatory perspective, talking about what could be done when there are as many barriers as there are in some other states to how regulatory mechanisms are implemented.

Greg Melanson, bringing the financial perspective.

And Omega [Wilson], another community-based perspective, not California community-based perspective.

The timetable is, first of all, we are working on right now -- the members actually have -- the work group members actually have this preliminary final draft. They are providing their comments to their sections of the overall

report, and we anticipate getting that out to everybody by the first of November for them to review and discuss in preparation for our call on November 6th.

We anticipate a two-week turnaround because of conflicts in schedules to have all the final comments incorporated and then actually have a final draft for the work group members to discuss. And then we anticipate any fine-tuning and Thanksgiving holiday to actually turn around and get a draft to -- the final draft -- to all the members of the council.

Now, the timing after that is how much time the council would need to review the document. Our pledge is to keep it within 40 to 42 pages, not counting the appropriate appendices. Would you need -- you know, the full month of December, with holidays and everything? Our goal -- we would like to have it done before then, but we need to get some feedback from the members. We -- this is the game plan we have identified. I know it is aggressive, so --

(No response)

MS. ROBINSON: No comments? Okay, then we will stick with it.

MR. LEE: Well, you know, is this -- I guess the -- I guess, you know, it is important to hear from you whether or not necessarily that you are going to make this but that you will try to make this and it is something that you make sense.

I mean, there is a lot in here, and, you know, there are different things that may not happen according to a plan like this which is very aggressive. And, you know, you want to do this with a lot of sound foundations, you want to do it right, given all the work that has gone into it, but if you could, you know, we would really like you to make -- to try to keep to this. Any questions?

MS. ROBINSON: John?

MR. RIDGWAY: I have a couple questions. One is: What if this timeline isn't met? Is there a problem if it goes on into January that would delay or hamper the good quality work to get out, you know, in a good way?

MR. LEE: I think the way to answer that would be this. You know, I think that the question will be asked: So what is it that the NEJAC is going to recommend? And I think that, you know, to the extent that we can be able to express not the final, final recommendations but the kinds of recommendations in enough of a specificity so that meaningful information is going to be important.

I think to a large extent you have most of that with the exception of the -- with the other recommendations.

I would like it so that, you know, it is a little bit firmer than what it has now, which is why I think this time frame is an important one. But I don't think that you should try -- I don't think that you don't want to do much --

slip much more than this in terms of like sometime in January.

MR. RIDGWAY: -- I am going to -- excuse me -- I am going to just follow up --

MR. PRASAD: Charles --

MR. LEE: Yes, go ahead.

MR. PRASAD: Follow up on what you said. If you were to get the draft as the NEJAC gets the draft, will that suffice for your purposes of saying that these are the kind of things -- NEJAC has not made a final recommendation on this, but here is the draft that is -- that you can summarize or use it in your piece? Because the moment NEJAC gets it, this is a public document, so at which time you have the freedom to use that information in -- so that it is inclusive of the types of recommendations on however you want to characterize for your briefing purposes.

MR. LEE: You know, let me put it -- answer it this way. Anything is possible, right? But the thing is how much does something -- how credible is it? It is a lot more credible in terms of a message -- you know, you only have one shot at this, right? Or maybe a little bit more, but you don't have much more than one. It is how much -- how credible is this? So it will be more credible if it is more final, you know, obviously.

So that is the degree. That is what we are -- in my mind, that is, I think, what we are dealing with. So all I

urge is that, from where we stand, do it right, but do it as expeditiously as possible.

MR. RIDGWAY: I would like to follow up, and that would be a healthy challenge to the rest of us that are not on this work group to be prepared to really give it the kind of deliberative time to turn it around quickly once it is put into our hands to match the work that the work group has put into that. And logistically, to the extent that you can as soon as possible, and I know that this is -- it is a chicken and egg dynamic but schedule that time for when the council, I am assuming, would meet on a conference call as soon as possible, given the complications of the holiday season and things gearing up for changes in January so that as many of us as possible can fully engage in that step that has to happen. That would help.

MR. MOORE: Sue?

MS. BRIGGUM: Just a -- thank you -- just a couple things. One is that if you key up where there is a difference of opinion as something for the council to decide as opposed to your characterizing it as a decision EPA has to make, that obviously puts a bigger burden on us, which could mean that we might dither, just -- you know -- so you know.

The other is, when we have the call, I would find it really helpful if you could also give us a flavor not only of the recommendations and their impact but who you consulted

with who would vouch for the workability because some of this stuff is going to be, you know, pretty technical for us, and you also have a funding component. It would be very helpful to know, for example, if, you know, X-percentage of the locomotives going into the ports will have to do something new, who you talked with with regard to the workability of this kind of funding mechanism and they said, "Oh, yes, that would work" and if the impacts were to be appropriate.

I, you know, was pleased to see how many grassroots community members are in there, so I am sure you will be able to talk to your outreach and your understanding since you have got both coasts and some people in between so we will get a pretty full discussion on that as well. But if, as part of your presentation, you could give us the reassurance of kind of how you walked through that, that would help us to kind of move it through, too.

MR. LEE: Well, thank you. Before we close the session out, I just wanted to share some news about this report and this effort and the kind of significance I think this report can have.

You should know that -- and this is actually predicated on the fact that this report was going to be done by then -- but actually you were lucky it wasn't. I mean, you were -- there were a lot of things that happened here, but --

You know that in October, the American Association

of Port Authorities were going to meet -- was going to meet in Houston, and it was -- there was on the agenda a report about the NEJAC Goods Movement report. And the American Association -- you know, this is the port authorities of all the ports in North and South America. And so the reason -- and the reason -- and it never -- it did not happen, it was postponed, the meeting was postponed because of Hurricane Ike.

But, you know -- but that just -- I just wanted to share that news with you just to give you a sense of the kind of potential impact, positive impact, that this report can have.

The American Association of Port Authorities recently -- and Aston Hinds, who is a member of the work group who is the manager of the Port Authority of Houston, is the chair of the -- they recently set up a sustainable ports communities work group, you know, and that is really talking about issues of environment and economics and equity, you know, as far as port development, you know. So there is a lot of interest in this report within the AAPA.

So let me just say that, you know, like I said before, I really want to thank the members of this work group for all the hard work they have done, thank Victoria, thank all the EPA resource people -- there are just huge numbers of EPA resource people that have been involved in this effort thus far and will, I think, continue to be, and so everyone

should --

MR. WILSON: I just want to add a piece of information. We would want to recognize the fact that one of our work group members, Margaret Gordon, is one of the newest members, from Oakland, California.

MR. LEE: Why don't you talk about it ---

MR. WILSON: Right. She is one of the newest members of the American Port Authority and one of the first African-American -- I don't know whether she is the first, but one of the first African-American women who has been a representative, and she has already been to the East Coast and a meeting in the South, and she came to North Carolina to talk about the intermodal part of it, and we had a good two days to talk about the issue from a coast-to-coast basis.

So I think we have to give some credit and recognition to whatever is happening.

MR. LEE: Margaret was just appointed a member of the Port Commission of Oakland, so, you know, so yes, this is great.

So please join me in a round of applause, appreciation for the work group report and the work group members, and I think we can just close out this session.

(Applause)

MR. LEE: So it is time to take a break. I think we are -- I thought we were going to be on time, but we are just

a little bit off now. But that is okay. We do have a lot of time built into the next session.

Why don't we take a 15-minute break?

The next session is going to be, I think, on a truly important topic, is on the differential impacts of climate change, and we have a, I think, very interesting, dynamic panel.

(Whereupon, the group took a break from 2:40 to 2:55 p.m.)

MR. MOORE: This particular session, I just wanted to welcome the panelists for joining us. Your comments are very important to this council. And Charles will do the introductions of the panel members and we will jump right in.

Differential Impacts of Climate Change Panel Discussion

Charles Lee, Moderator

MR. LEE: Great. I think this is a panel discussion around a topic that speaks for itself, and so I don't think I need to go through and give a lot of background on this, is -- only that this is something that we in the Office of Environmental Justice have been following and have determined that this is something that we need to prepare ourselves to really be able to respond to adequately.

The disproportionate impacts of climate change, there is evidence of this everywhere, and I guess, you know, one of the best ways to kind of show how the concern about

this has really arisen at EPA -- there was sometime about six months ago, a senior official asked me, at EPA asked me about you know, some of the -- what are some of the big issues looming over the horizon for environmental justice? And I said, "Environmental justice and climate change." And the response was: "What does environmental justice have to do with climate change?" And, you know, that is a reasonable question.

You know, the same person I was talking to just a couple weeks ago and I said, well, you know, these are issues I think we have got to prepare for looming over the horizon. And the response was: "What do you mean, over the horizon? They are here already." You know -- they are here, and there are things that we have to really deal with.

This is a -- you know, it is important, and we wanted to set the -- we wanted this to be a discussion in which the NEJAC council gets information about the differential impacts of climate change and we think that as we go forward, the Office wants to go forward with a strong foundation of information and data about the various aspects of the differential, disproportionate impacts of climate change both in terms of, at this point, the actual impacts, and then also the kinds of differential impacts that are associated with different types of solutions, or proposed solutions, for climate change.

So the -- so we are really pleased, and I want to thank the panelists who have agreed to come and make presentations.

We are going to have two overview presentations, one from Professor Jim Sadd from Occidental College who is a, I guess a veteran environmental justice researcher, and he is going to give an overview in terms of the differential impacts of climate change.

Rona Birnbaum is with the EPA's Office of Air and Radiation, EPA's office of atmosphere programs. This is the office that works on issues of climate change. And she is going to give an overview presentation from the EPA point of view.

Then we will get three perspectives looking at different aspects of the differential impact of climate change issues from their own I guess real live experience.

Peter Captain is -- Chief Peter Captain -- is from -- is Alaska native and with the Tanana Chiefs Conference.

Wynecta Fisher, who you know -- she was here in -- she came to the NEJAC in Washington, DC in June to provide public testimony. She is with the City of New Orleans, Mayor's Office of Environmental Affairs.

Then Bill Gallegos you heard yesterday from the Communities for a Better Environment in Huntington,

California.

So, Richard, I guess we will just have each of the panelists present in the order that I listed. Jim?

Environmental Equity Impacts of Climate Change: A Review of the Research

by James L. Sadd

MR. SADD: Good afternoon, everyone, and I am happy to be in Atlanta where the weather is really beautiful. Back home when I left, it was 90 degrees in the middle of October, and I am anxious for something cooler.

But I would like to talk to you today about a research review of the environmental equity impacts of climate change. This is a review of the research that has been done by ourselves and others, and I would like to acknowledge my two research collaborators, Rachel Morello-Frosch from UC Berkeley and Manuel Pastor from USC, whom many of you I think in this room also know. Next slide?

(Technical difficulties)

I would like to set the stage for this talk by talking about the importance of climate justice, the notion that there is disproportionate impacts from climate change. Certainly, we do see evidence of this, and because of this there are important connections between climate justice and issues of public health and also social and environmental justice in terms of issues and goals that concern us all.

(Slide)

We do find that impacts from climate change do disproportionately affect some of the very same environmental justice communities that have been disproportionately affected historically by air toxics and hazardous waste and other environmental hazards. We find these impacts to be expressed in a number of sectors -- in industry, in agriculture, transportation, health and energy infrastructure -- and we also find that there are consequences both to health and economics -- and the economic vitality of individuals and communities as well.

(Slide)

Let us look first at some of the economic consequences of climate change. These are disparities in the expenditures at the household level for energy by race and by income level nationally and also differences in carbon emissions again by these same factors. It turns out that for lower income households and for people of color, energy is more costly and they are responsible for lower carbon emissions on a household basis than are other communities.

(Slide)

Let us look at some of the evidence. This is nationwide data on household income 2004. Household income in the United States is divided into 3 terciles, low, middle and upper income. As you can see, upper income households spend more on energy than do lower income households, but on a

percentage basis, the difference is quite substantial, with lower income households spending a much larger percentage.

(Slide)

If we look at this in terms of race, these are Latinos and not Hispanic whites, also nationally. On the left, these two bars relate to urban areas and these are rural areas. In rural areas, energy expenditures per household are higher overall than in urban areas, but in either case, Latinos are spending more per household than are non-Hispanic whites on energy. And if this is by household, and because Hispanic households tend to have a larger number of people than non-Hispanic white households, the difference on a per capita basis would be even greater.

(Slide)

In terms of carbon emissions, again looking at non-Hispanic whites and Hispanics nationally, this time divided up into four geographic regions of the United States, you can see that in every region, Hispanic household emissions of carbon by Hispanic households are lower than for non-Hispanic white households as well.

(Slide)

We also see the same relationship with African-Americans. Looking at data here based on 10 different deciles of expenditures from the poorest 10 percent to the richest 10 percent, it certainly is true and self-evident that higher

income or higher expenditure households are spending a lower percentage of their total expenditures on energy. But in the lower income, or lower expense, households, it is a greater percentage by African-Americans than by non-African-American households.

(Slide)

So those are some of the economic consequences that are disparate. Let us now look at the health-related impacts. And probably the health-related impact that shows the greatest disparity and for which the evidence is clearest is for heat-related deaths.

Certainly, we all know that heat exposure can cause mortality or morbidity directly. It is generally referred to as "heat stress" and the events themselves are referred to as "heat waves."

These heat-specific health outcomes are certainly also uneven and disparate, and the disparity is related to three factors -- differences in physiology and also social and economic factors. And they are the same factors that we see to be important in other environmental justice concerns with other sorts of hazards, economic status and race and ethnicity being among them. Age, however, is extremely important.

Now, when we talk about heat-related deaths and heat stress to people, sometimes they say, "Well, gee, that doesn't seem like it is the most important problem that we have to

deal with with climate change," but in fact, heat waves annually are responsible for more deaths and some of the more dramatic natural hazards that face us as well.

(Slide)

This is data provided for me by Dr. Paul English, my colleague at the California Department of Public Health, who did -- who with his colleagues did a definitive study on the 2006 California heat wave. This was actually a heat wave that affected the entire United States, but in one week in late July, it had a particularly dramatic impact on California.

There were identified by county coroners and medical examiners 140 victims that were judged to have died from heat-related effects, and 80 percent of those deaths occurred in 7 California counties, those that are in the California Central Valley and also in the Mojave Desert. Those are the counties that have the highest temperatures in -- incidentally, the highest access to air conditioning on a household basis.

Almost all of the people who died in this incident lived in zip codes where there was high poverty. And of the 140 heat-related deaths for that week, 126 of them were judged from the evidence to be classic heat stroke that is directly related to that heating event for those days.

The victims were primarily low-income, elderly persons that lived in socially isolated circumstances, and this fits with the type of vulnerability factors that we have

identified for heat stress. That is, older people and also the very young, under one year of age, cannot physiologically adapt as well to high temperatures and recover from high temperatures at night as can people of other age groups. These folks also are less likely to have air conditioning primarily because they live in homes that were built before 1975 which are significantly lower in terms of air conditioning.

They also have a challenge of their low-income status in affording electricity or thinking that they can afford the electricity to use the air conditioning. And also they have low social capital -- that is, they live in isolated social situations. They often don't have people looking in on them regularly. They don't have options to go elsewhere where perhaps they can be in air conditioning or be in a place where it is cooler.

The heat exposure for these heat stroke individuals occurred indoors in almost all cases, and the air conditioning situation for them, which would have been a good solution, three-quarters of them had no air conditioning at all or no air conditioning was reported to be in that residence. Of the rest, half had air conditioning that did not function and the rest had functional air conditioning that was not in use.

(Slide)

If we look now more broadly at heat-related

mortality in California for a larger period of years, we see this pattern repeated, and we begin to begin to develop an understanding of the vulnerability factors that guide us toward projecting who is most vulnerable and who is going to be most impacted by high temperature events.

This looks at the effect of age on heat-related mortality, so for a 10-degree Fahrenheit increase, there is an increase in mortality, and for these different age groups, it is children less than 1 year of age and the elderly, which have higher incidences of heat-related mortality at a statistically significant confidence level. So for a 10-degree increase in temperature, you are getting almost a 5 percent increase in mortality for babies less than a year old, about half that for over 65 and over 75.

Probably most of you are not a nerd like me and do statistics every day, so you may not be aware, but this line right here at zero is used in plots like this to identify relationships that don't have the statistical significance. So the fact that the plot for less than 5 years and also less than 85 years touched that or crossed that zero line mean that those values are not significant.

(Slide)

If we look now at race and ethnicity, we can see a similar pattern. 10-degree increase in daily mean temperature results in a 2-1/2 percent increase in mortality for whites

but a nearly 5 percent increase for African-Americans. The change for Hispanics is not statistically significant. So we see a relationship with age, we see a relationship with race.

However, this is not to suggest that there is something physiologically different about these three race and ethnicity groups that results in their vulnerability to heat stress and heat-related mortality. It is in fact an SES characteristic, and the one that best explains this relationship is access to air conditioning, which of course is associated with income or wealth.

(Slide)

Here is work from four Midwestern cities -- Pittsburgh, Detroit, Minneapolis and Chicago -- looking at the heat-related mortality for -- in -- to the right, non-Hispanic whites, and to the left, African-Americans. In each case, African-American mortality is higher than for whites, as you would expect, but also in each case the prevalence of air conditioning for whites is a lot higher than it is for African-Americans.

So again we see this relationship which is explaining the disparity but also telling us something about who is more vulnerable and why, what those vulnerability factors are.

(Slide)

So if we take this information and start to project

it into the scary future, it looks scary indeed. If we take these vulnerability factors and project population into the future and also think about temperature increase into the future and how that will increase the number of heat stress days and the intensity of those heating events, we get relationships that look like this.

Now, this is for California. On the left is a -- is one scenario for how temperature will increase and how that will affect heat stress events, and this is what is called the "high emission scenario." It is essentially a business as usual scenario for emissions and global warming.

On the left is a lower emission scenario which represents more aggressive mitigation and emissions reduction strategies. But in either case, we are looking at increases in heat wave mortality and we are looking at increases that are different for different racial and ethnic groups -- certainly African-Americans suffering disproportionately compared to other groups.

So this is our best guess at what the future will be in Los Angeles, and it is reflective of what kind of future we probably can be looking at going forward elsewhere.

(Slide)

So, when we think about vulnerability to climate and we think about adapting to climate, we have to think about what our options are to respond to that and also what factors

will affect that.

So, the only really way that we can affect our vulnerability to climate change is either to anticipate it or cope with it or to somehow better recover from extreme weather events. And we have three ways in which we can do that. We can depend on our physiology, the adaptation of the body to higher temperatures -- and that is related to age, and I know all of us are getting older. I can't make myself less than one year old or five years old, so that is not something I can really affect and neither can anyone else.

There is also behavior. Both individuals and communities can do things on a daily basis that can modify their activities to respond to the higher temperatures during heat waves.

There is also the use of technology, which is primarily the use of air conditioning.

So we can intervene to address behavior and technology. Let us see how the ability to intervene varies and whether there is a disparity there as well.

(Slide)

One way to look at this is to think about the urban heat island effect -- probably something everyone has learned about in high school -- but it essentially is a relationship between ground cover or land use and temperature. In urban areas or in suburban areas where there is relatively little

vegetation and little soil moisture, temperatures are higher during the day than they are in rural areas or well-vegetated areas, and that is because of the different relationship between the uptake of solar energy between water and surfaces like asphalt and concrete and the other sorts of materials that you find in an urban or a suburban area.

So, the less greenery you have, or the less moisture, and the more hard, built environment you have, the higher the temperature, everything else being equal.

(Slide)

So this is work that we started to do in California. I am showing you some preliminary research. It hasn't been published so don't anybody scoop us. But this is a map showing the percentage of impervious surfaces or things like asphalt and concrete as they are distributed throughout the state of California. You can easily pick out the highly urbanized area, the Los Angeles metropolitan area, down here San Diego, the San Francisco Bay area, and some others.

(Slide)

If we then think about who lives in those areas and what their socioeconomic relationships are, we can begin to get a feeling for how the urban heat island effect will exacerbate this disparity in exposure and disparity in heat-related impacts.

If we look, for example, just at Los Angeles -- but

we have some other metropolitan areas here in California as well -- just in Los Angeles, the group of people that live in areas where home ownership is lowest, and by the way, home ownership is a good proxy for wealth and also a proxy for income, in neighborhoods where home ownership is lowest, that is where you have the highest percentage of impervious surfaces that contribute to higher temperatures because of the urban heat island effect, and of course that effect decreases as you go to classes that are higher and higher in home ownership or higher and higher in wealth. That is true in the other cities of California as well, and as you can see, we see a very similar relationship with race and ethnicity. The neighborhoods that are highest in terms of people of color also have the highest percentage of impervious surfaces and higher temperatures, all other things being equal, during heat stress events.

(Slide)

Well, we can use technology. And so the access to air conditioning becomes very important. Here is some data from Los Angeles, Long Beach metropolitan statistical area, showing some rather shocking numbers of households among both renters and homeowners that don't have access to air conditioning. And you can see the relationship for -- relationship with race, you can see the relationship with age, and also the relationship with income or wealth, all

vulnerability factors which are important to predicting heat stress mortality.

(Slide)

And if you don't have air conditioning and you don't have trees and you don't have soil moisture, about the only thing you can do is leave. We all learned that painful lesson -- or not all of us -- but it was learned in the Hurricanes Katrina and Rita certainly.

So that brings us to think about transportation justice. And here are the percentages of people who have no access to vehicles in Los Angeles County, and again that is disparate by race, and this then speaks to whether people have access to a car to leave not only for heat stress events but other sorts of climactic extremes and how it restricts their capacity to move to cooler areas during these events to try to cope with them.

(Slide)

When all else fails, all one can really do is go to the hospital. And if your ability to go to the hospital and get health care is limited, again this is going to contribute to the disparate impact from heat stress.

The relationship here on the right should not surprise anyone, but there is a very strong relationship between income or wealth and access to health care or health insurance, and that relationship also shows up by race

primarily because it is driven by income.

So, again, low-income individuals, low-wealth individuals really are more vulnerable for a number of reasons, not the least of which is they don't have access to health care when they need it.

(Slide)

So when scientists and public health officials and others think about the impacts of climate change and how they affect mortality and morbidity, how they affect people's health, they think in these terms which are a little bit complicated but help at least me and some of my colleagues think about it, where changes in climate result in environmental factors, environmental changes, that result in extreme events or other sorts of changes that eventually lead to mortality or morbidity. And these arrows represent our notions of how these different factors are related.

So what I have done today is I have sort of taken you through the climate change to higher temperatures to mortality track, but realize there are lots of other ways in which we need to understand the impacts of climate change if and to what degree those impacts may affect diverse communities in a disparate fashion.

(Slide)

Everything I have said here I think today is pretty depressing, and so I wanted to end on a little bit more

optimistic note. And that is the potential air quality and health benefits of mitigation of climate change.

It turns out that low-income communities and communities of color actually stand in a very good position to benefit directly from certain greenhouse gas reduction strategies. It turns out that, depending on how you reduce greenhouse gases and from what sorts of sources, there can be very significant reductions in co-pollutants in the other toxic air emissions that also disproportionately affect environmental justice communities. There has been a lot of work to try to document the relationship both with mobile sources and stationary sources, but if done right, reductions in greenhouse gases could have these additional benefits and provide a win/win situation for environmental justice communities and for the nation as a whole.

(Slide)

So in conclusion, what I have tried to do is show you the evidence that clearly shows that climate change impacts are an environmental justice issue and they are an environmental justice issue, as Charles says, right now. The impacts are with us, and they are disparate in terms of economic and health aspects. These health and economic aspects are interrelated and we see the same sorts of factors playing into the disparate environmental climate change impacts that we do for other environmental justice issues.

The problems seem to be the greatest in urban areas, but that is also where we probably see the greatest potential benefits of certain types of mitigation.

(Slide)

And I would like to close with an idea that has actually lifted up by my colleague Shankar Prasad, which is: Regardless of the extent and the speed to which we mitigate climate change, we will need to do some adaptation, and we need to do some adaptation now in order to address these disparate impacts.

Thank you.

(Applause)

MR. MOORE: If we could just agree to hold the questions and the thoughts -- jot them down, please -- and we will go right through the panelists. You see we have got time on the agenda, so if that is agreeable, we are going to move to the next panelist.

Environmental Justice and Climate Change

by Rona Birnbaum, EPA

MS. BIRNBAUM: Okay, great. Hi. Can you hear me all right? All right. First of all, thank you for having me here today. I will just jump right in then.

I am going to quickly touch on some three key areas. I will not spend a lot of time on the science and the key findings, just a few key slides. I think you heard some

terrific explanation of the issues from Jim and you will hear from the other panelists in sort of real time.

I will talk briefly about some of the current efforts in the Agency and focus on some of the adaptation issues and moving forward.

(Slide)

So, real quickly, again I won't spend a lot of time on the research here, but the bottom line is over the last really two years, two to three years, it has moved -- the research has moved the position with which EPA is able to speak to these issues and react to these issues tremendously.

I pulled just five key findings from the Intergovernmental Panel on Climate Change, the major series of reports that came out in 2007, and it is worth just mentioning quickly here.

First of all, one of the most important findings from IPCC is that warming of the climate system is unequivocal. Essentially, that is now evident through observations of increased average air and ocean temperatures, widespread melting of snow and ice, and rising average sea level.

They also found that most of the observed increases in temperatures since the middle of the 20th century is very likely due to actual increases in anthropogenic greenhouse gas concentrations. So not only is the warming unequivocal, but

we now know that it is very likely due to actual increases in greenhouse gases.

Furthermore, they also concluded that human activities have actually induced most of the warming over the past 50 years, that we cannot certainly -- looking just at the last 50 years, we cannot simply say that is just due to sort of natural variation in the climate system.

Then finally, they also concluded that better modeling has enhanced our competence in looking at the impacts -- although I will talk to that issue a little bit later -- and that a range of stabilization levels can essentially be achieved by deploying a portfolio of current and future technologies.

(Slide)

So you will see a couple slides here, and I will be able to walk through them quickly because I -- although Jim and I did not share our slides beforehand, I think you will find a couple of our slides complementary, actually. And this really quickly just lays out some of the key areas of climate change impacts that not only the Agency but the whole Federal government, states, regions, tribes, local governments are interested in understanding more about and essentially leveraging the state of the science in bringing that information to bear on policy and economic analysis.

We are looking at and keying on tracking some of the

new work on health impacts, agriculture/forest impacts, water resources, coastal ecosystems. It covers the range.

(Slide)

Specifically looking at vulnerable communities, both the IPCC as well as the U.S. Federal government's Climate Change Science Program, have often made a few important statements in the literature now on vulnerable communities.

Specifically, socioeconomic factors do play a critical role in altering the vulnerability and the sensitivity to environmentally mediated factors. Also, in IPCC, very specifically poor communities can be especially vulnerable, tending to have limited adaptive capacities and more dependent on climate sensitive resources such as food and water.

Then, finally, those factors related to vulnerability include things like income, race, education, gender, housing and pre-existing susceptibility to illness.

Again, a lot of these issues are ones that you might look at and say, "Well, yes, we knew that," but again, for those of us at EPA and elsewhere in the government who are now trying to leverage the existing research and bring that to bear on policy and economic analysis, having these kinds of statements in the existing literature is quite meaningful.

(Slide)

So, finally, on climate change impacts, the IPCC

goes on to say that globally, projected climate change-related exposures are likely to affect health status of millions of people, again particularly reinforcing what you heard from Jim, those with low adaptive capacity through increased death, disease, injury due to heat waves, flood, storms, fires, droughts -- sounds like the plagues -- increased burden of viral disease, increased frequency of cardio-respiratory disease due to higher concentration of ozone related to climate change, and altered spatial distribution of some infectious diseases.

(Slide)

Another conclusion from IPCC, as well as the CCSP, the Climate Change Science Program here in the U.S., is sort of -- this capacity now for us to talk about both mitigation as well as adaptation.

You know, historically you often found those that only wanted to talk about mitigation, sort of indicating that talking about adaptation meant that, you know, we weren't going to then also talk about mitigation. So in fact there is, I think, variously widespread recognition now that the answer is not one or the other, but in fact the answer is a portfolio of both.

(Slide)

Very briefly, and again I am not going to get into any one of these in depth here, but just to give you a quick

sort of lay of the land in terms of current policy and programmatic activity, hopefully many of you are familiar with the wide number of voluntary programs pertaining to greenhouse gases that comes out of EPA's voluntary programs. They have in fact taken off. They do demonstrate current and very much future opportunities for mitigation across numerous sectors.

(Slide)

I will come back to this slide in a moment, but this is a slide that just gives you some example of some of the voluntary programs that come out of EPA, out of the Air Office here, again a very nice opportunity to bring the business community directly into the climate issues.

Recently, also the energy and climate issue, the specific initiative that has come out of this administration, has also spurred some partnerships with energy efficiency programs again specifically and, very importantly, has also developed a number of opportunities within the EPA regions, and you will find most, if not all, of the EPA regional offices engaged to some extent on some of the energy efficiency program areas.

On a regulatory front, there are a number of issues and activities going on there as well. We are working right now on a proposed mandatory greenhouse gas reporting rule. It is due to be completed any day and that should -- you know, you will be seeing that shortly.

We also, back in December, the Congress passed and the President signed the Energy Independence and Security Act which expanded EPA's renewable fuels mandate. There, too, our Office of Transportation and Air Quality is working on a proposed rule-making due to come out this fall.

You also probably heard that there was a pretty significant Supreme Court decision not too long ago, and in response to that, the EPA has issued an advanced notice of proposed rule-making. This ANPR, as we call it, is exactly that -- it is an advance notice. So what that means is it does not actually propose a rule-making but rather looks across the Clean Air Act and essentially assesses the implications under the Clean Air Act as a whole and how greenhouse gases could be an implication of addressing greenhouse gases under the Clean Air Act broadly. So that has been proposed and is open for public comment now.

Finally, although not specifically a climate change rule-making but certainly related, was a proposed rule-making put out by our Office of Water and the Office of Groundwater and Drinking Water that specifically pertains to the issue of geologic sequestration of carbon dioxide. And that is also out there for public comment, and again it does not -- it is not required, geologic sequestration, but what it does is essentially, using SDWA, in the Safe Drinking Water Act, it essentially looks at, you know, if geologic sequestration were

to take off and were to become more commercially available and more fully utilized, how can the Agency approach that while insuring the safety of public health in the environment under the Safe Drinking Water Act?

Then finally, legislative activity -- again, I don't think I have to mention to all of you that there is a lot of activity. We also anticipate that to continue as we look over the next couple years. But my office has been quite involved in analyzing the whole host of bills upon request, so that is also accessible on our website which I will put up at the end. And I just mention that.

(Slide)

Okay, just as few words on adaptation, and again it is nice that my words are complementary to Jim's words earlier.

Essentially here, IPCC puts out a definition, adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits even beneficial opportunities.

Essentially, I think, again as I mentioned earlier, I think the consensus at this point is that what we know about climate change now does justify at least examining, beginning to look at the costs and the benefits of taking adaptive actions, both anticipatory as well as in some cases reactive where we are already seeing impacts.

This is not necessarily easy to do. There are some analytical challenges here. First of all, we continue to have -- despite all the progress that I mentioned earlier on the state of the science, we continue to have some uncertainties regarding the timing and the scale of impacts. So while what I said earlier, you know, regarding some of this unequivocal nature of what we know about climate change, you know, that is at the global level. And every time we come down in scale and increase our level of resolution, if you will, it means that the level of uncertainty increases. And I think that is going to be something important for this group to grapple with.

There are difficulties in evaluation, in the monetization of some of the benefits, and associated with that are issues related to intergenerational discounting.

(Slide)

This slide is up here not to go through all of these different scenarios that the IPCC looked at but really just to focus in. You actually can't see there is -- on prints there is actually a circle surrounding where all the lines converge just before they actually go in different directions.

The bottom line of this graphic is essentially that the IPCC concluded that no matter which scenario one looks at and no matter what happens with emission reductions in the future, we are essentially committed to a certain amount of warming globally no matter what.

So even if greenhouse emissions, we have gas emissions cease today, global average surface temperatures would continue to warm up by up to 1.6 degrees. And again, all scenarios depict a similar temperature increase for at least the next several decades. It is probably -- if you look at the graphic here -- not until about 2040 that you see the lines begin to diverge.

(Slide)

This is a slide that just begins to show some of the programmatic activities at EPA pertaining to adaptation efforts. The Office of Water, you may have heard, just released their own national water program strategy in response to climate change. That is now posted on their -- on the OW website.

We are also trying to grapple with this issue of how to bring adaptation into the economic and policy analyses that we do. Most of the economic -- most of the models to date have not been able to really incorporate adaptation, but we know it is not free. So it is a tough thing to do, but it is something we are beginning to get our hands around.

We have recently launched a program, working with the National Estuary Programs and in concert with the Air Office, my office, together with the Office of Water, to work specifically with the estuarian coastal decision makers to focus on adaptation. And then specifically we have also done

some work -- and I will talk more about the heat health issues in a moment -- I will just jump right into that -- to again emphasize some of the things that you just heard from Jim here, using excessive heat events as an example.

We, too, have worked on this issue for a number of years and in concert with CDC and others have really started to focus both analytically as well as from an adaptation perspective on this one, recognizing, again according to CDC, more deaths from excessive heat than any other natural causes -- 700 heat-related deaths annually in the U.S.

The IPCC projects increases in the frequency, intensity and duration of heat wave.

Again, you have heard this from Jim and you will hear this I think from others on the panel regarding the most vulnerable groups with older adults, very young, and as again you just heard from the previous presentation, when you combine the heat effects from climate change on top of the heat island effects, certain communities that disproportionately live in urban environments are exposed to greater risk.

Demographic sensitivities -- here again, the physical constraints, mobility constraints, again reinforcing that transportation issue. Cognitive impairments, economic constraints, the air conditioning issue, and socialized isolation.

(Slide)

So, finally, here the challenge is: So what can we do help prepare communities to adapt to rising temperatures and increased incidence of excessive heat events?

My office, together with NOAA and CDC and FEMA a few years ago got together to put out this EPA'S Excessive Heat Events Guidebook. It is on our website, and it was at least one thing that we could begin to do right off the bat. It provides local public health officials and others with sort of accessible guidelines and excessive heat event information with a menu of public education, notification, response actions, et cetera.

(Slide)

So, moving into some of the key questions that EPA and others are examining now and will continue to as we move forward, regarding impacts and adaptation, we are obviously keen on understanding: What are the likely market and non-market impacts in the U.S.? We are trying to get our hands around some of these more difficult benefits issues and how, you know, if possible, how do we monetize this? And if we don't go with a monetization route, how do we use some of the more emerging sort of risk characterization and risk management approaches to looking at benefits?

We are trying to examine: What is the recommended portfolio, again, of adaptation and mitigation over time? And

what are the best practices regarding adaptation measures given a degree of committed warming that I mentioned earlier? And finally, and recently, folks have been asking and we are starting to examine not just within EPA but across the Federal government, you know: What are the most appropriate roles here -- states, locals, regions, Federal, in evaluating, developing and implementing adaptation strategies? And I think that is also something that this group might be interested in starting to examine in the future.

(Slide)

So, finally, some other key questions regarding the optimal portfolio, and again what we fully recognize here is that the portfolio of mitigation and adaptation measures at the national level will likely be different than at the regional level and at the local level.

How do we best communicate the need for action now despite the fact that I mentioned that we have continued scientific uncertainties at the local level?

What are the primary environmental justice concerns? The health, waterborne diseases, energy issues, ag issues across the board.

Are there opportunities to tap into the research efforts of some of the evolving climate data services to address some of those primary EJ concerns?

And what are the opportunities for insuring a

dialogue as the national policy issues begin to evolve?

(Slide)

Finally, I see that there are a number of areas for collaboration here. We clearly need to do more to tell a national climate story.

That story, I believe, can be told through a variety of lenses, you know, both analytically and communication opportunities exist. And I think there are opportunities for the Agency to work closely with environmental justice communities in this regard. We have opportunities to share tools for assessment and communication and regarding the adaptation issue, it is one of the issues again I mentioned earlier:

Are we as a country at different organizational levels with Federal, state, tribal, local?

Are we ready to adapt?

Do the infrastructures exist to facilitate those kinds of decisions?

Are we ready to start leveraging the research, making priorities for investments, understanding the barriers -- costs, benefits, best practices, and ultimately accountability?

What works, and how do we best share that information?

That is it. Thank you.

(Applause)

MR. MOORE: Thank you, Rona. Chief?

Presentation

by Chief Peter Captain, Sr., Tanana Chiefs Conference

CHIEF CAPTAIN: Thank you. Thank you, first, to the Creator for bringing all of us safely here and hope that He brings us safely home. Thank you to the NEJAC Board, Victoria, and especially Lisa Hammond for working overtime Sunday for fixing my ticket for getting here. It was quite an experience.

I just want to say, you, in Alaska, we have always been, you know, I would say, ground zero for climate change. I say that because, you know, years ago -- oh, about, oh, 30 years ago or so, our elders, especially the Northern Inupiat Eskimos, were seeing these changes. And being scientists in their own right of the land, they were reporting these in their circumpolar conferences. But nobody was listening, you know? Had we had NEJAC then, things weren't -- I don't think would have, you know, would have evolved to be in a status they are now.

The change up there is dramatically affecting our everyday living, you know. The ice is melting, the permafrost is melting, thus causing, you know, differences in land. The boreal forces are moving further westward. Pretty soon the Eskimos in Bethel are going to have trees instead of, you

know, shrubs. And this is a fact.

We are getting, you know, various animals that we have never seen before. We are getting cougars up there and I hope, you know, the Good Lord doesn't send snakes yet.

We have numerous challenges, you know, due to climate change. First of all, you know, the State of Alaska doesn't recognize tribes or tribal, you know, entities, and it makes it, you know, makes it doubly hard to collaborate with them. However, that doesn't stop us from moving forward.

Infrastructure for transportation is mostly nil. You have roadways around Fairbanks and Anchorage but west of that, there is no road system at all. Everything comes in by air, goes out by air, except in the summer -- we have a probably a 3-1/2-month window there for barge transportation which is the cheapest mode of transportation now. However, it is still way up there.

Communications is, you know, really sometimes overbearing. I mean, you know, we have Internet, but a lot of villages there don't have that service.

Our costs of goods and services is something that, you know, will blow your mind. To get from where I live now, Fairbanks, to here was probably $1500. That is -- I think I found it was about 3700 miles one way. One way from my original hometown going up to Fairbanks is almost, you know, about $200. So in order to -- you know, if you multiply that,

it is really -- it is something horrendous.

Gas is anywhere from $5 to $15 a gallon. Heating oil is $60 -- $11 a gallon. Milk, if you would, is plus-$10 a gallon. Electricity -- a village close to my hometown has just elected to raise their electrical rate to $1.20 a kilowatt.

So you combine all that -- you combine the heat, the electricity and whatnot, you have very little, you know, very little money left over for groceries, you know? So we rely heavily on our traditional foods and this climactic change is affecting that drastically.

You know, I don't live up around Barrow, but I have seen, you know, pictures of polar bears swimming in from the ice and they just get on the land and drop, they are so tired. They don't have no ice floes to rest, you know.

So it is getting pretty dramatic up there. And, you know, I say, you know, if we had -- or if we had someone to listen to all these concerns years ago, we would be in a much better place, but right now we are not so. Like my two other colleagues say, we have to adapt. And for -- you know, for us Natives, that is not hard. We have been subject to adaptation all our lives, you know. We move where the food source is best and just get along that way. So, you know, it is not really drastic for us other than, you know, to say that, you know, it is getting real hard.

A lot of our -- I would say, you know, the one thing that we do need to do is not so much educate our children. Our children learn by example. We are the ones that need to be taught, you know? We don't need to keep up with the Joneses -- every time a Jones, you know, buy a bigger car, well, we have got to go one better. We have to stop that type of mentality and get back to basics.

Emission control -- all these things that, you know, that would lessen the effects of climate change. You know, I didn't know I was going to be presenting, so I didn't have a formal presentation, so I just kind of had to wing it.

What I am going to do now is show a video of what this one group I co-founded is working at and, you know, addressing portions of climate change. And should it run over, whoever is timing can just cut it off right when it -- so if you will go ahead, Lisa, and --

[Video presentation]

MR. MOORE: Chief?

CHIEF CAPTAIN: Yes? Due to time constraint, what we will do is we will cut it off right there and maybe at some time, other time, we will review it.

But I want to thank each and every one of you for bearing with me. Thank you.

(Applause)

MR. MOORE: We wanted to thank you, Chief, and we

wanted to -- we have got two other panelists. We are getting close to 4:00. What we could do also is, you know, that some people are definitely interested in seeing the rest of this DVD. Maybe we can complete that, we can put it back on again, and those who would like to see the ending part of it, we can open that back up again.

So, thank you, Chief. We know there are going to be a lot of questions concerning that.

We are going to move right along with the panelists. Wynecta, I think you were the next panelist.

Wetland Loss and Environmental Justice Communities

by Wynecta Fisher

MS. FISHER: Good afternoon. Thank you for having me. And that video was very moving, but what it does let us all know is that God does not make things just happen by chance, but happen for a reason.

When Victoria first asked me to present something on climate change, I was going to focus solely on the City of New Orleans and the wetland loss and the impacts that it has on our EJ communities. And in September I actually went to Portland, Oregon, for a wetland conference and it was at that conference that I met this community, a community that lays right below Orleans Parish, a community that has been forgotten, a community that is an indigenous community. They are actually trying to get Federal recognition of their tribe.

And so it is actually fitting that I would follow someone who comes probably from the same tribe, and you have to forgive my ignorance of tribes.

But I want to talk about wetland loss in EJ communities because I really believe that this is a new paradigm for the movement. It is not something that we have really focused on a lot, and I think that that is something that we need to begin to look at.

(Slide)

So we all -- I won't go into many details about climate change because we know what climate change does to those communities that are EJs. I want to -- I really want to talk about two things on this list. One is hypoxia and the other is coastal erosion. And in Louisiana, hypoxia, or dead zone, is really impacting those EJ communities because so many people depend on fishing, commercial fishing, or being tour guides for those sportsmen that come down, as a way of life. And as we try to move away from dependency on oil and we are looking at alternate fuels and we are encouraging the use of chemicals to increase the growth of corn, that storm water runoff is going into the Mississippi River, is dead-ending in Louisiana and it is impacting these individuals' way of life. So I am going to move fairly quickly.

(Slide)

This is New Orleans. This is our coastal area. It

is called the Land Bridge, East Orleans Land Bridge. You see where New Orleans is. That circle shows our coastal area.

A lot of people don't think of New Orleans as having a coastal area, but actually our coastal area is right next to Mississippi. We are on the border of Louisiana/Mississippi. And we are not just an urban city, which is what most people think of.

(Slide)

We actually have a $43,000,000 commercial fishing industry in Orleans and that is very, very low in comparison to some of the other coastal areas of the state. It employed about 300 to 400 people pre-Katrina. Many of these were independent business people, which means that they didn't necessarily have the types of insurances that other individuals had because they were small mom and pop businesses.

The other thing is after the storm, because of the storm and all the storm debris that got into the waterways, it was then difficult for them to go back to their livelihood.

(Slide)

So this is just some stats which I am going to go through. I want to point out an area called Grand Coin Pocket which we are losing shoreline at crazy rates. And we actually have some monies through a CWPPRA which is the -- it is a Breaux Act program -- it is competitively vetted through the

entire state -- to repair some of the section. And so I was going to focus on this because this area actually does protect our city, New Orleans, and it actually serves as an area of protection. It is a line of defense for our levees. And then I heard about this particular area called Grand Bayou.

(Slide)

This is actually -- it is a map of the Native American population throughout the shoreline of Louisiana, and that is from southeastern Louisiana all the way to -- do you have a pointer? No? -- from southeastern Louisiana all the way to the Texas border. So these are some of the Native American populations.

I know a lot of people hear about the Houma tribe, but there are several tribes throughout Louisiana. And you will see that New Orleans is up towards the top -- there we go.

So Orleans Parish is up here, and right below Orleans Parish is Plaquemines Parish, and that is where the Grand Bayou community is. And as we began to lose land loss, land mass, that -- the Gulf of Mexico will essentially be at the back door of Orleans Parish.

(Slide)

And so I sometimes say that both Plaquemines and St. Bernard Parish, while you are not hearing about them in the news, they almost serve, if I am saying this lightly, as a

barrier island, although they are not, to Orleans Parish. And Plaquemines Parish has lost 80-plus square miles of land after Katrina and Rita. And I don't know if they have any calculations after Gustav and Ike.

(Slide)

So I decided to go down to Grand Bayou. It was interesting. I drove through there, through rural area. What is interesting is that one side you have cows, on the other side you have refineries. I had a picture of this huge mound of coal, and I thought, my goodness, you know, what is going on with their waterways?

This actually is a picture that shows some of the flooding that happened after Ike. You could see where the grass is dead because the entire road was covered by water. Once again, this wasn't in the news.

Being an employee of the City of New Orleans, you know, we were glad that Gustav didn't happen. But some of us were actually kind of sad because the headlines across the country was, you know, New Orleans was spared, but it didn't talk about these other communities, and we truly have to be our brother's keeper. So this is just some more pictures.

(Slide)

But I want to focus on Grand Bayou. It is a tiny village. There are about 50 families left now. They use a lot of native materials. They raise their homes so they are

trying -- they do use adaptation methods already naturally and they all have houseboats.

It is a small community. It is called Atakapa -- and the gentleman from New Mexico helped me with the pronunciation, thank you. It is an indigenous community. They actually applied for Federal recognition in 2007. They have yet to get it.

But what is very critical for everyone to understand today is that this entire parish does not have Federal levee protection. They do not have Federal levee protection. So the only thing that is stopping the water from coming into their community are private levees which private citizens used to maintain, but some of them have died off and then others don't have the monies. And because they are not Federal levees, you cannot use Federal money to fund private projects -- but that is another story.

(Slide)

So here is a little bit about their community. They do have some Indian mounds that date back to 1000 A.D. Some of the elders say that they have been there for 300 or 400-plus years. They -- if you go out there and you talk to them and you meet with them, they will talk about jumping from one area of the marsh to the other and trapping food. And actually they make their livelihood by shrimping and fishing.

(Slide)

This is a community that literally lives in the wetlands, so there is actually -- this is their school boat. And the school boat picks up the children in the morning and brings them to land, and then they catch the school bus to go to school with the rest of the kids.

(Slide)

So there are a couple problems that they have. Whenever there is a storm, of course there is a loss of wage because -- for two reasons. One, you can't fish because of all the matter that is in the water. And then, two, there is a fear that is the water -- if the water is not safe or if there are toxins in the water, then I don't want to eat the fish that have come out of the water. So that is a problem.

Another problem is insurability. Getting insurances from an insurance company for their property and for their boats is getting more and more difficult or, in some cases, it is becoming cost prohibitive. So that is a problem that I think NEJAC is going to have to look at because sea level rise is happening across the country.

(Slide)

Now, the interesting thing about this community, unlike other communities -- and I know you guys saw this yesterday with Dr. *Rice's presentation. She showed you how --- looked. They don't evacuate. What this community has always done is they have always gone to a barrier island or

areas of wetlands and they have never had a loss of life. I found that to be most interesting.

But what has happened now is because of subsidence and because of sea level rise, a lot of those barrier islands are gone, and because of all the drilling -- and when you drill, you have to cut a canal -- those marshes are gone, so they don't have those buffers.

(Slide)

So, you know, here is just some information about how they lost land in Hurricanes Lily and Isidore and then they had 21-foot waves come in with Katrina and Rita, and I am still trying to get some of the statistics on the last two storms.

(Slide)

But this is what they do, and it is very interesting because -- and I am -- it is something the gentleman just said earlier -- is that they, while they don't have any hard science behind things, this is how they have always survived. They have never lost a person and they have never lost their boats, which is their livelihood because they actually -- they are fishers, they are fishermen.

So what they do is they tie their boats together and they ride the storm out in the water. Now, remember, the rest of us are stuck in contraflow trying to find hotels to get out. They actually ride out the storm in the water, so they

have never lost their boats or any lives.

(Slide)

The problem is they now, because there are no marshes and barrier islands, they now have to evacuate behind the land field. That is where they are having to evacuate because now that is the highest point in that parish. And that actually broke my heart, but that is where you have to evacuate now because those land masses are gone. But yet they do, and they still haven't lost any lives and they just don't -- it is against their beliefs to necessarily get in the car into the contraflow and stay in the hotels.

(Slide)

So, it is interesting because one thing that one of the elders said is this, that "You can't separate us from land. This is who we are. We know and love the land." And these types of things. And I was listening to her say this at a presentation -- actually, this is one of her slides -- and in the middle of the presentation, one of the gentlemen in the audience who was there -- I don't know if he was from Portland or Washington and it doesn't matter -- he said, "You know, when are we going to stop? When are we going to stop wasting taxpayers' money for saving something that doesn't deserve to be saved?" And it was when he said that -- you know, she was saying, you know, this is our home, this is our people, these are our livelihoods, you know.

When she was trying to explain why their community should be saved, a light went off in my head that we have to begin to monetize things because it is very important to speak from your heart. Speaking from your heart will cause you to become an activist and get angry and get riled up and say, "Hey, we have got to do something about it." But at the end of the day, the individuals want to know: What is the cost benefit analysis? And we have to start looking at those things. I think we have to, to help our community people. We have to be able to allow them to speak with their hearts but also to put some dollars and cents behind it.

(Slide)

There is a young lady that is with another group in the audience and she was kind enough to allow me to use one of her maps. And in this map she shows you some of the land loss. So this is Louisiana in 1839 and then in 1870, '93, and this is what it is supposed to look like in 2020.

(Slide)

The barrier --- let us see -- BTNEP is a group, and I can try and get their website, that has done a lot of research on this, but you could see in the next, what, 12 years we are going to have even more land loss. So it is really important that we act now. We can't afford to wait.

(Slide)

So what can we do? We can listen to the community's

need. We can create tools to assist the community. What -- are there alternatives to traditional insurance methods?

We came up not saying this is the best solution, but years ago we came up with a way for people to purchase homes in an affordable way. Maybe we need to begin to look at purchasing insurances in an affordable way -- like you have a first-time homebuyer's program. Maybe you have a program to purchase insurance for people that live in areas of risk, because when people think of risk, they think a lot of hurricanes, but there is risk in earthquakes, there is risk in fires, there is risk in tornadoes, so there are all types of natural risks and how we begin to help these EJ communities to get this type of insurance.

The other thing is that we have got to begin to assist the community groups with telling their story and making it relevant to each stakeholder group. Making that story relevant to each stakeholder group is really important. Saying that it is a ---, it is who I am -- that is great. But when you begin to talk about this is no different than Nags Head, this is the same thing as Martha's Vineyard, this is the -- then people begin to understand why it is important as a vacation spot. Or when you talk about, you know, the salmon industry in your state brings an X-amount of dollars or the blue crab industry in your state brings about X-amount of dollars, then people begin to understand.

So we have to begin to assist, and that is something that I am going to work on, assist them with telling their story so it is relevant to other groups. And I also want to tell their story a thousand different ways.

(Slide)

So I want to give credit to some of the individuals that help with this, and that is -- their names are listed here, and I will be willing to accept any questions later.

(Applause)

MR. MOORE: Thank you. And, Bill?

Comments

by Bill Gallegos

MR. GALLEGOS: I want to talk about this in a little bit of a different way since Jim really talked about the differential impacts in California and I think he covered a lot of that.

I will just give you -- you know, when he talks about kind of the cement, the asphalt, factor in terms of heat waves, there is one study in Los Angeles -- just to give you an example, and I think this is probably pretty typical again -- that the disparity in terms of parks and green space between the more affluent and white areas of Los Angeles and the poorer and darker areas of Los Angeles is 100 to 1. So that is the disparity that -- and I would guess that you could go to almost any city in the country and you are going to find

a very similar disparity. So just kind of one example.

But I want to encourage us to think about this not as kind of an atomized kind of problem. It is not just a problem of the differential impacts of climate change. I think it is also looking at the larger dimension of differential, racist differential, in our country, and class differentials in our country.

So it is not just a question of providing air conditioning for poor folks during a heat wave. It is really thinking about the kind of homes people live in, the kind of schools we attend, the kind of jobs that people have, the fact that we criminalize social problems at the expense of people of color.

So I think we should really take this opportunity to think about the broader dimension of social justice because it is not -- we can't just mitigate this one problem and say people can still continue to live in poverty, people can still continue to attend bad schools, continue to fill up our prisons, continue to have a lack of access to health care. So I think this gives us an opportunity to think this -- about this question in a much broader dimension, and I think that gives it a greater power.

So I just want to argue for that. I think we should really, really think about this in its broadest terms.

Secondly, I think we should consider the trends, the

context, in which we are working. The trends are bad. I mean, the emissions in the United States have increased, so the problem is we really, really have to take this issue very, very seriously and think about the kind of drastic measures that we are going to take to reverse these trends. So I think that is one of the things that we really have to consider.

So when we are talking about things like -- I mean, what is going on now, and I know this is true throughout the United States but it is also happening in California -- is that there is increased exploration and expansion of fossil fuel. So they are exploring for new sources of fossil fuel for oil and they are expanding their existing capacity. So these are negative trends.

When we are talking about clean coal, which is -- we know that that is not the direction we need to go, putting more fossil fuels into the atmosphere. So I think there are certain disturbing trends and we have to create a counter-trend to that. I think we have to create a common sense trend is really what it is, to say that that these are -- this is not the direction that our country needs to go. And of course the differential impacts of all of these things -- refinery expansion, coal production, safe nuclear -- where do we put most of our nuclear waste now? It is on Indian land. So these are not the directions that we want to go as a nation.

I also want to talk a little bit about when we

consider the differential impacts, we of course should look at our country, but I think we should think about the differential impact globally. The United States at a minimum contributes 25 percent of the greenhouse gases in the planet. I say that is a minimum because I don't think that takes into account our foreign industries, our military bases. I think it is actually a much larger carbon footprint.

So our responsibility is, of course, to our people here, but I think we also have a larger global responsibility to think about the impact and how we are going to -- and the differential impact that will cause, and is causing already, in the global south.

So I just -- I want to argue for a very broad scope to our considerations.

I am not going to talk a lot about kind of specific measures because I think folks here have shared a lot of really very good ideas. What I want to argue for is that the approach to this problem I think should be to build a strong, bottom up, democratic movement related to the issue of climate change.

I want to just say it is -- think of the analogy of this: If we knew that in three or four years some nuclear bombs were going to be launched against the United States and that it was inevitable, that we were going to be attacked and we were going to have nuclear reference. Well, that is what

is going on with climate change. There are going to be enormous amounts of destruction and harm to human beings and harm to the environment. We know it is coming. It is already happening. Chief laid it out very clearly already what is going on. What happened in New Orleans is another example. The wildfires in California. So we already have the examples.

I think we need a national mobilization. Very, very few people understand the really critical nature of the problem, and I think the first responsibility we have at the national level, at the state level and at the local level is a massive education campaign starting with our schools. We have to help the public understand the dimensions of the problem because the answers are not going to come from this room, as smart as we are, or the academic expertise that we have. I think there are partial answers, but the answers to me are going to come from the people themselves who are being impacted.

So when I hear the example of the folks that tie together their boats, where would -- that answer could not have come from a think tank somewhere in -- at Louisiana State University. That came from the folks who live the situation.

So I think if we really want to come up with a broad program, a programmatic response to this question: How do we mitigate? How do we adapt? And how do we eventually restore Mother Earth? I think we have to go to the people themselves,

and that recalls for an institutionalized democratic movement. We have to build in public town halls and forms of public oversight and public -- and citizens' committees and resident committees and youth committees to really address this problem in a very creative and deep and multidimensional way.

So I think, to me, like many of the problems in our society, the more democracy we have, I think the closer we come to a good response.

The other things is I think we have to prioritize in those communities of color because there are differential impacts in addressing climate change. And I think we have to begin with the principle of "do no harm, do no more harm." We know about cumulative impacts.

So we really have to reject solutions that could exacerbate the problems. Pollution trading. We know that the history of pollution trading has resulted in many cases in hot spots. Those hot spots are in our communities.

So I think we have to begin with looking at solutions by saying, "We are not going to adopt solutions that the evidence shows make the problem worse." And we should look at the evidence and look for solutions that -- where we know there can be direct, immediate, verifiable, and transparent reductions.

So I just want to argue that. I know I am not going to go on a polemic here. But I do want to say that from the

environmental justice point of view, we look at some of the solutions that are being considered and we say they will make the problem worse. So we need the mitigation, we need the air conditioning, we need the access to transportation.

But let us face it: A lot of folks in poor communities, they don't have the option of just relocating to safer areas. I mean, when people, well, why do folks live next to refineries in Los Angeles, for example? Well, I say, well, it is not like they kind of waited out and said, well, let us see -- should it be Beverly Hills, Wilmington? You know, that wasn't the option. That is not the option most people have.

So we have to really think, you know, of another way of approaching these problems.

The other thing is I want to just say that there are certain things that are really kind of -- when we talk about the contexts that are very disturbing that are in the news, and I know we have been reading about the economic crisis.

There was -- I don't know if folks saw the headline article in the ***New York Times*** today that there is the really real possibility of the collapse of the U.S. auto industry. This is terrifying. I mean, it would just really send us into a depression. But that is the story in the newspaper of record. It is that bad. And I think that probably it is scary enough that there will be some kind of Federal response and other

kinds of responses probably to try to save the industry.

I do think the other side to that, if we are -- if we have foresight, is that it also presents us an opportunity because we know that 40 percent of greenhouse gases come from transportation sources, from mobile sources, to really think about a transformation of the way we live and the way we produce things.

So if it is going to be public money, maybe there can be a public voice in saying what this new transformed, hopefully, auto industry could look like.

So I think that, you know, we are facing some very scary times, some very times of great concern for all of us, and, you know, of course differential impacts are already being felt. You know, as unemployment goes up, it primarily -- it is the differential impact in communities of color. Foreclosures -- differential impact in communities of color.

So if the auto industry goes down, it is -- you know, there are at least 200,000 jobs in the United States alone that would be impacted, plus the small businesses, plus the taxes and everything else.

But I think it does create some kind of new openings for us because I think the environmental community for a long time has had some very innovative, very farsighted ideas for transportation, about transforming the fuel efficiency

standards, mass transit, public transportation. So maybe we are going to have an opportunity here as this discussion opens up about how we save the auto industry.

Finally, I want to just -- I just want to conclude with, you know, a -- I guess I just want to reinforce what previous speakers have said, that, you know, the answers -- it is like an X file -- the truth is out there. The answers are out there. And they are -- some of them will come from this room and in meetings like this.

But a lot of them are going to be found in grassroots communities. But that won't happen just by producing nice DVDs and putting it on the website. We really have to have an aggressive effort of going into the communities, of respecting people's cultures and traditions, of using -- of thinking of the language diversity of our nation, and of really finding creative ways to connect with ordinary folks who do not understand how critical the situation is. It is just not there yet.

I mean, "The Inconvenient Truth" helps, and Leonardo DiCaprio helps and, you know, I think the work that the people in this room and out there in the EJ community is doing, it is really very, very important. But we reach maybe one-tenth of one percent of all the people that we need to reach.

So I am arguing again that we think of a really broad, affirmative, national campaign to engage the public in

this conversation and to work with them to find the solutions that we need because I think they are out there and I think that is the answer. The more we strengthen our democracy, the better chance I think we have of making it through this crisis.

Thank you.

Questions and Answers

Richard Moore, Moderator

MR. MOORE: Well, you all did an excellent job. You put me wordless. That is not easy to do.

(Laughter)

MR. MOORE: As we open up for comments, just a quick guidance. Question one, I would encourage us, and respecting the work of the panelists and their presentations, that we avoid at this particular moment, dealing specific with policy issues. I am flagging that. We had a discussion about that, and the panelists have been, you know, right up on this with attempting that I got in there.

You know what I am talking about, is that we avoid at this moment -- I am not saying that we avoid in a permanent way, but the question of cap and trade, cap and option, cap and tax, and those kind of things, I don't think that that is the purpose of this discussion that we are having today. And your suggestions and your recommendations and so on have a -- will help to guide us in terms of some of the facts that you

shared with us about where the NEJAC council -- we need to recommend that we go from here. And this is not going to be the only shot you could say at doing that, you know? So I am just cautioning us on that first piece, you know?

I wanted to thank you, Chief, in a most sincere way. Sometimes I think that the overall impacts of climate change, or climate injustice, or climate justice, that many of us, because of knowledge and so on, are not aware of the impact of the rivers and the impact on the fishing and the impact on a whole set of things that we were also starting to see in that -- in your presentation, you know?

So I just wanted to open it up for discussion and so on from the council members. I would like to again ask you, Chief, if you could, you started to run some things there in your comments about the impact of the temperature change on the people, you know? And if you could just share with us again as we open up with some of those additional impacts because of the temperature change issues and that kind of thing, if you wouldn't mind sharing a few more of those with us, the impacts on the people. And then we are opening it up across the board for comments and questions.

CHIEF CAPTAIN: Well, you have heard the other presenters go through the extremes of, you know -- well, California, you had your wildfires. It is the same way up in Alaska. We are getting more wildfires than we have had

previously, you know, and they are getting more and more closely to the habitations of the villages and the cities.

We get more -- well, like I said, different type of animals. We have never had sturgeons up there in Alaska. Well, lo and behold, they caught a sturgeon not too long ago, you know? And all these kind of different, you know, animals that are appearing, foreign to us, you know?

I know we can adapt to, you know, to using them. We have always done that, you know, so that is not a problem.

Because of the melting permafrost, you know, it is getting to a point where it is really hard to build. You can build and then, you know, a couple of years later your foundations and everything is just going to pot because it is -- you know, the ground is sinking. That type of thing -- erosion. I didn't mention erosion.

What is her name -- Wynecta? Or pardon me if I said that wrong. You know, she mentioned land erosion. Right now, there are three villages in Alaska that are literally, you know, falling into the Bering Sea because of erosion, you know, melting permafrost and the sea taking back its land.

These type of things are real, you know -- are really hurting us and, you know, and a lot of it is seen with blind eyes, if you would, you know. And to try to get the -- you know, the general public to, you know, wake up and see these things is just harder than heck because, you know, they

say, "Well, if I don't see it, then it will go away." But that is not happening, and it is not going to happen as long as, you know, they keep ducking their head in the sand.

I hope I touched on some of your questions.

MR. MOORE: You did -- thank you. I am going to turn this session over to Charles for a few minutes, and I think we have got the cards up, Charles, so we are going to open it right up for comments and questions.

MR. LEE: Thanks, Richard. I guess -- I don't know which one was first, so why don't we just go around? Jolene?

MS. CATRON: Thank you. I am going to enter a game show where you go like this. I will always win!

(Laughter)

MS. CATRON: Excuse me for my long-windedness. I will preface this section first with that statement.

I would like to applaud all of our panelists this afternoon. I think the information you provided and -- was really important for everyone in this room to hear. And so I am glad that we had this session today and this afternoon.

The issues of climate change are very near and dear to my heart and something that I am working on on a daily basis. I -- where I live, I live in a headwaters area. The Wind River turns into the Big Horn -- a lot of people don't know that -- which turns into the Yellowstone which turns into the Missouri River. So I live in a headwaters area.

Our glaciers are melting. We are seeing a lot of issues with our fish also. And so I work specifically around water.

But one of the other hats that I wear, and I don't wear it often enough lately because I have been so busy with my Wind River Alliance work.

But the other hat that I wear is the creation of a national/international network called Indigenous Waters Network. And Indigenous Waters Network is based on the premise that, as indigenous people, we respect and regard water as a gift from Creator. And if we approach water in that respect, it -- we will allow it to bring us together instead of divide us.

So the tactics of water rights and irrigators versus municipal use versus ground water sources et cetera, instead of all of that dividing us and fighting over a piece of the pie, it brings us together in ways that we can share knowledge and share resources.

I think, Mr. Gallegos, you said it well when you said, you know, the answers are out there. We know those answers. They come from the people who live in the situation. And so the indigenous knowledge that we can share is so great and so amazing.

We have had a couple of meetings hosted through River Network, which is a large national organization around

watershed protection, and that is how Indigenous Waters Network got its start was through River Network. And we have had *Onnie and Rosina at our meeting, and I am glad that they are telling their story and they are getting that out. That is so important. But just to have them come and stand in front of different tribes from all around the United States and tell their story and say, "What do we do?" you know -- "Where do we even begin?" There were so many people that were willing to just stand up and help them and start saying, well, there is this resource, there is this resource, and even though you are not Federally recognized, you might think about this, and this and that.

So I guess what I am getting at -- and we have also had Peter Captain and Clarence Alexander, two well-respected leaders from Alaska who are also in that video, at some of our meetings, too -- so I think what I am getting at is the value of shared knowledge, the value of building networks, and the value of community-driven problem-solving cannot be understated in any of the work that we do. Thank you.

MR. LEE: Great. Why don't we just go down the room, the table. Bill?

MR. HARPER: Thank you very much for the presentations. It was very interesting. When you think about the impact that you all talked about, you know, it goes from indigenous folks to inner-city folks to, you know, the

countryside to the waterways to what have you. And each of you, you know, talked a lot about grassroots efforts and getting people to understand. And I think, you know, sort of building on what Jolene said, I guess the question that I have is -- and Ms. Fisher, you talked about how you monetize it and make it something that people really gravitate to and understand because it is obviously not the folks that have a lot of money who are impacted very much at least yet, right? -- and so at what point are they are going to be impacted enough to realize that we really need to do something about it?

I mean, academia is talking about it, the social sciences are talking about it. So are there things that you all have seen that have worked in terms of getting people to really understand how bad the problem is because if you could take this as a roadshow and just take it around the country and get people to listen to what you have to say, you know, I can't believe that the impact wouldn't be huge. But, obviously, you know, that is not happening.

So I guess: What types of things are you seeing that work well, if anything? And what types of things do you think we need to do to start getting people to see the impact, so, Bill, like you said, something can be done before this devastation hits and it is too late?

MS. FISHER: I -- well, I would like someone to

assist, and I am going to say this globally, in monetizing these things, because when I think what a lot of people don't understand outside is that these are also the same communities that work in the offshore oil. They are somehow -- they work there.

I don't know -- I think we have to get beyond, you know, this is -- it is hurting our water supply, it is hurting our way of life, it is impacting the habitat. What does it mean to -- since everyone is saying it, I don't want to use the word, but what does it mean to Joe the Plumber? What does it mean to the person who resides in the Midwest? What does this mean -- what does land loss mean to Jane and John Doe who live in Wyoming, who live in Biscayne Bay, Florida -- what does it mean to them? And I think until we can actually -- and we have, as he says, we -- the knowledge is there with -- for the people that deal with it on a daily basis. It is a matter of us here taking that knowledge and beginning to market it, put it out there for everyone to touch. Everyone will be impacted by this.

I actually met with some of the -- our local football players and I was telling them about that. When I get back, I am going to talk to them a little bit more. You know, when you think about all the athletic stadiums, everyone loves Sunday football. Think about how many athletic stadiums sit in an area of risk, whether it is on a fault or it is in

an area that is experiencing erosion. What is that economic impact when that stadium gone? What -- you know?

I don't know if that is the means for solving the problem, but I think it would get some donations in to help us fix some of the -- or finding some solutions.

MR. GALLEGOS: I think we should talk to people about the real costs of what is happening because we bear it as a society although, again, it is usually disproportionate. I am sometimes nervous with the cost benefit thing because actually my mother wouldn't pass it. She wouldn't -- she is retired. She doesn't pay any taxes anymore.

So I think we have to kind of take a -- we explain the cost of things, but I think we also have to take a different approach which I think is the approach that our great civil rights leaders have taken, which is we are one human family.

When I talk to people in Los Angeles, for example, on the west side, which is more affluent and it is a wider part of the community, I talk about people in Wilmington and South Los Angeles and East LA. I say, "These are your neighbors." I try to make them understand they have children, they have dreams, they worry about their bills just like the folks over there. They want to send their kids to good schools. They want to breathe clean air. They want -- they don't have to worry about the water that they drink. They

don't want to have to worry what is on the soil that they walk and play and work in -- work on.

So I try to it a little bit different way. I try to -- I guess it is kind of creating a counter-narrative to what has been a dominant narrative, which is we are all on our own. It is -- you know, everyone take care of yourself. And to kind of reconnect to the idea that we are one community. And actually we are a community with the earth and I think that is even a bigger conversation which our Indian brothers and sisters have really tried to bring to our attention, that it is not -- we are not just connected as human beings. We are connected with -- as one living organism and we depend on everything in that organism.

So when people say, "Why do I care about the polar bears? I can't pay my bills." When the polar bears are dying, it is just an example of we are next. We are an endangered species now.

So I think there is a real connection that we have to make.

So I think we have to kind of appeal to people kind of on that basis, but also on the basis that there are solutions. People can get overwhelmed by this problem -- like, you know, "What can we do?" You know? Is it the end times or, you know, do we just kind of just wait for the by and by? No. The answer is: It is solvable. We know that

there are answers out there. And I think what we have to do is engage people, and I think from all walks of life. Definitely, I think, you know, the communities we know, the African-American, Latino communities.

But I think from all walks of life have to be part of this discussion. It has to be an organized, creative, democratic discussion. And I think that is what begins to bring people together, you know, that we have a common problem and together we can find the solutions to that problem.

MR. LEE: Thank you, Bill. Chief?

CHIEF CAPTAIN: I think, you know, we as indigenous people have been living these things for centuries, you know, and I think, you know, if we can get the total population to think in terms of spirituality of, you know, you are connected to the land, you are connected to the water, all these things, you know. And as you degradate, so you degradate the land, you degradate a part of you, you know? And if we can get the general population thinking in that terms, you know -- well, if they, you know, they dirty the earth, well, they are dirtying themselves, and that type of thing.

I think then we can turn the mentality, you know, around to where we are going to respect something. We have always been taught to respect the land, the water, everything else, you know, the air. So if we think in that terms, I think we can move forward.

MR. LEE: I know that -- I just want to do a process check. We do have public comment tonight, and we do want to conclude this session sometime around 5:00. I know that Jim and others may have commitments in terms of catching the plane.

So if I could ask, you know, each of the people with the cards who I think you put -- I think everyone is going to make a statement and ask a question. So make a statement, perhaps ask a question. Let us just go around and then if there is time for general discussion, you know, that would be great.

Perhaps we should try to, you know, be expeditious about it. So, Omega?

MR. WILSON: Thank you. Tick-tick-tick. I will go back to what Chief Captain just spoke about in the question. I will put the question first: Is -- the spiritual part, the spiritual strength part, I think is something that this council needs.

Some things came back to me watching your presentation that relates to my own ancestry. My great-great-grandfather was a Cherokee who left the mountains of North Carolina to survive. He lived to be 101 years old. And he survived by marrying into an African-American family that had just escaped slavery. They were bi-racial -- some people call them mulatto. They were mixed blood with the slave masters.

That is part of my ancestry.

What I do not know --maybe I inherited a little tiny drop of this -- is what brought him spirituality to do that to save his life and his bloodline. Did he walk from the mountains of North Carolina, which is hundreds of miles away? Did he ride? There was no family connection on all the research we have done. But he was determined to survive.

I have a greater -- I never met him -- I have a much, much greater respect for that bit of history in my background after listening to you, like nothing I have heard or seen before.

What I am questioning -- what I am raising and not questioning -- is what we need to do behind these suits and ties and European jewelry is what we need to do because there is a lot of emotion and stress for us listening to the story, and I think your story is one of the most powerful stories I have heard relative to what we are talking about because it is the closest human contact to our basic understanding of human moral value for all the things that we propose to be environmental justice on this land. I am not just talking about today -- I am talking about historically. And I am just asking, at some point in time, that your experience and your knowledge traditionally we find some kind of way to nourish our old minds and spirits to keep going on because this is tough and it is going to be long and hard. Thank you.

MR. LEE: Donele?

MS. WILKINS: Okay. Mine is really quick and pretty pragmatic. I am intrigued by the opportunities I think that NEJAC can take advantage of in terms of convening interagency groups around this conversation. I think that is a real practical thing because climate change to me really speaks to the opportunities to bring Health and Human Services, HUD, you know, Department of Ag and others together around some of these issues.

That being said, one of the things that I am curious about in terms of adapting to some of this stuff, particularly as it relates to public health and infectious diseases and stuff like that, what are some of the strategies for adapting to sort of mitigate those kind of things? If any of the researchers have thought about this or have any ideas like: How do you avoid the infectious diseases that may not happen with an air conditioner, you know?

So, I mean, just really ---

MR. LEE: I think, like I said, I think we will, you know, have someone to answer that, but I think there is one more card? Two more cards -- John and -- three more cards.

Now, you do have, I think, 7 minutes or 12 minutes? So you have got to talk fast.

MR. RIDGWAY: I think NEJAC needs better representation from the great State of Alaska. I would like

to see that happen so that we can see and hear more about this more frequently, understanding it is expensive and complicated. Bring this all here -- it is already that way.

MR. : You go answer that.

MS. ROBINSON: I will go ahead and address that. We already have expanded for the next round of membership renewals. We have added a third tribal of indigenous populations individual representing the Alaskan Native villages. And we have an individual for that and we are -- it is wending its way up to the top right now. So we have actually done that.

MR. HOLMES: I will be brief. Thank you for sharing what you shared with us today. And just as an observation, I worked at one time at EPA and handled some very tough problems and worked as the chief regulator for the nuclear weapons plants and lots of other issues.

What I took away from that experience and what I want to share with you and there is not time to pose it into a question is that if you look ahead, I think there are three things to keep in mind here in terms of solving these problems I look at.

One is levers -- and do people really understand the levers that you have at your disposal to solve your problems? As the chief looking at the dump that the Air Force left in Alaska, if that dump is still around, there are levers to be

used, okay? And those levers are the levers they have in the Federal Facilities Enforcement Office of EPA.

The second one comes down to people. If they are the right people that are in the right jobs -- and I am not making any statements at all upon anything going on right now -- but if they are impassioned and they understand the levers, then they can use those levers to get rid of the dump.

Now, these are symptoms that we are talking about. The bigger problems, what you are talking about, Bill, which is, you know, the things that go way beyond it.

But the third issue is the issue of data. And I don't know really whether data, frankly, no matter how good it is, really can help solve the problem because people can play with the data forever. And sometimes it is the stories that are much more important than the data and the capacity to get the stories to the people who hold the levers, okay? The people who hold the levers quite often for big stories are the people up on the Hill. And we can spend a lot of time.

So some of you have problems which you deal with right now which is tactical problems, like dumps, et cetera. And, you know, if there were more time, I would love to be able to sit down with you and share with you the knowledge that I have acquired.

The thing about NEJAC that I think is really important and why we are here is that there is as huge amount

of knowledge that resides in the NEJAC as well as in EPA to be able to address your problems. The issue is: Will the right people in the next Administration be in place who understand the levers and wish to use the levers and were capable of telling the stories and understand to whom do you have to tell the story to get the action?

So, that is my observation. Thank you.

MR. GALLEGOS: One thing in terms of the story-telling, I think it is really, really important and --

MR. LEE: Bill -- Bill? Remember that we are going to go through -- we have got to manage our time and we set a ground rule, right? So Shankar goes next and then, you know, what we are going to do is have any of you respond to any of the questions as well as Donele's ---

MR. PRASAD: I also wanted to take this opportunity to thank Donele and all the panelists and to bring again the perspective of the issues and the extent of the problem.

I know, Bill, you are really concerned about the cost benefit analysis, but the current process that is in place -- we still have a democratic process of decision-making in this country at the state and the local level. So when you say that we are not able to do that, I would want a change, we are almost looking at a radical Constitutional or other decision making process that you are advocating or trying to see how that can bring about. Is that a feasible solution for

the near term? We have to think about how to move that dialogue. Who takes the lead in order to lead that kind of a charge?

So I fully agree with you when you made that earlier -- our Chairman, this statement and --- again with me. Don't work for us -- work with us.

So that is the point that you are trying to make, that all these bodies have to work with the people in order to bring about that change. Then --- we will be able to bring about the whole decision-making process in the near term.

Having said that, I still want to thank the panel for bringing their --- issues because that is the primary thing that is going to continue for 20 more years, 30 more years. And yet in none of the cost benefit analysis part of it, the direct impacts of climate change are not a consideration. Even today, for example, in the California, the --- plan, it talks about the co-benefits. The co-benefits are secondary. It may or may not happen, depending upon the type of the regulation of how the regulation is put in place. And distribution of those co-benefits will be very different geographically than the direct impacts of that. And all of us know that if we want to bring about a change of --- carbon, there is a price to pay for us, whatever may be the mechanism.

So it is -- I still want to bring back and say in closing that it is as much important or probably far more

important to focus on adaptation issues in the near term than on the co-benefits issues. Thank you.

MR. MOORE: Great. Thank you, Shankar. So we don't have a lot of time left and there were a number of comments and perspectives. Donele had a question that any of number of you may respond to. So, you know, why don't I just, you know, go down and ask each of the panelists, you know, if you want to speak to any of the comments made and if you had a particular answer for Donele's question. So why don't we start with the order of which the panel has spoken? Jim?

MR. SADD: I am trying to think back to the questions. I think the most valuable thing I can say, rather than answering your question specifically, is to try to offer what I think -- what I would consider to be my advice to NEJAC, although I am being kind of being kind of presumptuous in doing that.

But NEJAC has this 2008 document with their recommendations, and their very first recommendation has to do with climate change impacts, demonstrating the disproportionate impacts and trying to come up with some solutions. And I am very much a believer, with all due respect to my colleague Bill Gallegos, in incrementalism as a tool for improvement. And I think that trying to identify specific things that can be done to try to achieve that goal in a relatively short time in the near term and to develop

mechanisms to measure and demonstrate progress would be a useful incremental step.

MS. BIRNBAUM: The only thing I think might be useful for me to add is, you know, there was some discussion earlier about, you know, how -- what are we seeing right now in terms of, you know, lessons learned regarding outreach and communication? And, you know, I think the reality is is what we are seeing, is that there are essentially -- plus on this as well sort of a number of variety of lenses through which the -- we are finding that the issue needs to be communicated. And it is not necessarily, you know, one size or one size fits all, and in fact that is certainly the case as it relates to some of -- you know, the discussion right now on some of the cost benefit issues.

I mean, clearly many of the impacts that we are aware of now simply do not lend themselves for various reasons to do doing, you know, sort of valuation, economic analyses. But yet we still need to tell those stories. And I think that right there provides a really nice opportunity to -- for collaboration.

MR. LEE: Chief?

CHIEF CAPTAIN: Collaboration is a big thing for me. The video you have been viewing is the work of 66 tribes, you know, that have come together to work on the water problem.

I am also a member of a 42-tribe consortium, the

Tanana Chiefs Conference.

So, you know, with that, with saying that, you know, working together I think we can, you know -- like the man says, you know, if all of us go down there and pick up that rock, we can put it above our head. If only a couple of us try to do it, you know, we are going to labor and we may not even get to that.

To get to Christian's comment about the dumps, it was, you know, the collaboration of EPA and the tribes working together that we were able to make those dumps, you know, be put in a higher place. I made mention of, you know, of the State of Alaska not recognizing tribes. But they will work with us, providing we have the money, you know, and most cases, we do. So they have worked hand in hand with us in getting those dumps moved to higher ground.

MR. LEE: Great.

MR. HOLMES: --- the subject, because I know how the game is played. If that is an Air Force dump, there is a way to get the Air Force to take that out of there.

CHIEF CAPTAIN: Yes, it has been cleaned.

MR. HOLMES: Okay, good, yes.

MR. LEE: Wynecta?

MS. FISHER: I -- your question is actually very interesting and I don't have an answer for it. But that -- the public health impacts, I am actually a little nervous

about that because a lot of the EJ community is also uninsured. And in the case of where I am in Louisiana, we don't have a trauma hospital anymore, so I am definitely frightened by that. And we are seeing some invasive species and certain species that we have never seen before.

But what I do want everyone to understand about telling the story is that everyone in this room is so passionate about environmental issues, but how do we make the person who could care less about environmental issues care? That is what we -- when we are able to bring the person who could care less, who has no concern about an environmental issue, not only to the table but to the point where they are writing and calling their legislatures and demanding that something be done, then I know that we are on the right path.

MR. LEE: Bill?

MR. GALLEGOS: I don't know exactly in terms of answering that question. I think we need a national health program that covers everyone. I think that is ultimately -- if people don't have any kind of access to health care, then I think we are going to have a very, very difficult time. I think the public health problems in our community are going to get worse.

So I am glad that at least in the national political discussion they are talking about, you know, a health care program that could possibly cover everyone.

I wanted to just say I agree with Jim. CBE fights for incremental change all the time. And I think back to the civil rights movement when people fought to, for example, desegregate public transportation to end the Jim Crow segregation of public transportation. And that was a really wonderful thing. It was an important step towards democratizing this country and ending the second-class citizenship of African-Americans in the South.

But what inspired people to go down there and risk their lives, what inspired people to go down there and risk jailing and just all the hassle that people went through, the brutality, was a larger vision. That was a vision of a freedom and equality. It wasn't just so they could sit in the front of the bus. As important as that was, it was a larger vision that inspired people. And I think we have to keep that vision in mind even as we are working for incremental change.

The last thing I want to say is in terms of how we reach people -- how do we reach, you know, Sarah Six-Pack or whoever? I think we are -- there is an important community out there and we are just, I think, starting to recognize this in -- at CBE. But I think there is a really important cultural activist community out there. I think we really have to make use of artists, of musicians, of theater folks, of film folks. I mean, we just see the impact of "Inconvenient Truth." It reached millions and millions of people within a

year, you know? It just had -- it had an enormous impact.

So I think, you know, for NEJAC and for EPA, I think this is a potentially a tremendous resource for how we can reach people with a message that not only reaches up here but reaches here. And I think that is so important to engaging people.

I think I just want to suggest that maybe there is some consideration how we connect with this community in an organized way and with some resources.

MR. LEE: Thank you. So we are still pretty much on time. I just want to thank all the presenters and all of you who participated in this discussion.

I am sure this is not the last time the NEJAC is going to have a conversation about climate change or any of us, for that matter, and I know that this is something that I remember -- I had asked you way back in I think September of 2007 to look -- to talk about what you thought were some of the emerging issues. And, clearly, you know, at that point, a number -- many of you talked about the importance of climate change.

So what we are going to do is sit back and really think about this with you, you know, those of you who are interested, as well as the appropriate people in the Agency, in terms of how to move forward, in terms of, you know -- remember you are -- this is an advisory committee, it provides

advice to EPA, and, you know, and to figure out at that point, at the appropriate point, what are -- what would be or what may be the kind of charge that we may want to present to you.

I do think that it is fair to say, and I don't know if any one of you disagrees -- you should say so -- that, you know, based upon the kind of questions and comments made at this part, in terms of just this presentation, that you probably -- this is an important issue, you know, that this is an issue that needs to be on anyone's agenda. And I think that is the one take-away that I think I would take from this and the message that I would take back to EPA.

So with that, I once again thank all of you and turn it back to Richard.

MR. MOORE: Okay. I think we are about ready to finish up this session.

Again, I just wanted to also thank you all for a terrific -- bringing to us a terrific amount of information and several suggestions and recommendations how to move forward. So thank you all for your participation.

(Applause)

MR. MOORE: Okay, now we are going to break for the evening meal, and we would just encourage the council members to please be prompt.

(Whereupon, the meeting adjourned for dinner at 5:05 p.m.)

(6:33 p.m.)

Public Comments Session

Richard Moore, Moderator

MR. MOORE: -- for Victoria gives us some orientation to the council members that Chief Peter asked me to say to -- for those council members that would like to receive a copy of the DVD to -- I am going to pass these cards around. I don't know if there is enough for everyone, so if you are really interested in the DVD, he said just to, on this white card here, there is an address that you will see there and just send a request asking for a copy of the DVD and they will get it out from the Yukon River Intertribal Watershed Council. So there are only a few of these.

Then he also -- he asked -- also asked me to distribute this card if anybody would like to speak directly with him about anything and although his name is on that first card that went, that is for the DVD, and the second one is this one here, if anybody would like to speak with him further about any of the points that he brought up or whatever.

MR. LEE: Yes, I forgot to do this before, but I wanted to pass on a message from Jody, Jody Henneke. Jody, of course, was not able to make it because of Hurricane Ike, and she wanted to pass on a -- me to pass on a message for her to Granta. But that didn't come. And she just wrote me that said, "Please give my regards and best wishes to all. On top

of Hurricane Ike, my husband Don had a heart attack this past Saturday afternoon. It was pretty touch-and-go for a bit. He has had the first of at least one more surgeries." Then it says, "He was released today and is behaving. Will be reevaluated in a few weeks. So please pass on my best wishes and regrets that he is leaving," to Granta.

So I did say to ask Julie to get a card that I think all of us can sign in the morning so we can send it off to Jody.

MR. MOORE: Great. Thank you, Charles. Victoria, I am going to turn the introduction over to you just to give us some orientation about how the public comment period will proceed.

MS. ROBINSON: Thank you, Richard. As most of you are aware, public comments period, some very basic rules. First of all, I could welcome everybody here to the public comment period. It is good to see we have a very large -- a lot of people signed up to give comment tonight, the most we have had in many, many years, and it is good to see that.

We are scheduled to start at 6:30. We are a little bit -- slightly behind.

But the basic rule of thumb is that each individual will have five minutes to present public comment. Then the members can ask questions and go from there. And when we are done, then the next person will be called. I think we are

going to stage three at a time -- is that what you want me to do, Richard? All right. So I am going to call the first three forward and have you come sit at the table and then we will call -- have you speak individually. And when those three are done, we will call the next three up to come speak.

If -- the process is it is first come, first serve for public commenters. But we also, to allow every organization to have an opportunity to speak, the first person from an organization that signs up is the one that speaks first and then the second persons and subsequent persons from the organization are put to the end of the queue until all the other organizations have had an opportunity to speak. And I think that pretty well covers it.

I am going to go ahead and call up the first three. If you are here, please come up to the table. Sacoby Wilson, Albertha Hasten, and Sharon Batiste. And just come up -- the seats there. Yes, those three, any of those -- right. And remember, you have five minutes for your presentation and the members will -- may ask questions after that.

MR. : (Away from microphone)

MS. ROBINSON: No, no, it is still five minutes. You still have your five minutes.

MR. : (Away from microphone)

MS. ROBINSON: You can re-sign up, then later on and come after the end of the queue, yes.

MR. : (Away from microphone)

MS. ROBINSON: Now -- microphones so that we can all hear you, but the importance of the microphones is so that the court reporter can actually hear the conversation and accurately reflect what is said. So to operate your microphones, you are going to push the switch forward and that will turn it on. And even though it says "on" down, push forward to turn it on and it will click on, okay?

MR. MOORE: Okay, now before we begin, just a couple of other points. We have a timekeeper that will be working with me here, and working with you so you will be able to see the amount of time you have got left.

I had mentioned earlier today for some of you that weren't present that it would be very important to hear basically what the issue is. Keep an eye on the time, please, because there are a lot of people signed up, and state the issue, what is the problem, what -- from the issue, what are some of the other impacts? But I don't want you to get close to the end and then use up your time by additionally -- if you have recommendations that you want to make, it is very, very important that you get those recommendations on the record.

I also mentioned that sometimes in public comment some of the recommendations that may be being made may not necessarily -- sometimes the recommendations may be to a region, to an EPA region, or whatever. There are note takers

here. Your comments will be recorded, and they will be shared with the proper, you know, areas that the recommendations are being made in. And if some of those included recommendations to the region, there are some regional coordinators that are here and so they will also be taking notes or whatever.

So I would like to just begin before you start by welcoming you all here. It is great to see friends that I haven't seen for a while and some that I see on a fairly regular basis. So without going any further, we are going to begin straight up with the public comments. So the only thing I asked you is please stay within your time frame, okay?

DR. WILSON: Yes. My name is Dr. Sacoby Wilson. I am a Professor at the University of South Carolina. And I am just going to kind of state the issue.

Basically, when we think about the environmental justice movement, we talk about different issues, relate to sort of traditional -- look at environmental hazards, unhealthy land uses whether they be landfills, incinerators, coal-fire plants, and then that movement is really involved to be more holistic, to look at, you know, lack of access to --- infrastructure, supermarkets, green space, parks, basic amenities, sewer and water infrastructure. And so the issue is: We need to see more funding come down the pipelines, community groups.

One other thing I want to mention real quick. I

have been working with Omega Wilson who is a member of NEJAC for the last eight years as part of a -- we are his project management team -- and what we have been doing in Mebane is looking at the issues of the lack of sewer and water infrastructure in historic African-American neighborhoods. And the lack of basic amenities is a huge issue in Southern states. The ASCE been doing a lot of work, talking about the lack of infrastructure, roads, sewer, water, public -- regulated sewer and water infrastructure falling apart in the country.

But in North Carolina, many of the community members, many of the communities, they don't have public regulated sewer and water infrastructure. Many of the community members are on well water and on septic tanks, and actually half the state of North Carolina are on well water.

So from an environmental justice standpoint, that is a huge issue that hasn't really been covered in the movement. And for the EPA and then for other agencies such as NIH, and hopefully EPA can partner with NIH, what we have been doing in North Carolina and where this group has been really using community-owned and managed research, which is part of these community facilitated strategies. And what I implore the EPA to do would be to fund more of these projects, fund more of this community owned and managed research, because it will be found in many cases -- I am an academic, but in many cases we

found that academia does a lot of research which really perpetuates scientific racism, scientific classes, and scientific parallelism.

In many cases, these communities are impacted by impacted by environmental justice -- nothing gets done. So what happens is you see tenure, promotion, grant, status, prestige, acclaim that is gained by the academics, but nothing is done for the community.

So one of the main issues that we talk about with *COMER is equity in funding, parity in management.

Another major issue we talk about is the fact that how you can bring Title VI in from the Civil Rights Act and take this legal epidemiology approach to understand the lack of compliance on environmental laws, the lack of compliance with statutes, whether it be by DOT or other Federal entities. The lack of compliance by local municipalities, the lack of compliance by academics in how we get funding to get research. But when you look at environmental justice populations, in many cases doing research on these populations, we don't have people from the community groups who are being trained, we don't have people from the community who are in the institutions, we don't have people in the community who are getting the monies.

So what we want to see is to have more funding that goes directly to this community group. We want to see more

focus or compliance and accountability whether it be municipalities, whether it be industry, whether it be --- and also academia. And one way to do that, if you know Title VI, you can do that through Title VI. And that is really Pandora's box. That has been millions of dollars that have been given to institutions to do environmental health disparities research, environmental justice research, other kinds of public health research, and nothing has been done.

So really when you look at sort of this environmental injustice or environmental classes, environmental racism, environmental slavery, environmental genocide that communities are dealing with, nothing is really being done to really address these issues, and we see community-facilitated strategies, we see community-owned and managed research, we see collaborative --- on a model as frameworks where community groups can be empowered to build capacity, can really be engaged civically to use science to address those issues because communities should be the center of knowledge production, should be the center of social change, should be the center of how things get done and not outside entities.

Communities are the contextual experts. I am a subject matter expert. I don't live there. I am not dealing with the issue every day. So you need to bring the subject matter experts to get with the contextual experts, but to make

sure things are done, we have to make sure that people have the money to get things done. And, you know, community groups make a dollar out of 15 cents. And many of those community groups have been doing that for a long time where academic institutions have been getting millions of dollars. So we really need to see more of that happen.

How am I doing on time?

MS. ROBINSON: (Away from microphone)

DR. WILSON: All right. One thing I want to add to that. I am a former MAI Fellow, a former EPA intern. I am also a two-time STAR Fellow.

What is really important is pipeline development. We need to get more people who come from these communities who are sensitive to the issues being trained, getting internship opportunities and getting scholarship opportunities to go to school, to get degrees, to go back to re-seed those communities and to address these issues. That is going to be a more effective way to do it than what we have been doing it. And I will end there. Thank you.

MR. MOORE: Thank you very much for working with us. Please stay at the table because we are going it up for council members for comments and questions.

We did, and you may have noticed this morning I think we had some discussion generally around the funding, you know? I think those are very, very important recommendations

that you are making.

Council members, I wanted to open it up for comments or questions. Donele?

MS. WILKINS: Just real quick. Hi, Sacoby -- good to see you.

DR. WILSON: Hey!

MS. WILKINS: We wanted to keep him in Michigan but he had other work to do.

DR. WILSON: ---

MS. WILKINS: I am curious about your approach to addressing Title VI, which is something else that was brought up today, and if you could give me a little bit more in terms of how you envision -- you intimated that researchers and local government and others have some tie into the whole potential around Title VI. Can you expand on that?

DR. WILSON: Well, I mean, if you look at Title VI and look at some of the language and how, you know, looking at discrimination and we are looking at Federal funding from an institutional standpoint -- and like I say, I am an academic and I think it is really important to have academia involved in the process, but because we are getting so much Federal funding to address -- you know, to study these issues, but that is where it gets back to the science of just racism, classes and parallelism. You are studying it, but you are not addressing the problem.

So in that way, that -- when you add a layer of accountability in -- I think you may have talked about this before -- you need to have outcomes, part of our outcomes making sure you have people from these communities, you know, who are being impacted by those issues getting training, who are part of -- being investigators on the projects. Students being trained, too, because that is really important to make it sustainable.

Many communities are dealing with these issues, like Omega's group, for example. You know, you have, you know, retired folks, you know, Social Security income, and a lot of folks have left the community.

You need to get the students who come from those communities trained to go back to re-seed those communities. This is like the teachers, the lawyers, the doctors, everybody to come -- and this way, from an environmental justice standpoint, you know, looking at how institutions get all this funding, they are not doing that. You look at the lack of diversity at major schools of public health -- you know, look at the lack of diversity at schools that actually are in major communities that are dealing with environmental justice issues, like Baltimore. You know, look what is going on with Columbia, New York. You have got schools across the country where they are not getting -- they don't have students who are really being trained from those contexts of going back to deal

with those issues.

If we use Title VI to deal with that issue, we will see a change in that, and that money will be actually used to actually solutions-driven research, not just research to study the problem. We already know the problems. People live in -- my grandma and grandfather are dealing with the problem every day. My parents are dealing with the problem every day. People in here are dealing with the problem every day. We know the problems.

You are the experts. You are dealing with the problem every day. We need to solve the problem. You can't do that by the same -- this same approach we have been taking. And another way to bring it in is to fund -- you know, we said community facilities --- and really fund a community-driven, participatory, democratic science, you know, following sort of the *Apollo Freres, you know, Praxis, and, you know, pedagogy of the press. Make sure people who are the ones impacted by the issues are the ones addressing the issues and not outside experts, because I am not living in it. I am an advocate -- I am not an activist, I am not on the ground. People on the ground are the people who should be addressing these issues. And Title VI is that -- is the tool that can be used to help empower them to get the funding they need to get to really address these issues.

MR. MOORE: Great. Thank you. Donele?

(No response)

MR. MOORE: Council members? Okay, we want to -- you know, I did want to say that these comments are not being taken lightly by this council or I think from the Office of Environmental Justice. So I really do thank you very much for your comment

DR. WILSON: Yes, sir.

MR. MOORE: -- and it is great seeing you again.

DR. WILSON: Great seeing you as well. Thank you.

MR. MOORE: Thank you.

DR. WILSON: You are welcome.

MR. MOORE: Okay, Victoria?

MS. ROBINSON: Albertha Hasten.

MS. HASTEN: Good evening. I am from Louisiana Environmental Justice Community Organization Coalition.

MS. ROBINSON: Excuse me, Albertha. Can you turn your microphone on? Push it forward. Push it away from you.

MS. HASTEN: Okay. I want to make sure ---

First of all, I have a PowerPoint. I don't know whether it is on yet. Okay. That can wait, but I can go on.

My name is Albertha Hasten. I want to say it has been a long time. I am glad to see everybody is healthy, living and active. We had a struggle, but we are here, and we thank God that we made it here.

I am the President of the Louisiana Environmental

Justice Community Organization Coalition, better known as LEJCOC.

We are here at the National Environmental Justice Advisory Council at the Ritz-Carlton Hotel at the public participation hearing. Why are we here? Who is working on the PowerPoint?

MS. : (Away from microphone)

MS. HASTEN: Okay, LEJCOC is a statewide group formed to support and address the needs of environmental communities in Louisiana, including education, poverty, health, racism, crime, violence and other social-economic problems.

The coalition seeks to bring poor and environmentally challenged communities to the table with governmental entities and industry to help provide solutions to the problem in our communities.

LEJCOC uses ADR -- Alternate Dispute Resolution -- and CBPR -- Community-Based Participatory Research -- as the primary tools in negotiating with industry and environmental agencies to reduce and eliminate environmental health hazards.

(Slide)

LEJCOC will speak as one voice through ADR. We are here to find solutions to stop pollution. LEJCOC will address the issues of emergency preparedness as it relates to the hurricane season and environmental health and housing as a

part of the organization's W.A.S. campaign which addresses issues including related to water, air and soil pollution. We want to understand environmental laws.

(Slide)

Calling all nations -- everybody get your role on through ADR. My title --- must have faded when it got here.

(Laughter)

(Slide)

MS. HASTEN: As we continue to find solutions to stop pollution through an ADR training crusade campaign, Dr. Douglas Taylor, ADR trainer, I want to shout out the kind of talk. I know she --- somewhere because she is the original, or we will say OG gangster, but we want to say she is an original starting off with ADR and giving us hope. And I want to just thank her for letting us know about it and working with us like she did.

(Slide)

Our fiscal agent is the Southeast Research Community Center of Atlanta. Our outcomes from ADR, from Dr. Douglas Taylor, defines ADR.

The community question: Are you ready to go forward in how to use the tools of ADR? Yes, we were. Using community-based participatory research and understanding environmental laws, that is what we did.

(Slide)

LEJCOC issues of concerns for 2008 -- out of that we had earnest understanding environmental laws. Mike Murphy from Tulane Law Clinic, outreach worker in New Orleans, Louisiana, his outcome helped us to understand the rules of public participation, understand environmental laws and it is supposed to be clean air, clean water, and also SAR, emergency preparedness.

We understand, even though we get disgusted, we have to keep -- we must continue to speak up in one voice.

(Slide)

LEJCOC remembers the letter Rs:

We had to remember to **respect** each other and others' point of view.

Responsibility -- to know when we are wrong and to stand for what is right.

Resourcefulness -- to build capacity by finding and sharing resources.

Our resources were faith-based, HUD, road home, Homeland Security and Emergency Preparedness, EPA, LDEQ where we implemented through our listeners' session in 2003 an enviro-school, university school organizations, the communities, and other agencies.

(Slide)

Yes, we can get on board and get our role on!

(Slide)

We heard from environmental health from Dr. Rueben Warren. Yesterday, we had a beautiful, spiritual be-in to get our spirit in mind to focus on today. Our outcome in that was we followed up with issues on water, air and soil, and community issues, understanding the feelings of community spirit and health, finding solutions to bring funding to the community that is flexible and allows the community to do the work.

(Slide)

Healthy helping hands leads to healthy helping minds.

(Slide)

Our parish representatives -- and I want them to stand -- are from Iberville Parish, East Baton Rouge Parish, West Baton Rouge Parish, Terrebonne Parish, Lafourche Parish, Assumption Parish, Ascension Parish, Jefferson Parish, Orleans Parish, St. Mary Parish, St. Bernard Parish, St. James Parish, St. John Parish, Plaquemines Parish, Caddo Parish.

(Applause)

MS. HASTEN: Special thanks to our contributors for their support in getting us here to NEJAC. You never say never because you don't know what you can do till you try. We want to thank, and I wish he would stand, Attorney John Segal, Shintech's Dick Mason, Randy Saxon, who is not here -- he is from Iberville Parish. He is our elected assessor for this

year coming and NCP which I don't know what that means, but I thank him.

(Laughter)

(Slide)

MS. HASTEN: Now, we also would like to thank you, NEJAC, for understanding that there is a need to listen more, communicate effectively, build trust -- build a trustful relationship, and develop increased funding.

It is with the spirit of collaboration that LEJCOC joined with other environmental activists to find solutions to the problems that threaten the safety and health of our citizens and country.

Always in the struggle, God bless America! We thank you.

(Applause)

MS. HASTEN: --- five minutes! Can you see my lion go roaring now?

MS. ROBINSON: (Away from microphone)

MS. HASTEN: Oh, you mean it is not technology? Excuse me! I am ready for whatever.

MR. MOORE: It may be. But, thank you. But, you know, many of these council members and many that have joined us this evening are very familiar with Albertha's work. We really do truly appreciate you folks coming all the way from Louisiana to be with us at this NEJAC meeting. We know it is

a long haul, it is a long struggle, and many of us are in this struggle together. So I wanted to thank you all for joining us this evening as we continue.

Council members, are there any questions or comments to Albertha?

MS. HASTEN: Please ask me.

MR. MOORE: Donele, let me skip you for a sec right quick and then we will come back over because you did the first one. Omega?

MR. WILSON: Albertha, it is good to see you again, right.

MS. HASTEN: It is good to see you, too! I can't really see you that good, but it is good to see you ---

(Laughter)

MR. WILSON: Maybe you recognize my voice.

MS. HASTEN: But I remember your voice.

MR. WILSON: Okay. Well, my question has to do with the level of support from the highest chair in the state -- you know, the governor --

MS. HASTEN: The governor --

MR. WILSON: As far as -- I know there are a lot of things going on relative to Hurricane Katrina, but there are issues that we had a chance to talk about back here a couple years when you first got your CPS grant.

MS. HASTEN: Yes.

MR. WILSON: Had to do with addressing issues that you have been dealing with, these parishes have been dealing with, for decades.

MS. HASTEN: For decades.

MR. WILSON: And whether or not Hurricane Katrina and the input and all the other stuff that has been going on --

MS. HASTEN: Before Hurricane --

MR. WILSON: Yes, before hurricane. Has it actually brought an opportunity for those people in power -- I will put it that way -- those in local government to start addressing the old historical issues that you are talking about?

MS. HASTEN: It made a difference in denting a little bit. We are getting there because we brought industry with us because, you know, back in the days when we were out there with St. James and Shintech, that was a division. And they came in my parish of all the people's parish, came the Iberville Parish. And we learned from what happened in St. James, we learned from those mistakes that we had made, and we came out being better partners.

We learned to listen, on both sides. We learned to trust each other on both sides because there had to be a trust relationship built up. And we had to communicate and find funding. And what they had to listen to is what had been happening, and you will hear other people from our parishes to

talk about that.

As a public official, they are slow, but people are pushing them to be responsible, and that is the difference. We are learning by educating. By you all giving us the education, we are educating them through ADR and they are getting better, like wine. I hope I answered your question.

MR. MOORE: Thank you. Jolene?

MS. CATRON: Good evening. Thank you for your presentation.

Omega asked the same question that I wanted to ask, like what kind of results you have seen using the ADR techniques that you have learned. But I just also wanted to reiterate that the ADR and that type of training I think is really important to communities. And other kinds of training that has happened through this is an ADR environmental law training that was tailored for a specific tribe so it really brought in cultural values and spirituality in a way that really kind of brought the community together around that.

So I just wanted to let you know that that is something that I think NEJAC all pays attention to and we are all very well aware and I think it is an aspect of collaboration and community building that we all support.

MS. HASTEN: And give us more money!

(Laughter)

MS. HASTEN: Because it is so good, you want it to

continue. And most times, with grants like this, they start up and then they stop. But we want this to continue because it just didn't help the community -- it helps the government, it helps the industry, and you all come to the table looking each other in the eye and saying, "What can we do for our parish or what can we do for our community?" And come together as one. It really is good.

MS. CATRON: Right.

MS. HASTEN: And --- more and respect Native Americans now, you see, because at one time I just thought you were just like me, just talking. And I used to talk so much -- but I don't do that anymore now.

(Laughter)

MR. MOORE: Donele, one of the -- as we move on, Jolene, did that -- was that it?

You know, Albertha came to Albuquerque, I think --

MS. HASTEN: That is right.

MR. MOORE: -- it was three years ago. Time goes by very, very fast.

MS. HASTEN: That is right.

MR. MOORE: And it was the first -- what they are making reference to, and we have kind of reported back every once in a while to the council, you know, that there has been a series of training on alternative dispute resolution, ADR, and environmental laws that has been sponsored by the Office

of Environmental Justice for the last several years now.

We next year -- Connie has been part of that training team. There are about six or seven people that are participating in that environmental law institute and several others -- Michael Lewis and some of the others, you know?

Jolene was referring basically to a training that took place on the Navajo Nation, Dine' Nation, trying to look at that from a peacemaking standpoint and trying to culturalize, if we can say, some of that training around the ADR and environmental laws. That was a very, very successful training that took place --

MS. HASTEN: It was.

MR. MOORE: -- in the Navajo Nation and there have been several requests for additional funding to be able to do follow-up work. I think that is what you were referring to --

MS. HASTEN: That is what I am referring to -- follow-up.

MR. MOORE: -- because it is a great training, it is a great piece, it is very productive. But then sometimes what ends up happening is that there is not the continuing -- continuation of the funding --

MS. HASTEN: That is right.

MR. MOORE: -- to be able to keep all the parties at the table, you know?

MS. HASTEN: Keep it going on.

MR. MOORE: So thank you for that. Chris?

MR. HOLMES: Thank you. What is your -- if you had the money, what is your most important follow-up activity you would like to work on?

MS. HASTEN: Clean-up.

MR. HOLMES: Clean-up.

MS. HASTEN: Clean up what we messed up. And acknowledge the fact that we did mess up, you know? In the community, being in the community, we always make blame on others. To take our blame and make amends.

You know, we have a lot of broken hearts, a lot of enemies, and we need to come together spiritually as well as educationally as one and speak in cleaning up what we messed up.

MR. HOLMES: Thank you.

MR. MOORE: Okay, we have one more question or comment. Donele, please?

MS. WILKINS: Thank you, Ms. Hasten, for your comment. My question -- I would like to know a specific, at least one real specific accomplishment beyond you building relationships that has resulted in your community as a result of this.

MS. HASTEN: Well, I am so glad you saved that because Sharon Batiste is the next speaker and she can tell you their story. And along with their story she can also -- I

am going to ask Charles Segal to sit on the side of her because industry and the community, that is the story that you need to hear.

MS. WILKINS: Okay.

MR. MOORE: Okay, great. Thank you very much. I think that was it. We are going to move on to the next person. Albertha, again, thank you very much. It is great seeing you, sister, and we will continue to do what we can do and do it together.

MS. HASTEN: Thank you.

MR. MOORE: So thank you.

MS. HASTEN: That is all I want to say, just made me come out here too fast --- but I am not saying nothing --

MR. MOORE: That is all right, that is all right. All right, Victoria?

MS. ROBINSON: Thank you. Sharon Batiste, the Alsen Environmental Business Community Organization.

MS. BATISTE: Oh, wait -- I am sorry -- John Seago.

MS. ROBINSON: John Seago from the Louisiana Land Acquisition. He is an attorney visiting them. Go ahead, Sharon.

MS. BATISTE: Good afternoon. I guess Albertha has kind of, you know, where we are going here. However, as she spoke, I thought about when I walked in and saw some familiar faces, it was the last time that I had seen Mr. Moore and that

was my first attendance to the ADR workshop and also Ms. Victoria and Mr. Lee, and most of all, Colleen Tucker.

As a result of their workshop, to me it unveiled years of some of the uncertain factors that have been exposed to the community for decades -- of the, number one, I am late and I didn't hear the communication that has resulted from it.

Education and knowledge is power, and if you can train people through direct grassroots community organizations, people who live there -- I mean, we can get experts, scientists, attorneys, we can go and get the entire works, but until you are in the grassroots community, you are getting nowhere.

Being a resident, and attending this workshop, having one in the community, that is my reason, one of the reasons, for being on -- speaking is that to ask that to be continued, because when you have a trained person if you live around industry, there are certain things that you need to be trained to be aware of. First of all, yourself, your health, your safety, your total environment. And it has truly been a first step dynamic opening in environmental justice. That is my experience from it.

Summing that up, Attorney Seago will expound more on Louisiana land acquisitions, and I asked -- we have talked earlier. Well, of course, we debate a whole different -- but we have discussed how ADR was actually related, how it came

into Louisiana land acquisition.

Well, as I said, for decades, the community has been totally neglected, depressed -- nothing. And, as I said, around 16 to 20 companies of industry just totally surround the Alsen community with the long-time effects of health issues. I mean, you know, this is nothing new, so we want -- I won't continue to use a lot of time on it -- but Louisiana Land Acquisitions came in. They are our -- with your support, they will be receiving their first permit we hope in a very short, timely manner.

They came in, and for the last several years have totally made a change in the community, to begin with the youth intergenerational changes. They have also sat down around the table with persons in the community. We formed organizations to make deliverables to the community with and when the permit is granted.

I don't know if any in the history of Louisiana when in East Baton Rouge Parish -- and I think we are surrounded by three or four landfills -- that have actually sat around the table and agreed to help.

So, I assume I have one minute and I will stop, and hope I have been some help and hope that you will consider Louisiana Alsen community.

(Applause)

MR. MOORE: Thank you. Now, please stay at the

table with us.

MS. BATISTE: Okay.

MR. MOORE: Thank you very much.

MR. SEAGO: Let me introduce myself. My name is John Seago --

MS. ROBINSON: John, you need to push it forward, away from you. No, no -- the little switch.

MR. SEAGO: The switch here --

MS. ROBINSON: Till it clicks. The other way.

MR. SEAGO: There was a ---. John Seago. I am a practicing attorney in Baton Rouge, Louisiana, have been so for the last 38 years. I know I don't look that old, but -- and I have not been involved in the environmental law area.

But I was first approached by Louisiana Land to represent them in this permitting process. They were seeking an industrial waste permit.

For you that do not know, the community of Alsen is in -- and the City of Baton Rouge, of course, is a very highly industrialized area with petrochemical plants. We have had more Superfund sites probably than most states and particularly in our area. Alsen is about 2-1/2, 3 miles from one of the worst Superfund sites locations.

The land that we were seeking a permit from is right across the street from the old Superfund site that has now been cleaned, and just for your information, it is a wonderful

story because the environmental laws that were enacted during the time over the past 20 years, it is a great site to see that that place that was so devastated from chemical -- toxic chemicals in everything is very, very close to being totally remediated and clear and the land being returned. So that is the good news.

But as anything, there are a lot of industries around there, exide technology -- makes batteries, lot of toxic materials -- so the community of Alsen is surrounded -- not surrounded, but in a very highly industrialized area, and these people have unfortunately been exposed to all the bad things that we formerly knew of industrial waste, both hazardous and nonhazardous.

Having lived in the community of Baton Rouge for as long as I have, I had known of all the horrible stories and the terrible things that have resulted in the surrounding communities of these. And being aware of the Alsen community and having a lot of friends in that area, I can sympathize with what they have gone through.

In the process, they have fought environmentally and done whatever they could do to protect their community -- as they should have. Fortunately, several years ago, the environmental laws required in order to do an industrial permitting, you had to consider the economic of the environmental impact on the surrounding community. Took a

long time coming, but that is why we are here now. And I can't think of a better thing to do.

In the process of trying to learn about this community and having known some people there in the African-American community, which is mainly in that area, I knew that we had to gain the confidence and the respect of the people in the community. We knew that our site was environmentally sound and had met all EPA, DEQ --- state agency rules and regulations for nonhazardous materials. Matter of fact, it is so high, it was built to take the hazardous waste from the Superfund facility, but because that facility was so highly toxic, that the effort to remediate it and remove things, they shut it down and decided to remediate on site.

But this site that we were using was built to handle hazardous waste. Our people were seeking permitting for only industrial, so as you can see, we felt very comfortable that we were providing a site that would be safe and sound for the community.

But that wasn't enough. No matter what your rules and regulations are, you still must educate the people in the community that what you are doing is still environmentally safe and sound.

That was my first approach, is to go to the community and sit with the community. Well, the problem you have there as an outsider coming in: Well, who do you sit

with?

Well, fortunately again, we made the efforts to find out who were the leaders in that particular community, and of course they have been very active in the environmental movement. And Ms. Batiste was very modest, but she has been very, very active, and as a matter of fact, this site that we were seeking to get permitted approximately 10 years ago was denied a permit and the community activists became very -- were very involved in that process and had their impact on the actual denial process.

So it was with a lot of concern that we went into the community. And when I was first introduced to Ms. Batiste, I knew that in as early as two years prior, she had been opposed to an emergency permit after Katrina for the use of this place.

But we proceeded. We kept going forward. We got with her, we got with other leaders in the community, and we listened. And I think the purpose of my telling my comments to you today is that industry needs to listen. They need to go to the community.

As mandated by law, you have the environmental justice requirements, but what are they? All you have to do to comply with this law is show that there is no -- what the impact on the community is.

Well, that is very easy. You can get engineers, you

can do everything you want, but what is the real issue here?

And as the gentleman -- I think the first speaker -- said, it is the own ground people. They are the people you need to deal with, address.

I think the approach we took was to do that. We went to the people in the community -- not one. We wanted all of the people that were leaders. In every community, I am sure, whether you are from Louisiana, Virginia or wherever, you have different factions in a small community. You have different churches in a small community. You just have -- and that is the good part of our country -- it is a diverse group. You can't just go to one.

So we made a very conscious effort to find out who the people were in the community that were leaders, and, quite honestly, we found there were a lot of diverse people. If you dealt with one group, you were going to lose the support of the other. That is very typical, very common.

But we worked through it. We sat with these people and we asked them to set up an organization, because they had told us so many things. Now, not only did we go to the community leaders in the community, but we went to their elected officials. We met with the mayor, who would -- happened to be a young man raised in that community and was one of the biggest opponents to any type of industry coming there. And I happen to be personal friends with him.

What did he tell me as an elected official? Well, he is a politician -- you would expect him to say this. But he wasn't just elected from people in that community. But his point was: "Johnny, I know you. I cannot help you on this unless you get the community behind you." Reasonable request.

The state representative, the state senator, the city councilmen all said the same thing -- we need jobs, we want jobs, but we want safe jobs. We want jobs that produce no hazard to the community, no hazard to the land.

Again, same thing: Go to the community. Get the community on your side, then we will consider you.

So we did all these things. We met with the elected officials. We got their ideas. We met with different groups in the community.

We had some -- and we have some people that are very dedicated activists that opposed us, and they opposed us some for very good reasons. One lady has been involved in the environmental movement since its beginning.

MR. MOORE: --- I don't mean to interrupt you, but I am going to ask you to summarize. I would let this go and you all know that. You are seeing the --

MR. SEAGO: I am sorry. I didn't see that. I was --

MR. MOORE: But I did let this go. I mean, I realize these folks have come a long ways to be with us --

MR. SEAGO: Yes.

MR. MOORE: -- and they are trying to explain somewhat of what I see. I mean, I am an outsider. I am not that familiar with the situation but -- which is a bit of a success story. The community seems to feel that. And so I let it go for a little while. But if I could just ask you, because I know there are going to be some questions here.

MR. SEAGO: Thank you.

MR. MOORE: If you could summarize for us --

MR. SEAGO: I will.

MR. MOORE: -- if you are finished there, because I know the council members are going to have some questions and that is coming up.

MR. SEAGO: Well, I appreciate that, Mr. Chairman, and -- but my point was is that we did have some people that had very legitimate concerns. We could not get them to support us. But we truly -- and then we had another group, another faction, out of sheer greed and jealousy, would not support us. But that person's brother is the chairman of the nonprofit organization that we set up to represent the community.

So we feel, while we didn't get that person, we feel that we have probably almost 90 percent.

What we did, working with the community, the Department of Environmental Quality in Louisiana could not

believe.

Ms. Albertha Hastens, which I would like to recognize, personally came to the comment period. She didn't come to speak in behalf of our permit -- that was her distinction. But what she did do as an environmentalist from throughout the state, she saw the process work. She saw what we had done, the interrelationship between the community. She came to the meeting to testify that if we had the community support -- and always you have to remember that it has to be environmentally sound and no harm to the health and welfare of the community -- she came to testify that if the community felt that comfortable as Ms. Batiste and her organization and the community organization that we set up was comfortable, then she came to support the community as an environmentalist and testified to that fact, that she would support the application to support the community.

So the thing that I would like this council and the public comment thing to understand is we do not think that the requirements were strong enough to require industry -- I was amazed at how few members of industry actually go out and do the things we do. I thought it was a commonsensical thing to do. Maybe it is because I was not an environmentalist lawyer. I don't fault industry. I am just saying -- and I have recommended to our own Department of Environmental Quality -- you have a permit process, you have an application that you

need to have filled out. Why do you not have as criteria -- you want to file this application. As part of it, you show the efforts that you have made in going into that community, finding out what their problems are, finding out what their needs are. This is all presupposing that what you are seeking in that permit is environmentally sound which -- that was a given in our situation.

But you still have to educate these people. There is still concern.

MR. MOORE: --- to cut you off.

MR. SEAGO: Thank you, and I appreciate you --

MR. MOORE: I want to be able to open it up for questions.

I didn't see the cards. I am going to go in another order, Omega. John?

MR. ROSENTHALL: Thank you, sir. Can you lay out some of the benefits to the community that they will get once this facility is up and running?

MR. MOORE: And I am going to just ask, and a very good question, John, if we could very keep -- if we could please keep it concise because we have got about 16 more people to go.

MR. SEAGO: Well, I will keep it concise, but it will take some time because we have committed a lot of things, and I appreciate that question.

But before I say what we did, it was amazing the resistance that we received from people in the community and the perception. And when you offer to do things for the community, somehow they think that you are trying to buy the community. And that was the farthest thing from our thoughts. But you can see how that perception can be there.

But in the process of going through and interviewing with the community and finding out what their issues were, what are their needs, this is what they told us: We need an educational program for our kids. We need to help our old people. We need a summer program to help the kids when school is not in session. We had -- we -- they wanted an after-school tutorial program to help these kids. They needed food for the seniors.

They had other issues, and the facility they were using for the existing tutorial program. They were having to beg, borrow -- not steal, but beg, borrow and do whatever they could to get funding for their program.

MR. MOORE: All right, let me ask you, John, did -- was that answering your question?

MR. ROSENTHALL: (Away from microphone)

MR. MOORE: Please just repeat the question, John, please.

MR. ROSENTHALL: Can you just tick off 1, 2, 3, 4, 5, the benefits that have gone to the community?

MR. SEAGO: Yes, well, the things I have just mentioned to you.

We -- we also -- there was another problem. You can't just promise somebody something. These people did not trust anybody, and rightfully so. They had to -- they wanted it in writing.

We agreed to make a contract with the nonprofit organization that was represented by the people. We entered into a written contract. Here is what we agreed to do:

MR. MOORE: Could you give us the couple points that John asked for because I am going to have to cut you off.

MR. SEAGO: Yes, we gave them --- we agreed to give 50 cents per ton to the community, which over the life of the landfill would equate to about $1,800,000, which is probably over 10 years maximum.

We agreed to spend $50,000 a year for an after-school tutorial program.

We agreed to spend $20,000 a summer for the summer educational program.

We agreed to spend $60,000 a year for the senior food program.

We agreed to assist --

MR. MOORE: John, John -- excuse me, sir.

MR. SEAGO: Fine.

MR. MOORE: I think you asked for three or four, and

that is very good. I think you answered the -- John's question.

MR. SEAGO: We have more. I understand you don't want those?

MR. MOORE: No, that is fine.

MR. SEAGO: Oh, okay.

MS. BRIGGUM: (Away from microphone)

MR. MOORE: Sue?

MS. BRIGGUM: (Away from microphone) -- work with some terrific people and leaders from Baton Rouge, and I was wondering, have you worked with Florence Robinson and Wilma Subra who we know well, and it would be helpful to know if you have been working with them?

MR. SEAGO: No, I have not personally, but I appreciate you giving me those names. And we will --

MR. MOORE: Thank you. Thank you. Sue, was that sufficient? Okay. Omega?

MR. WILSON: I have a quick question relative to fundamental tools based on legal background experience and hopefully you can give a pretty succinct response.

The question has to do with: We know we have environmental laws, and from a legal profession, people are trained in environmental laws. Do you think it would be more effective based on the environmental justice issue that we foster or encourage the development of environmental justice

laws? Formal environmental justice laws in law schools that would have helped you and could help other attorneys in the future address what we are talking about?

MR. SEAGO: Most definitely, most definitely. I am trying to get through regulation -- the comment that I made, if DEQ would address it in the application process, they have a right to do that, but as you are mentioning, yes, it would definitely be helpful.

MR. WILSON: Okay --

MR. SEAGO: And it also would encourage more lawyers to get involved in it.

MR. WILSON: Right.

MR. MOORE: Okay. Thank you very much. I think we have dealt --

(Applause)

MR. MOORE: -- I am sorry I didn't, Donele -- I am sorry I skipped Donele in that run.

MS. WILKINS: Really quick, for Ms. Batiste.

Prior to your relationship with the landfill people, did you have a plan in your community for the re-use of that property once it got cleaned up? And is this consistent with what you as a community had determined you wanted to do with that property?

MS. BATISTE: The answer to the first question is no.

MR. MOORE: Okay. That is very helpful, Chris. Unless it is an urgent-urgent, we have got about 16 more to go and I think there are going to be several people that are also going to be speaking about this. So if you could pick up your question, Chris.

Thank you very much for your testimony.

(Applause)

MR. SEAGO: Thank you for having me.

MS. BATISTE: Thank you.

MS. ROBINSON: --- Assumption Parish, Louisiana. Benjamin Irvin, Plaquemines Parish, Louisiana, and T'oshonte Williams from CCAYOLA44, Concerned Citizens of Louisiana Highway 44, that is what it is.

MS. : St. James.

MS. ROBINSON: St. James ---

MR. MOORE: Okay. Again, welcome. We are looking forward, obviously, at testimony. Keep an eye over here with me, okay? Okay, please -- proceed.

MS. COLLINS: -- Collins. Is my mike on? It is on -- okay.

Good evening. My name is Sheila Collins, and I am from Assumption Parish, Louisiana, and I am a concerned citizen there. In the interest of time, I am going to keep it short. You all should have copies of our PowerPoint presentation already, so therefore I just drafted a real quick

letter of my concerns -- well, of our concerns.

"We, the concerned citizens of Assumption Parish, members of the Louisiana Environmental Justice Community Organization coalition, wish to voice our concerns about the pollution and contaminants of Bayou Lafourche as a result of sediments left from Hurricanes Katrina, Rita, Gustav and Ike.

"After various testings from Bayou Lafourche, it was discovered that arsenic, lead, chloroform bacteria, mold and salmonella, to name a few, were found in sediment from the water.

"From the contaminants, serious health issues arise such as respiratory illnesses, asthma, allergic reactions, eye irritation, skin rashes and sores that do not respond to normal treating, nausea, vomiting and gastrointestinal irritations. In addition, long-term health impacts include increase in miscarriage, infertility, lung disease, fetal malformation and other birth defects, cancer and respiratory illnesses.

"At this time, we ask that further research and funding be given to Assumption Parish and the Bayou Lafourche communities where approximately 300,000 residents get their drinking water. Please understand that families like mine and individuals like me are at risk because it is a primary water source.

"Therefore, we recommend more emphasis be placed on

finding resolutions to solving the issues of the Bayou Lafourche contamination and bring about a resolve to the harmful effects.

"Thank you in advance for your consideration."

(Sincerely,

(The concerned citizens of Assumption Parish) which includes myself, Evangeline Davis and Gail Johnson who are present in the back. Thank you.

MR. MOORE: Thank you very much. Okay, now we are going to open that up for questions --- or comments and we are going to move right along. Sue?

MS. BRIGGUM: Just quick, I see that my friend Wilma Subra had assisted you with your presentation, and just to please give her our best regard. She was a wonderful member of the NEJAC and she is a stalwart in terms of environmental justice. And so tell her we think of her.

MS. COLLINS: Yes, I would be happy to. I haven't met her personally, but I will make sure she gets the message.

MR. MOORE: Great. Thank you, Sue. Council members? Donele?

MS. WILKINS: I just want to thank you for your wonderful presentation. Where have you -- is the first place you have started in terms of seeking some kind of support and technical relief with an agency to address your issue?

MS. COLLINS: As an individual or an organization?

MS. WILKINS: Whatever.

MS. COLLINS: I guess it would be yes for both, because I am actually fairly new to the cause itself. I have been active in other ways but it had been years and most recently I came back to it.

Just to quickly state, in my parish, part of my job I work as a first responder and we were hit pretty hard by Gustav, and then there I saw a lot of what happened with Bayou Lafourche being contaminated when the water turned brown.

MS. WILKINS: So what has been the response of the agencies with your complaints?

MS. COLLINS: Right now, not so much, I think, for everyone. It is sort of fairly new even though it is an old problem. We are just really trying to deal and cope with what has happened, and we are trying to learn and come up with ways to better do it.

Through LEJCOC, I have been with them for like the last few weeks. They are doing letters and making plans, and hopefully from there we can go ahead and maybe find some resolve or resolution for that.

MR. MOORE: Chuck, did you have a card up?

MR. BARLOW: I was just going to make a comment that this is one of the other areas, a little bit more pragmatic area where the laws that are on the books are difficult to work with. And, you know, when Katrina came ashore, we all

knew -- I mean, the environmental lawyers in the area were sitting there saying, you know, we are never going to be able to tell again where all this junk came from because now it is all -- you know, you are never going to be able to do a construction project in New Orleans again without hitting something that came from somewhere and you are not going to have a clue where it came from.

There is a part of Superfund, a circle of law, that deals with issues like that, but it has never been very well funded where the government just has to come in and bear the burden or, you know, there are ways -- because you don't know, you know, you don't want to put the burden on the person who owns the land that is now contaminated because they didn't cause the problem, but you can't tell what happened or where it came from because it probably came from 50 different places. So it is just another one of those areas where the people who deal with the laws and the funding have got to be creative to get to a solution rather than just rely on what is on the books.

MR. MOORE: Thank you, Chuck. Thank you very much. Appreciate your testimony.

MS. COLLINS: You are welcome.

MS. ROBINSON: Benjamin Irvin?

MR. IRVIN: My name is --

MS. ROBINSON: You will have to turn on your

microphone.

MR. IRVIN: It is already on.

MS. ROBINSON: It is?

MR. MOORE: It is on. Yes, go ahead. No, I think it was on before -- there we go. Thank you.

MR. IRVIN: My name is Benjamin Irvin. I am from --- Louisiana in Plaquemines Parish. That is on Highway 23 South.

Okay, we had problems with insufficient levees that are owned by private owners. We had three breeches in the levee. The levees were insufficient in height. They were only three to five feet. The water came in from the swamp area on the back side of the levees.

What the --- did was they built a levee across Highway 23 to protect the northern end of the parish, not the southern end. Everybody on the southern end had to evacuate. So we couldn't get in back in there for a period of 3 weeks, I think it was. The water was contaminated. We couldn't use the water. The land was all messed up. Everything down there is brown right down on account of the water was contaminated.

They were trying to protect ConocoPhillips, which is a large oil producer that produces gasoline and all this. That is why they -- he claimed he put the levee on the highway, across the highway, so you couldn't go up or down, you couldn't go south and you couldn't go north. If you were

trapped south, you just were trapped south.

All right, they got -- we got three plants down there below ConocoPhillips -- ConocoPhillips, we got American Grain, also we have Electro Coal. All of these place produce dust.

Now, we are just going to go back to ConocoPhillips. They produce -- they burn H2S at night from those flame things, they call it. That is a highly toxic gas that kills you instantly, in a matter of seconds.

Okay, they had an explosion over there about three months ago, blew a hole in their cat crackers, they call it, that big thing that -- whatever they do with that thing -- and they didn't tell us anything until they were trying to cover it up by repairing it without telling the community. And we only live four miles from ConocoPhillips.

Now, in the past, they were supposed to put up signs in the community to let us know when they had an accident at the plant. We still haven't received anything to that nature. So anything that goes on in ConocoPhillips, we don't know till after it is done. But they brought in hundreds of people to repair that piece of equipment.

I don't have too much to say. That is about all I want to say.

MR. MOORE: Thank you very much. Council members? John?

MR. RIDGWAY: Yes. Mr. Irvin, thank you for your comments. I have a little bit of a background with the community right-to-know laws that include notification requirements of businesses when they have releases and they are supposed to notify immediately when things aren't going right, when they have releases under the community right-to-know, or actually it is the Emergency Planning and Community Right-to-Know Act.

I might suggest that you ask if EPA can look into following up on that notification process to see if it was carried out and you might bring a little bit of extra attention to the issue there and to remind businesses that they need to work with the local emergency responders in the states and the parishes or counties to help get that word out to everybody, for whatever it is worth.

MR. IRVIN: All right. One statement -- we support LEJOC to ADR. Thank you.

MR. MOORE: Thank you very much. Council members? Next, please? Thank you very much, sir.

MS. ROBINSON: T'oshonte Williams.

MS. WILLIAMS: My name is Willie Mae Williams. I live at 9278 Ester Street, Convent, Louisiana, and I am a member of the grassroots organization Concerned Citizens and Youth of LA 18 and 44. LA 14, the 5th District, has an estimated population of 730 people and on LA 44 District,

estimated population of 1500. There are such streets as One Side Legion Lane, Ward Tower Lane, Center Project Street, Ester Street, Hattie Street, Pleasant Hills Street --- Sam Jones Street Reverend, Scott Street, and these are just a few of the streets that are along Highway 44 that have been exposed to industry.

We live about -- Ester Street -- about maybe a fourth of a mile from *Zeno Grand Elevator. It looks like Christmas year-round because of the grain dust that is in that area. Also, we have other plants like *Mortiva, OXY Chemical that are on the side of us. We have the railroad tracks that have those boxcars that are sitting there. Children have gone in those boxcars.

In front of us is the Mississippi River where a lot of chemicals are spilled in the river. We also have plants on the other side.

So we are bounded in on the side, the front and the back by these plants. In 2006, I became very ill, me and my daughter, some more people -- well, a whole bunch of people. DEQ gave a former permit to put *bolosolic in the cane field. We became very ill. We were hospitalized together. During that stay in the hospital, they called a Code Blue on me.

From that, we went out into the community. I asked a lady, "Who can we find to help us? It is just not an ordinary sickness. Something is wrong." And one lady told me

that she knew of a lady called Albertha Hasten, so I said, "Please call and tell me -- tell her, please come help us. We have got a distress here. Everybody is sick." Scratching, itching, burning, people with boils all over their bodies. Going to the doctor, they are telling they have a spider bit them. Some of them stayed in the hospital seven, eight days. And it had got to the point that it was beginning to eat away their flesh. We were very sick.

Went to Ochsner Clinic in New Orleans. The doctor there said -- they did the patch test on me and my daughter, and they told us that: Call a doctor in Gonzales. They are going to give you the results of your patch test.

So I have them. The doctor knew what it was but he wouldn't tell us. They didn't want to get involved.

One night we went to a council meeting, Ms. Hasten and I, and the Concerned Citizens, asking the council to pass a resolution to stop the application of the bolosolic in the cane field that was directly behind the people's house. People were losing their hair, even me. We had locks of hair coming out of our head. We had rashes all over our body.

We called DEQ. We called the Department of Health in the hospital. They didn't do nothing. They came out and looked at the field. They smelled the odor. They couldn't stand it themselves.

But when it boiled down, they told us that they

didn't have enough evidence or enough samples to say what it was. They knew what it was. Some of the members that came out from DHS, they had the same thing -- they had boils on their body because they were exposed to this stuff. We went in the fields.

We called Dr. Brown who used to be the Assistant Secretary of DEQ. He is no longer with them. But in a way, Dr. Brown tried to help us. But later I learned that he was no longer there. He saw the boils on our body, he saw the infections on the people. It was very, very bad.

We are still impacted by industry with the water, the soil and the air. There are times we have problem breathing. She is constantly hospitalized because of the chemicals. I was working but I had too retire of health reasons, because of the infections. We are still -- the storm for us started a long time ago. It just didn't start when Katrina hit, and Rita, and the rest of the storms that came after. We have been in the storm. We are tired of the storms. And the thing about it -- we try to talk with industry but it has got a lot to do with the officials, the parish officials. They don't try to help us.

Like I said, I thank God for Ms. Hasten because she has been helping us, you know, trying to seek help with ADR and we are still trying to get things accomplished. We are still sick.

You can ask the person down the street from you: What do you have for a stomach problem? They all tell you, "We are all taking the same thing." We all are taking the same medicine. We all are still sick.

To me, there is no healing in Convent. Convent District 4 and District 5 which is -- District 5 is on the other side of the river -- supply the majority of the revenue for the entire parish, but we are the poorest.

T'oshonte has some pictures to show you, to let you all see. We have a school there and the children are chemically exposed. We have got children that have behavior problems. They are saying: "What is wrong with those children?" Because of the chemicals, all the chemical plants that we have in that area, they have a bad behavior problem.

Now, when they go to the school in *Lutcher, the high school there always point their finger at the kids -- "Oh, you people from up that road," or "You people up that road don't have no sense" or "You people are crazy." This is really affecting the kids. And nothing is being done, and it is sad, you know, to say this, but our children are being ruined -- their health, their education. Some of them really can't learn because of the behavior problem. And it is a problem -- the school board knows there is a problem, but nobody is really trying to do anything.

MR. MOORE: Did you have any -- you know, before I

open it up for the council members -- Chris, I have to really apologize for cutting you off that last time. I just want to move us. I knew there were going to be some other people to testify, so any time you are ready to re-engage, just, you know, in that point, please do that.

Were there any specific recommendations that you are making to the council?

MS. WILLIAMS: Well, the recommendation is we more like with the ADR. We need help to come in to the community to help us with this. This is something new. As I say, I just became a member of the organization when I became ill because I was trying to find out help because I knew it wasn't normal for us to have rashes all over our bodies. When you take a bath or a shower, you are on fire -- you are screaming. My granddaughter almost went into shock. She got in the tub, took a bath, and she was screaming and hollering and I didn't know what to do. All I did was took Aloe Vera gel and just covered her whole body with it. And some of this thing is still going on now. People are sick. We really need help. I mean like -- I don't know what the job of the EPA and DEQ to get behind these people, fine these people, because, I mean, it is ridiculous.

We have these alarm systems on the posts, and the only time you hear -- the only time this alarm goes off is once a month: "This is a test, and only a test." And that is

all. We have chemical spills just about every day and we are so close to these plants.

MR. MOORE: You know, I just wanted to, just as council, as we open it up for comments or questions, you know we have had several people and I think we have had some discussion, some interaction with Victoria and Charles and some of the others at the Office of Environmental Justice.

One of the things that I think that has been consistent in the comments that are being made, and I just want to flag it, and I know OEJ will take it under consideration, everyone keeps mentioning in some level or the other the training that took place, you know? And I just want to say again, if there are representatives here from the region -- I mean, I know Shirley -- well, Shirley is here from Region VI -- I had some discussion with Shirley and with Larry Starfield with the Deputy Administrator in the region, and Jonathan and so on because people have been asking for the continuation of some of the follow-up I will call it, to some of the training that took place.

I just want to flag that, Shirley, if you could please take that message back home to the team, to the EJ team in Region VI. I will also in my monthly calls with Larry re-flag that to see that if the region can get some of those pieces of work in the strategic plan of the region. I know you will follow up on that. I will do that. And, Victoria,

please, if you will do that same.

I just wanted to see if our young sister had any comments that she would like to make before again we open it up for the council. Sister?

MS. WILLIAMS: I would just like to say one more thing.

We would like to relocate. There is no healing in Convent. We can't stop the plants. We can't shut them down. But we are constantly getting ill. There is no healing.

I don't know how it would happen, but we need to be relocated. Plus, there are more plants that are coming in that area. We are impacted by them. Plus, there are more, and giving them the permit.

We need to get out. We are still in bondage. We are in bondage because we can't afford to leave on our own. We are not financially able to leave. We want to leave, but we can't leave.

We are tired. We are sick and tired of being sick. It is a constant illness. I retired not because I wanted to retire. I retired because -- from industry because all the complication that I was getting. So I had to retire.

Last year, I had quadruple bypass. 2005, after Katrina, I had an infection in my foot. I had to stay 15 days in the hospital to have surgery to correct whatever was wrong. Even the doctor didn't know where the infection came from.

After having the heart surgery, I had a staph infection. Got it from the hospital, and I stayed in there another four or five weeks in the hospital.

Going back into the -- in the area where we live is not helping none of us. We are constantly ill.

MR. MOORE: Thank you. Omega?

MR. WILSON: I don't have a question. I just have a note for us to make. We have talked about it brief -- earlier that whatever we do, I think struggling with the cause and effect situation is not solving.

Whatever we need to do to put something together to create more leverage in enforcement and compliance from NEJAC, as much as we can do, to say in enforcement and compliance, and if we have to drum that every meeting, every session, every public conference call, amen.

MR. MOORE: All right, thank you, Omega. Well, thank you very much, ma'am, for your testimony.

I did want to -- I will catch you there right quick, Donele. Just wanted this before we do Donele again, thank you. --- catches that corner and my eye doesn't go over there except every once in a while, so she is helping me out a little bit and I appreciate that.

I just wanted to ask before Donele does that if there is any comment that you would like to make.

MS. WILLIAMS: No, the only comment that I have is

that, you know, we request that, you know, enforce the laws, I mean, because for a long time industry comes in and they keep doing this over and over.

When you go to them, okay, yes, we will handle it, and then nothing happens. And we will like to see that changed.

MR. MOORE: Thank you very much. Could you just state your name again for the record?

MS. WILLIAMS: Yes, T'oshonte Williams.

MR. MOORE: Great. Thank you, T'oshonte. Donele?

MS. WILKINS: Just real quick. I -- what I also keep hearing is the support of the ADR, the training, and, you know, out of Detroit we also participated in that in the Chicago area. So I think there is a lot of benefit to it.

But what I am struggling with is the immediate need that -- an extreme need -- for rescue, if you will, for these communities, and I can't like sit here and say let us wait until the regions or somebody gives more money so that, you know, they can learn more about ADR.

So my concern is: What kind of help can they receive immediately to find remedy for the extreme issues that they are dealing with? I mean, I am not clear what kind of appropriate responses from the state or the region for your complaints or if you have talked with or engaged with -- you know, I don't know if it is appropriate but ATSDR, whatever

the help agency is or whatever, so that somebody can come in and provide some immediate relief to this community and the others that I am certain we are going to hear from.

So it is just a statement but I am just kind of torn by, and distressed by, these testimonies right now.

MR. MOORE: And thank you very much for speaking for me also, because quite frankly I feel the same way. I think probably a lot of the council members, Donele, are feeling the same way and staff that is sitting here with us.

Some of the issues that you brought up -- I mean, again I would only encourage you because -- and I know you have -- but to continue discussions with the Region VI staff. You know, we have talked on the phone on several occasions. You have got a staff person there that you have been working with and continue to work with, and I think that that is the key right now to part of what you are saying, is to really -- to try to figure out solutions to these problems.

I don't want to ramble on because I am a little set back myself. I don't want to tell you I am not, because I am, because a lot of the story that you are telling me as we are sitting here having these discussions is reminding me of my own community and many of the issues that we are facing in my neighborhood, you know? And in many of the communities that are represented around this table and out there.

So I am going to leave this council if we can with

that. I wanted to thank you for the utmost for coming for the distance that you have to share those words with us and thank you again for your testimony, and we will do anything in the power of this NEJAC council, understanding the power that the NEJAC council does not have in attempting to try to move some of these issues forward. Thank you very much for your testimony.

MS. WILLIAMS: I just would like to say that Dr. Warren from CDC and Dr. Stephanie Miles-Richardson, they came down. They saw the condition of our bodies and they saw like --- and the thing about it.

We weren't given the right medicine, either. We need somebody like maybe like an epidemiologist to come in -- you know, come in and deal with the people in that area because the regular doctors, they don't know what to do. And really it is from chemicals.

MR. MOORE: Okay. Chris?

MR. HOLMES: Are any of the people that work at the plant itself, are they suffering from the same things that you are suffering from? People inside the gate.

MS. WILLIAMS: Well, yes, I would say so because I was working for the parish government and one of the ladies that lives in the *Gramercy area, she told me that her husband had to stop working for a while because he had these infections, these -- what is boils -- that he had to lance,

and some of them had like four and five on their bodies at one time. And some of them are still having it. It is still out there. And I -- even to the parish government, they -- you know, it was an itch you couldn't get rid of --- and they had it, too, but they were trying to hide it. You would go in the office and you would see them like this and like that -- they were trying to hide it. They didn't want the public to know.

MR. MOORE: Thank you very much for joining us.

(Applause)

MS. ROBINSON: Excuse me. Patty Whitney, Interfaith Sponsoring Committee, BISCO; Stan Caress, University of West Georgia, Milton Bluehouse -- now, oh, first of all, is Chris Heaney here?

MR. : I am taking his time.

MS. ROBINSON: Okay. Since -- given the time, what we are going to do, I know you are going to be reading his statement in, and if it is long, what we are going to do is we will have that ready to be into the -- included in the transcript.

MR. : (Away from microphone)

MR. MOORE: Okay, let us hold that. Let us speak on the side. Let us get the people --

MS. ROBINSON: All right. Milton Bluehouse. You push the -- Patty, push the little thing forward.

Is Steve Caress here?

All right. We are moving on then to Sofia Martinez. Come on down.

MR. MOORE: Okay. We have got it, Victoria?

MS. ROBINSON: Yes ---

MR. MOORE: You know, this is -- I just want to just to say, you know, I mean, the public comment is put together for all the right reasons of putting public comment together and I don't want to apologize to the council. I don't think the council is asking for any apology.

But I do want to say that this is not an easy activity, you know, to be able to facilitate, and we have had elders and young people and so on come in to testify and they have come a long ways to share information with this council, and I know the council is taking it very, very seriously. And many times, and we have said it -- you know, the stories get old and we have been traveling throughout the country and many times you hear some of the same -- similar testimonies that are taking place.

I do honestly believe that there has been challenges in much of the work in dealing with state agencies, speaking for myself, in dealing with state agencies, and dealing with some of the other entities. But I think the council would agree that the day has to come someday when we are also hearing testimony -- and I know we have, as a council -- to where that there has been some very viable solutions in some

cases to many of the issues that people are speaking with us about, you know?

So I would just like to say this early in this evening that respect of the council and understanding those kind of issues, that is what brings us to this table. And I just had to express that with you because it is not easy sometimes, even when my sister is doing the Minutes and she knows that, for me just to say the five minutes and it is -- that is it, and whatever, because a lot of the times, even quite frankly, you all and myself have been at that side of the table, and we have come a long ways to do that.

So, thank you, council members, for indulging in this. Please, ma'am, proceed with your testimony.

MS. WHITNEY: Thank you very much. My name is Patricia Whitney. I am from Thibodeau, Louisiana, which is Lafourche and Terrebonne Parishes. We are 60 miles southwest of New Orleans. We are the Lafourche, the Barataria-Terrebonne Estuary. We are an --- globe of the Mississippi River, the Father of Rivers. We were created by the Mississippi River.

I am here to speak about coastal land loss as an environmental justice issue, and in case I get sidetracked, I want to state right up from the very beginning, our goal is to have coastal land loss respected and admitted and promoted and understood as an environmental justice issue and not just an

environmental issue.

I speak pretty much about all of Louisiana, but coastal land loss is especially passionate to me because we live in the area that is washing away into the Gulf of Mexico at a rate of one football field of land every 36 minutes.

You saw earlier the slide when the lady from New Orleans was here that showed the progression of land loss from 1839 to 2020. That was by BTNEP. The Barataria-Terrebonne National Estuary Program put that progression together before Hurricane Katrina. It is now incorrect because the land loss is significantly greater. By -- in 12 years, there will be much more devastation, and of course the land loss has been exacerbated even more now because of Gustav and Ike.

Make no mistake -- storms, hurricanes, increased hurricanes because of climate change, or the storms themselves are natural disasters. Coastal land loss in Louisiana, because we are a delta of the Mississippi River, is a technological disaster. It is created by the process of man. There are engineering failures that have created, there are commercial permitting failures that created it.

Louisiana, by geography, is the bottom of America's sewer system. Every time two-thirds of the United States flushes their toilet and several of the provinces of Canada, that water is coming into our drinking water. And we are the bottom of the bottom. We are in Lafourche. The Mississippi

Delta is the filter. It is the end result of all of this water draining from the rest of America. And culturally, in our area, the further south you go, the more disenfranchised you are as a population.

The people were pushed further and further south as they were brought to Louisiana. Most people in our area are poor. We have very high poverty rates. We have very high illiteracy rates. We have large populations of ethnic populations, minorities. The further south in the Terrebonne Parish area are hugely populated by Native American tribes, African-Americans, Acadians, and Asian-Pacific, mostly Vietnamese and Filipino populations. Most are poor, or relatively poor, and most are very independent, hard working, good people whose ancestors have been in Louisiana for hundreds of years. We were there first.

Thanks to man coming in in the 1920s with lumber industry destroying our cypress forests and then the oil and gas industry -- I have already run into zero, I am sorry -- we have lost our land.

We need to -- we want to build the public and political will to save Louisiana. So far, environmental work is not doing that. We want to emphasize that what is happening is a moral issue and needs to be addressed as an environmental justice issue. Thank you.

MR. MOORE: Thank you very much.

(Applause)

MR. MOORE: Any council members? John?

MR. ROSENTHALL: Do you have any specific recommendations of what you would like to see done?

MS. WHITNEY: Tons. Tons. And none. All at the same time.

MR. ROSENTHALL: Give me three.

MS. WHITNEY: Give you three? Okay. We would like to have public recognition of what is the dilemma we are facing with coastal land loss, number one. We would like input as a justice issue onto the populations where we are working, protection of the land for the people, protection of the loss of the land, which is the new form of eminent domain in our area -- you are not going to have land, so move away. And those are pretty much the major two, okay? Thank you.

MR. MOORE: Thank you, John.

MR. HARPER: The state officials, as they see all this land going away, do they just not care because the people who are living there are not important to them? Or, you know, how do they see -- you know, because if you think about it, you would think that the state officials would say to themselves, gee, you know, our land is eroding away, we are losing these football-size fields, you know, every month or whatever the date is, we have got to do something about it. Do they just not care?

MS. WHITNEY: No, state officials get it. I can pretty much tell you, state officials get it. The problem is Federally. We need Federal recognition of the problem and Federal solutions to the problem.

Everything we do because we are water-based, we are controlled by the Corps of Engineers. The Corps of Engineers, there is a systemic disregard for Louisiana. Particularly everything south of I-10 has pretty well been deemed expendable.

We are what is called the human buffer zone to industry and we are expendable. Essentially, it is either we are going to die out, be watered out, flooded out, or move away. And we are seeing all three of the above currently happening because every time we get legislation passed through things like WRDA, as soon as it is done after finally 8 years of procrastination, the Corps of Engineers changes their mind on how best to deal with the situation. There are many, many feet on the ground, brains on the ground, local grassroots people, local scientists, who know how to fix the problem. There is just no political will to insist that it is done.

So -- and I encourage everyone, my PowerPoint presentation and our hand-out is the last one in the book and it is a simplified version but it gives some really nice facts and figures on things that have happened. Remember, Terrebonne and Lafourche Parishes were severely impacted by

four major hurricanes since 2005. We are in serious disaster mode in Terrebonne Parish right now with the loss of many, many, many homes.

MR. MOORE: Thank you very much.

MS. WHITNEY: Thank you very much.

MR. MOORE: Okay, next, please?

MS. ROBINSON: That would be Milton Bluehouse.

MR. BLUEHOUSE: Thank you, Mr. Chairman, members of the NEJAC. I appreciate the opportunity to present public comment on an issue very important to the Navajo Nation. I am here both as a member of the Navajo Nation and also a tribal justice liaison with the New Mexico Environment Department that also functions as an environmental justice --- as well.

Currently, the Navajo Nation in the eastern agency portions of New Mexico faces tremendous uranium mining development. In a land of 66 percent unemployment where the per capita income is about $6,000 per year, 30 percent lack plumbing facilities, 25 percent lack kitchens, 55 percent lack phones. This paints a picture -- these numbers paint a picture of communities, Navajo tribal communities that are reliant on water resources directly drawn from an aquifer below the Navajo Nation eastern portion in New Mexico.

Over the years since the 1940s all the way to the 1950s, '60s, '70s, the Navajo Nation has been a subject or uranium mining. There have been over 15,000 uranium miners

employed in the industry and over 13,000,000 tons of uranium mining ore removed from Navajo land.

Now, over the four decades of uranium mining in the Navajo Nation, today we are seeing these impacts, and we have been seeing these impacts since the late 1970s, 1980s, 1990s and today. There are abundant numbers of tribal members who suffer from lung cancer, who suffer from renal failure, who suffer from bone cancer.

Doug Brugge, a noted author and researcher in this area, had noted in his oral history ***Memories Come to Us in the Wind*** that there are a number of people who have suffered real tremendous impacts -- mothers who have lost children, children who have lost fathers, grandparents who are no longer there.

Today, the Navajo Nation faces once again this horrible possibility or uranium mining returning in the form of in situ leach mining. The process for in situ leach mining is essentially to inject a solution into the ground, dissolve the uranium ore from sandstone, and them pump the solution to the surface for processing.

What we are talking about in the eastern agency of the Navajo Nation is about 15,000 Navajo peoples whose sole source of drinking water may be impacted from the contamination that will result from in situ leach mining.

The Navajo Nation opposes uranium mining. They have passed an executive order outlawing uranium mining within

Navajo Indian country. The Navajo Nation Council had passed the Dine Natural Resources Protection Act also outlawing uranium mining in Navajo Indian country.

There are three main areas that I think are very important for people who are opposing uranium mining in the eastern portion of the Navajo Nation.

One of them is the impacts, obviously, to the sole water resource in the area.

The other area -- the other concern is the processing plant that is proposed for Crownpoint, New Mexico, which is a town of 3,000 Navajo tribal members, and the processing of yellow cake in that community will expose thousands of Navajo tribal members to radioactive materials.

In addition to that, the current uranium mining -- mines on the Navajo Nation have not been mitigated or are in the process of slowly being cleaned up and closed down. Unfortunately, it is not happening soon enough.

On October 6, the New Mexico Environment Department Secretary Ron Curry sent a letter to the U.S. Nuclear Regulatory Commission criticizing the proposal to use a generic draft environmental impact statement for in situ leach mining in New Mexico. The State of New Mexico opposes the process because it blocks the ability of residents to have meaningful involvement in the Federal approval process for uranium mining facilities and fails to apply an in-depth

environmental justice analysis specific to each in situ leach uranium mining site in New Mexico.

Secretary Curry stated that given the unique environmental, geographic, cultural, historical and economic regional respects of our state, it is contrary to the goals and the purposes of the National Environmental Policy Act for the NRC to use a GIS approach in this instance. He also stated that residents must be able to participate in this process because of potential impacts in our state that are created by renewed uranium mining and the past effects of these operations on the health of its residents, of our residents, in the state, and the pollution of the environment.

One thing I would like to suggest to the -- to this committee is that we are going to be facing this for years to come and it is going to be very important that the NRC is given some sort of -- is controlled by some sort of an oversight authority by legislative community and Congress to insure that these issues from the state, as well as from the tribes and people living in these communities, are being addressed in a manner that takes into account the real impacts of these communities.

With that, I would like to again thank the National Environmental Justice Advisory Committee for the opportunity to provide comment on this very important issue. Thank you.

MR. MOORE: Thank you, Milton.

MR. BLUEHOUSE: Who is running the mines? Currently, it is a parent company from Texas, Uranium Resources, Inc., URI, and the subsidiary of that is the Hydro Resources, Incorporated in New Mexico.

MR. MOORE: John?

MR. RIDGWAY: What, if any, advice or request regarding these issues do you see EPA being able to help or better address these issues?

MR. BLUEHOUSE: I think the most important thing right now is support from the U.S. EPA for the Nuclear Regulatory Commission to abandon the proposed draft generic environmental impact statement and to essentially go through an environmental impact statement that takes into account community and individual community concerns on this issue. And I think that that is going to be very important.

In addition to that, I think that the U.S. EPA, through its Congressional Affairs Office, may recommend that a legislative oversight committee would be created to insure that the NRC takes into account these concerns from the community. And, will be stated later in Sofia Martinez's statement, you will understand that there are some serious concerns regarding the proposal -- the proposed draft environmental impact statement and also some rule changes that are not controlled by any other governmental entity other than the NRC.

MR. RIDGWAY: Can I follow up? When you say a "legislative oversight committee," do you mean by Congress, by the Federal government, or by the state's legislature or --

MR. BLUEHOUSE: Probably by the Federal government.

MR. RIDGWAY: Thank you.

MR. MOORE: Thank you, John. Jolene?

MS. CATRON: One of my questions had already been answered about the generic EIS. I was wanting you to kind of elaborate more on that.

But you also mentioned the GIS approach, and could you talk a little bit more about that and I know that it has a lot to do with like the checkerboard jurisdiction out there and how groundwater -- how the State of New Mexico groundwater laws apply to that checkerboard area.

MR. BLUEHOUSE: Well, according to the statement that had been released by Secretary Curry, the GIS uses a tool to define information about uranium recovering facilities in New Mexico. And in this particular situation, it would be used to broadly interpret conditions at each site without visiting each of those sites and determining the impacts on the communities.

MR. MOORE: Jolene, did you --

MS. CATRON: (Away from microphone)

MR. BLUEHOUSE: Would you restate that?

MS. CATRON: I was just -- I was curious as to how

the state regulates groundwater in that area, especially in regards to the checkerboard, the multi-jurisdictional aspects of the land.

MR. BLUEHOUSE: Right. In this particular situation, the New Mexico Environmental -- Environment Department would have a groundwater quality bureau to issue a permit on the cleanup and remediation of past uranium mining. in this particular situation, the U.S. EPA and the State of New Mexico have the authority to issue the national --- NDP EIS permits on this particular ---.

MR. MOORE: Thank you. Chris, and Omega?

MR. HOLMES: Have there been any published health impact studies?

MR. BLUEHOUSE: At this time, I know that the Southwest Research and Information Center, SRIC, has undertaken considerable health studies within the Navajo communities of Church Rock and Crownpoint, and I have not spoken with the Executive Director, Chris Shuey, in terms of the findings of this particular study that had taken place, I believe, since 2001. But I certainly would like to provide the information from Chris Shuey to further address your question in detail.

MR. HOLMES: Thank you.

MR. MOORE: I think -- Omega?

MR. WILSON: My question is not a specific question

related to the issues you have talked about, and I think, you know, they are urgent. The question has to do with -- all the places I have been, including North Carolina, there are always major, major, dramatic, environmental justice issues related to Native American territory and the people.

MR. BLUEHOUSE: Right.

MR. WILSON: Maybe this is a question that I should know the answer to already, but I don't. Is there cooperative, collaborative, operating activities among Native American tribes, indigenous people organizations, nationally to bring all the multitude of issues together in a combined document or combined meeting to not just to states but nationally? You know -- I will just leave it there.

MR. BLUEHOUSE: Yes, there is. There are actually one major organization that addresses not only environmental issues but social and economic issues and that is the National Congress of American Indians and their constant lobbying on behalf of Native American tribes, member tribes as well as other tribes, is an important factor of bringing together all of these issues to bear down on Congress as well as the Federal agencies.

In addition to that, environmental specific, there is the National Tribal Environmental Council based in Elk Creek, New Mexico, that provides technical assistance as well as information on these issues.

Within the regions on EPA, there are the tribal summits, annual tribal summits, but also regional tribal meetings in which information from the tribes from the region are brought to bear on particular environmental issues, so -- yes?

MR. WILSON: Just follow up. Successful movement, successful support, based on what you just told me, is it there, is it coming, is it moving at all?

MR. BLUEHOUSE: Well, I think that in a specific instance, the Southwest Research Information Center, SRIC, has been successful over the last 20 years in providing technical assistance, monitoring as well as joining with the Eastern Navajo Dine Against Uranium Mining in New Mexico and --- law center in bringing legal action to the NRC's administrative judicial system to either oppose or to bring issues to bear on the processing -- permitting processes of the NRC. So the fact that they are still there and that they continue to be a viable force is very successful.

MR. MOORE: Jolene, and then we are going to move to the next person. Jolene?

MS. CATRON: Thanks, Richard, for giving me the opportunity to kind of answer Omega's question to -- or to kind of add to that.

The NEJAC several years ago, from what I understand, had an individual subcommittee that dealt specifically with

indigenous issues and trouble issues, and I think from conversations I have had with others, that subcommittee really gave good advice and it included representation from all around Indian country. And as you know, the issues of environmental justice on Indian lands is extremely complicated due to jurisdictional issues, cultural and traditional values, and the fact that Indians are always dealing with environmental justice issues everywhere.

So I think that concept of a subgroup, an indigenous committee subgroup within the NEJAC, I think is something that still holds a lot of validity to this day, especially as we start looking at environmental justice issues in climate change and green businesses' sustainability.

MR. MOORE: Good. Thank you very much. Very good -- that was fine.

As we go to the next person, I just wanted to also mention that many of those groups are grassroots groups, are Native indigenous groups, are also affiliated to the -- to IEN, to the Indigenous Environmental Network, and that is also another entity of moving a lot of information through IEM.

Next person?

MS. ROBINSON: Sofia Martinez, Southwest Research and Information Center. Thank you -- welcome.

MS. MARTINEZ: Mr. Chairman, members of the council, thank you very much for offering these public comment

sessions. They are very important for our communities, and I am not too sure if the letters have been read at this point -- I stepped out for a while. There was a letter that was submitted by the Multicultural Alliance for a Safe Environment, which is a new alliance that began to come together about a year ago in the uranium belt of New Mexico.

The Alliance represents grassroots groups from Laguna and Acoma pueblos as well as the Navajo Nation as well as technical assistance, organizations such as the Southwest Research and Information Center where I am employed.

Listening tonight to some of the public comment people, we are really seeing that nothing has been done. And it kind of reminded me about a couple of -- maybe it has been about a year ago in New Mexico, we were -- we have really been working to bring environmental justice to New Mexico in terms of a lot of the issues that we face there as a national sacrifice state, because that is what we consider ourselves when we talk about the nuclear cycle from the mining and uranium in the 1930s to the testing of the weapons that were developed in Sandia labs in Los Alamos for the testing in White Sands and throughout New Mexico and to the end of the nuclear cycle, the clean part of the nuclear cycle which unfortunately doesn't reside in New Mexico. We just have the front end of the mining and pollution and we also have the back end where the spent and toxic waste is disposed of in New

Mexico.

So we have a lot of -- I don't like to -- I have a hard time saying that nothing has been done because I have been hearing that all night from different communities, but that is the reality. And a couple years ago, we were -- we heard a hearing office that works with the New Mexico Environment Department talk to an industry person and say, "Well, don't worry about all this stuff with EJ because we will just let them have their say and then we will just go on doing what we were going to do anyway."

I think that it is important for you all to hear that because until NEJAC and some of the environmental justice efforts can really produce some concrete results, I think that industry and many of those folks who do not have respect for our communities are going to take that attitude -- oh, yes, just let them come in, let them talk a little bit, and, you know, they will feel good and then it is all over with, and we just continue with business as usual. And we really need to bring this to the attention of NEJAC.

This issue that Mr. Bluehouse raised, a generic environmental impact assessment, where would you present that to, except to Native communities? Because we know that mining across this country happens in poor and majority Native communities. So what community would stand for a generic environmental impact statement?

So when the NEJAC talks about cultural sensitivity and looking at different things, well, that is definitely one issue that we need to look at. Why are generic kinds of propositions or methodologies okay for us but not in other situations?

As I say this, I don't want to pressure anybody or insult anyone because I am very proud of the fact that we have a NEJAC and we have environmental justice efforts out there. But we really need to kind of step it up a little bit not only in terms of these issues but also in terms of methodology.

All day today we heard about the different methodologies, all based on Western science, when in reality when it came -- comes to climate change, people were at the Earth Summit in Brazil many years ago and it was people from the islands on the Pacific and islands from Alaska talking about climate change.

But climate change didn't really become a reality until Al Gore did a PowerPoint. So does it mean that when we do PowerPoint presentations, then we get attention? Or, you know, again, how -- who decides what -- whose science, what science? And I would like to really urge NEJAC and the scientists that play a role in NEJAC and in EPA to really look at the science, to really investigate other paradigms of looking at science.

But I am here tonight basically to support in person

the letter that the multicultural alliance has submitted to the NEJAC. We are requesting, recommending, inviting you all to please come to New Mexico next year. I know that you all do one meeting in DC and another meeting outside of the Beltway, and we would really like to invite you all to the Uranium Belt in New Mexico to come and see and hear people from that area talk about the decades of environmental racism that people have had to deal with in terms of the contamination of their air, the water and the soil.

When people have to travel 50 miles to get water for their livestock, for their own needs, that is outrageous in this country in 2008. When we are -- when we hear politicians and people talk about the fact that nuclear is a clean industry, well, once again we need to get the whole picture about this industry because it is not just about the reactors that don't leave a carbon footprint, because we have -- someone asked -- I think it was Charles? Excuse me, I can't read the last name, I got the first one -- Christian, Chris -- you asked about studies. Fifty years of uranium mining and there are no studies.

The Southwest Research and Information Center is now involved in doing some kidney and liver studies, but we don't have the results from those yet, but we are finding, from the communities again, we don't need science. In Laguna and Acoma, they don't need science to tell them how many people

are dying from cancers. Dorothy Purley has died from cancer. I think that she testified to the NEJAC. Her brother -- her son-in-law just recently died from cancer. What is the monetary impact of that?

Today we heard people talking about we need to monetize our risks, right? Well, how do you monetize that? How do you monetize when a grandparent, a parent, an inlaw, a child has cancer? How do you monetize when Mr. Teddy Nez from the Crownpoint area who this summer, him and his family and other families from there had to leave for a while while finally after however many decades, EPA and Navajo EPA went in and took out six inches of dirt from around their houses, not from the ---, tail pilings that constantly lose their cover because of the wind and the weather conditions in that area.

So, once again we need to look at -- some of the studies have been done. The Environmental Law Journal in 1997 pointed to the -- looking at EPA cases, how slow EPA was in responding to our communities. And that continues to be an issue in our communities.

So once again, I ask that you please consider coming out to New Mexico next year and holding one of your NEJAC meetings in the Uranium Belt of New Mexico. We -- the Southwest Research and Information Center, the Southwest Network for Environmental and Economic Justice, and I am sure our allies in the New Mexico Environment Department will be

more than willing to help facilitate this process.

Thank you very much.

MR. MOORE: Thank you, Sofia. The letter that is being referred to, I just saw some expressions there. I don't know if that was received.

MS. ROBINSON: No, we don't have that. I mean, if you could provide a copy, we can make sure that everybody gets a copy of that.

MS. MARTINEZ: The letter was sent by the deadline and I am pretty sure that --

MS. ROBINSON: Was it mailed or was it --

MS. MARTINEZ: It was emailed I think to Charles Lee's office. Do you have a copy?

MR. BLUEHOUSE: I have a copy, yes, on PDF.

MS. MARTINEZ: Can we --

MS. ROBINSON: Yes, we can bring it up, yes.

MR. BLUEHOUSE: Jump drive.

MS. ROBINSON: Yes, and you can work with Lisa to make those arrangements to get it out.

MS. MARTINEZ: Could we also read it, because that would have been another entity --

MS. ROBINSON: Well, actually, that is going to be read -- that letter will actually be incorporated into the transcript, read into it that way. How long is the letter?

MS. MARTINEZ: It is probably no more than a page

and a half.

MR. MOORE: Yes, let us read the letter.

MS. MARTINEZ: Okay. We understood that the letter would be read.

MR. MOORE: You know, so --

MS. MARTINEZ: Okay.

MR. MOORE: -- you know, just while you are getting that up, let me know when you have got it.

MR. BLUEHOUSE: Yes, sir.

MR. MOORE: So could we read the letter, please?

MS. MARTINEZ: We are trying to find it.

MR. MOORE: Okay.

MR. BLUEHOUSE: It will be about a minute.

MR. MOORE: Okay. While that is happening, I want to -- thank you, Victoria. I think there was a breakdown there. I know there was some communication. I think it went to Charles's email address. We may want to -- we might want to just check that with all the busy-ness or whatever, you know? But either way, it was emailed and it met the deadline, and so we are going to deal with that issue of the letter as you look for it.

MR. BLUEHOUSE: I have the letter available.

MR. MOORE: You got it?

MR. BLUEHOUSE: Yes.

MR. MOORE: Okay, so, please let us read the letter

into the record. We will make sure that the letter gets into the document. Who would like to read it, either yourself or Sofia?

MR. MOORE: Thank you. Please proceed.

MS. MARTINEZ: I am going to read it in behalf of the Multicultural Alliance for a Safe Environment. The Southwest Research and Information Center is part of the Alliance.

MR. MOORE: Good. Thank you. Now while that is happening, I just want to just mention to the council members I know that there were several other recommendations. There were some discussions that have been had with Region IX with the OEJ team in Region IX. It was mentioned earlier, and Enrique is here from Region IX and Lily is here, Lily Lee is here from Region IX. And, yes, it was said that Region IX is the lead agency in environmental justice, but also Region IX primarily, not only -- I believe, I say it in my language anyway, that there is an overlap between Region VI and Region IX. Now whether that from a structural EPA standpoint is the case because part of that Uranium Belt that is being talked about includes Arizona -- some of it obviously includes New Mexico, but New Mexico is in Region VI. And then there are other areas within the EPA Region IX, so I know that there was some discussion that was taking place and there is going to be a recommendation that there be some interaction between the

grassroots groups and the region both with Shirley, both with Region IX, Region VI, the State of New Mexico, possibly Arizona, and the grassroots groups.

So I know we -- I am just announcing to the commission that we made some agreement on that that there would be follow-up on that, you know? And I don't want to speak for the regions, but there has been some agreement made on that.

So please proceed with the letter. I want to ask those that are joining us, please keep the -- try to keep the noise down a little bit. It is very difficult for us to hear even with the microphones sometimes, but even much more than that, out of the respect for the speakers as they are speaking. So do we have that letter ready to go? Okay, please proceed.

MS. MARTINEZ: (Away from microphone) "-- Alliance for a Safe Environment to the coalition of grassroots communities based largely in New Mexico whose residents have been living with and fighting for clean-up of abandoned uranium mines that continue to pollute our air, land and water, threaten our health and disrupt our traditional and cultural practices.

"While these impacts have been ongoing for nearly 60 years, covering 3 generations, sadly, the Federal government is poised to facilitate a new round of uranium development in

the same communities that have lived through previous boom and bust cycles and have nothing sustainable to show for it.

"If this were any major city in America, the problem would have been solved long ago and no new threats would be proposed. But not here where Navajo, Espano and Anglo families still live next to contaminated sites that won't be reclaimed or restored for many years.

"The slow pace of clean-up spurred by the lack of money for reclamation plans, failed groundwater restoration methods, few health studies, and limits on worker compensation for radiation-induced illnesses and deaths smacks of environmental racism at worst and extreme environmental injustice at best.

"That is why we are writing you, the National Environmental Justice Advisory Council, the only Federal entity empanelled to hear the concerns of people in communities beset by some of our nation's worst environmental problems.

"We request" -- oops, hold a minute, lost my place here --

"We request that this letter be read at the forthcoming meeting in Atlanta, Georgia, on October the 21st.

"May us also request that NEJAC hold a fact-finding trip and meeting in uranium-impacted communities in New Mexico early in 2009. By focusing an upcoming meeting on the uranium

industry and its impact on the environment and the health of people in our communities, NEJAC not only will facilitate the testimonies of people impacted by every aspect of this industry but also raise awareness about the Federal government's lack of response to what we now call the 'uranium legacy.'

"You will see sights and hear stories that establish the basis for enactment of a Federal abandoned uranium mine reclamation program, expanded Federal budgets for abandoned uranium mine reclamation and community compensation, Federal funding for community health studies, regional expansion of an existing Superfund site to address historic uranium mining and milling pollution of massive quantities of groundwater, expansion of the Radiation Exposure Compensation Act (RECA) to include post-1971 uranium workers, oversight of the Nuclear Regulatory Commission's deference to the uranium industry on both legacy responses and approvals of new uranium recovery.

"You may be surprised to learn that the Federal government never regulated underground and open pit uranium mining and still doesn't. As a result, the government has taken a hands-off approach to the clean-up of abandoned mines developed for the nuclear weapons program from the late 1940s to the early 1970s.

"Efforts by the U.S. EPA to use the Superfund law to force financially companies to reclaim mines developed in the

1970s and abandoned in the 1980s has been slowed by the current Administration's refusal to ask Congress to appropriate adequate clean-up funds. In the one area of uranium development that the government does have authority -- regulation of conventional uranium million and in situ leach recovery -- the NRC has allowed companies to continue to use groundwater restoration methods that have failed to clean up groundwater contaminated by mill tailings sea-beached for more than 30 years.

"Furthermore, NRC's recently released draft generic environmental impact statement on uranium ISL mining is widely viewed in our communities as a way for the Agency to curtail public involvement and site specific ISL licensing decisions. Indeed, the GEIS analysis of environmental justice impacts of ISL recovery, a superficial recitation of demographic statistics and income levels for the local population, reflects the Agency's lack of commitment to one of the most important EJ principles -- the notion of early and frequent participation of affected communities of color in governmental decision making.

"The lack of an appropriate and thorough response by the Federal government and the uranium industry to the uranium legacy has left our communities devastated economically and culturally. Because so little has been done since uranium was last mined in the early 1980s, our communities decided to

address the legacy issues head-on. We advocated for the identification assessment of abandoned uranium mines and compensation for uranium workers and community members alike in some communities.

"In some communities, we raised money and developed collaborations with nongovernmental, academic and governmental agencies to conduct radiological and heavy metal assessments in our residential areas near abandoned mines, one of those assessments, spurred by U.S. EPA's most recent emergency soil removal around Navajo homes near Church Rock, New Mexico. While progress towards clean-up has begun as a result of these efforts, to this day many of our homes are located near unclaimed mines, posing a continued threat to our health.

"To bring grassroots power to policy, we have participated in a variety of actions that have brought attention to our issues. Community members affected by mine waste testified by the House Oversight and Government Reform Committee on October, 2007, and at the Udall Round Table in Washington, DC in November, 2008. They conducted tours of uranium sites for New Mexico and elected officials and testified before several standing committees of the New Mexico legislature over the past 2 years.

"Despite these collective efforts, we still need your help. With the rise in price of uranium, our groups have found it necessary to organize to protect our communities from

new mining, and NEJAC can give us a national voice in that work. We have enunciated a vision predicated on the idea that clear and profitable alternatives already exist in the form of sun and wind, particularly here in New Mexico. The stress on resources of --- demand that we must become sustainable now and invest in practices that will not continue to endanger our environment, health and ultimately our survival.

"NEJAC can help us and many other communities promote the shared vision. You would receive a warm welcome in New Mexico. We are one of only a few states whose governor has issued an executive order on environmental justice in 2005. The New Mexico Environment Department has shown enough of a commitment to the principles of environmental justice to be tapped by NEJAC to receive an award at your -- at this meeting.

"And despite the threats of new mining in Navajo communities, the Navajo Nation's enactment of a 2005 tribal law prohibiting uranium mining and processing by any method anywhere in Navajo Indian country still stands as the highest action a sovereign government can take to protect its resources and its people.

"Similarly, the people of Laguna in March placed a moratorium on any further uranium drilling or other exploratory or mining activity on Pueblo lands from this day forward.

"In closing, we thank you in advance for considering our request. MASE is committed to helping coordinate the key contacts in our state and to facilitating a successful gathering."

(Sincerely, for the Multicultural Alliance for a Safe Environment, Candace Head Dylla from the Blue Water Valley Downstream Alliance; Mitchell W. Capitan, Eastern Navajo Dine Against Uranium Mining; Linda Evers and Liz Lucero, the Post 71 Uranium Workers Committee; Hazel James, Dine Bidzill Coalition; Carletta Garcia, Laguna Acoma Coalition for a Safe Environment, from *Pagwadi.) And this is only the -- basically the executive committee of the Multicultural Alliance. There are over 13 organizations that belong to it.

This letter was also CC'd to Richard Moore, Representative Henry Waxman, Representative Tom Udall, President Joe Shirley, Governor John Antonio and Secretary Ron Curry from the NMED.

Thank you very much.

MR. MOORE: Great. Thank you very much. I should just add then we are going to move right along. We appreciate that testimony.

That also, Sue, if you remember the National Environmental Policy Commission of the Congressional Black Caucus also had a listening session in New Mexico and there

was testimony around these specific issues that were presented also at that, and that is in the report that David Rivers was referring to yesterday in terms of one of the reports from the listening sessions.

Council members, do we have any comments or questions?

(No response)

MR. MOORE: Okay. Thank you very much for both of your testimony.

(Applause)

MR. MOORE: Okay, Victoria?

MS. ROBINSON: All right. Connie Tucker, National Voter Right Measure, Wynecta Fisher, City of New Orleans, and Dick Mason from Shintech.

MS. TUCKER: Good evening, everybody.

MR. MOORE: Welcome.

MS. TUCKER: Thank you for having me. My comments were directed on another subject, but I do want to applaud the people from Louisiana who came from LEJCOC. Albertha fooled us -- we thought she was going to do a demonstration! She fooled us.

But I do want to remind, regarding some of the comments that were made by the people from Louisiana, that at one point on the NEJAC we did look at relocation as a remedy.

MR. MOORE: Please -- could we just have a little

order, please, in the room? I know we are trying to -- please, Connie, go ahead.

MS. TUCKER: We did look at relocation as a remedy, and we do have some recommendations for that.

I would like to remind NEJAC members that these communities have lived under these life and death situations for decades now and even though thousands -- millions of dollars have been pumped into Louisiana for environmental justice, it has not changed the quality of life of these people. And it breaks my heart when someone from -- the sister from -- and I know her, I forget her name -- from St. James Parish describes it, but I saw this stuff with my own eyes. And the problem in Louisiana is that the respect for buffer zones don't exist. In fact, some of these industries are just walking distances from -- I mean a few steps away from where people live. And at some point, people have to listen, and we have to come over some sort of solution for those communities that are living virtually in the back door of these polluting industries and suffering as they do.

So I recommend, on their behalf, that we re-look at fostering relocation as a remedy as well as addressing their health concerns. And I know that the NEJAC does not have the power to do that, but you can recommend that the EPA work with the state regulatory authorities and the industries to come up with a just solution for these communities.

I want to remind LEJCOC that ADR is about finding solutions. We want to find benefits, too. The air in Louisiana continues to be bad. There is no struggle that has occurred there that has tried to clean up that air. And the tool of ADR could be very useful to clean up the air because you can't do it in one community -- it has to include a strategy that includes that full corridor, the cancer alley corridor between Baton Rouge and New Orleans.

Now with my statement.

Since the NEJAC last met here, a lot has changed. I --- say a lot has been reversed.

When you were here last, there was a very robust environmental justice program in Region IV. However, since the appointment of the present regional administrator, the environmental justice has been centralized into one office with a very small staff. The waste divisions of environmental justice initiatives were dismantled and its EJ team assigned to other areas. In fact, the notion of environmental justice across EPA programs is a joke at best in Region IV.

Although the Office of -- and I want to make this clear -- although the Office of Environmental Justice in Region IV has very good intent, their hands are tied by the regional leadership. This lack of commitment to environmental justice by the regional leadership has fostered more distrust of the U.S. EPA.

For example, and I guess Charles is probably tired of hearing about this, but, for example, the Tallavast, Florida, community, which was contaminated by a DOD contractor, requested Region IV EPA intervention at their site as their state regulatory authority betrayed even basic environmental justice principles such a the right to know, which resulted in unnecessary exposures to the impacted community.

While this issue is too complex to discuss here, what we realize is, without focus, the Tallavast community organization, the extent of the contamination of their community would never have been known. This knowledge, when taken to its most logical extent, means that there may be other unorganized communities who are living with pollution simply because they were not organized to demand a thorough investigation.

The fact that there is a pattern of contamination at former DOD and DOE contractor sites -- yet, the fact is there is a pattern. Yet, there appears to be no policy which requires investigations at all of these former sites.

The contamination at Tallavast was not found by EPA, the Florida Department of Environmental Protection, but through a sale of the property to Lockheed Martin.

I therefore respectfully request that the NEJAC to consider the potentiality of contamination at not only former

Federal contractor sites but all sites where investigations and clean-up stop at the fence line -- and I can say there are hundreds of those.

In addition, there needs to be some consideration of environmental justice policies and procedures integrated into state delegation, whether it is delegation of laws or delegation of clean-up oversight.

That is it.

MR. MOORE: Okay. Thank you, Connie. Council members? Omega? And John?

MR. WILSON: My question -- Connie, it is good to see you again. All right, I always love your spirit. The question has to do with, even with the clean-up, with the level of dramatic environmental contamination that we are talking about, I am going to the health of things and the question you raised about relocation.

Do you think you will see effective results with the clean-up that will create a better quality of life for generations and improve health outcomes, especially for those being born?

MS. TUCKER: Now, I am confused about what the relocation has to do with the clean-up.

MR. WILSON: Well, I am just saying if people are relocated from the environment, right, with it being cleaned up or not cleaned up, is the level of contamination, in your

opinion, to the extent that even those people relocated, especially children and those who haven't been born of the people who have been relocated, will it create a positive effect on their quality of life? Is the situation so bad --

MS. TUCKER: Well, those communities that are living right up next to the industry, of course it is going to create an immediate improvement in quality of life. They will get rid of all those sores and things that they suffer with, and perhaps they can breathe a little freer.

But they are not going to breathe freer if they move 10 miles down the road because that whole corridor is contaminated.

So the long-range solution to that would be some sort of pollution prevention initiative across that whole corridor and they could use ADR to accomplish that. And I thought that was one of LEJCOC's objectives.

But for the sake of mercy and human rights, those communities that are living just at their doorsteps, suffering in the way they have suffered for decades, need to be removed from that situation.

MR. MOORE: John?

MR. RIDGWAY: Connie, thank you for your comments and the time to take the letter. To your last point in here regarding the integration of EJ procedures and policies with a state delegation, I am wondering if more specifically that

could be at least included in the performance partnership agreements which are public documents that commit the states and EPA to work on various issues and would encourage not only you and the constituents that are dealing with these but all of the EPA regions to work with their states to get these kinds of things in the performance partnership agreements. These are contracts that hold the states accountable and EPA in a public mode that is subject to public comment to see these things in writing and what will be done.

So I am just wondering if there are other kinds of integrations that you might be thinking of. That is one that I am aware of.

MS. TUCKER: Well, you are not -- I am not an expert, but that particular recommendation I should have thought of myself. It is the most obvious one, and I think it would be very, very effective if EPA had the will to requirement in its delegation process. They don't.

MR. MOORE: Thank you, John. Council members?

(No response)

MR. MOORE: All right, Connie, thank you very much.

MS. ROBINSON: Wynecta Fisher.

(Applause)

MS. FISHER: Good evening. I have a -- just a list of 10 suggestions for the transition team. It is fairly short and I just thought of these items as I was listening to some

of the members here as well as some of the questions that some of you guys posed to some of the presenters.

The first one I thought about was immediately we talked about intra-agency agreements and working with other agencies. And the first thing I thought about was Minerals Management Service, which is a part of Department of Interior. And they have a program called CIAP, which stands for Coastal Impact Assistance Program. Every coastal area gets X-amount of dollars. It is based on your population and it is based on oil leases. And unfortunately it is what it is. Nonetheless, we each get a pot of money.

For Orleans Parish, we are working with our coastal area. Every parish in Louisiana is getting a pot of money to deal with coastal issues.

However, as I am thinking, when we developed those projects, there was nothing in there that demanded that it has an EJ component or their priority be given to EJ communities. I think that is something that hopefully this task force can educate the Department of Interior, specifically MMS, on EJ.

The second thing was to try to create an equivalent definition for a citizen. Instead of a citizen -- for environmental justice -- instead of a citizen saying -- repeating the definition that EPA has come up with, if we could have a little, I want to call it a buzz phrase that the average citizen can bite into and grasp onto and understand

and then tell more people, I think more and more people would begin to understand how environmental justice impacts their lives and want to try to do something about it because a lot of times you don't get as much participation because people don't -- might not understand it.

The third one, with the land use planning, I am really interested in this because the City of New Orleans is currently rewriting its comprehensive zoning ordinance and rewriting its master plan. And I now have a small window of time to come up with some EJ issues to go into that document.

However, for those citizens that will probably be on committees at their local level, if there was a template that would be developed that all the individual has to do is just whip it out and give it to the committee, that would be great. So maybe that is something that the committee could work on.

Also, working with the U.S. Conference of Mayors to get the environmental justice message out would really be good. They are pretty -- I get a lot of their blast emails when they were trying to get the energy block grants which was going to be -- which is based on the CBDG allocation. Seems like that they are pretty active, so that might be a way to get some more EJ messages out.

Encouraging other Federal agencies to award bonus points to projects in EJ communities.

Create a best practice document for the hotel

industry. A lot of the people that are part of the EJ community actually work in the hotel industry. They are around a lot of chemicals. So if they are living in the area where there are some impacts and then you have to come to work where there are some impacts, so that might be a nice thing to do.

Also, podcasts for meetings.

Then the cruise ships. I don't know if the cruise ships were included in the Goods Movements document. If not, is it possible that we can add them?

MR. : (Away from microphone)

MS. FISHER: Oh, they are included? Okay, so forget Number 8.

Number 9 is really important -- encourage states to have local EJ offices. Right after the storm, I was getting calls from other parishes in Louisiana but I can -- I am only supposed -- I am paid by the City of New Orleans, Orleans Parish, so I can't necessarily do work for other parishes. So if the state would have EJ offices or an EJ office in local areas, that would help.

Create a best practice document for associations. If we want other people to understand environmental justice and how it plays into what they are doing, a best practice document might be good.

That is it.

MR. MOORE: Great. Thank you. Thank you very much. I just wanted to respond to Number 3, develop a template to address EJ during land use planning that local governments can use. I had seen actually -- I can't remember the name of the -- go ahead --

MS. FISHER: What is it called?

MS. WILKINS: The name of that is PACE. It is an effort by public health organizations and planning divisions across the country. Portland, Oregon, is a great example of sort of that joint planning efforts around these kind of issues. So there are some really good documents, DVDs, CDs, and tools and that kind of stuff that has been developed over years.

MR. MOORE: Exactly. Thank you, Donele.

MS. FISHER: Thank you.

MR. MOORE: Let us see -- Sue, and then Omega.

MS. BRIGGUM: Just in brief. Many hotels -- I am not sure if this one, but many follow the LEED program. It is an association of architects. A lot us, you know, get kind of served lead principles when we are a supplier for hotels and other buildings. They stress energy conservation, reduction of toxics in cleaning materials.

You might want to take a look at that. If you just type in "LEED" in Google, you will find some ---

MS. TUCKER: I actually just took a LEED for new

construction course, and actually we are -- the facilitators had incorrect information about the Brownfields program, which was kind of frightening, because then they are certifying buildings.

So I don't know -- I will definitely look, but that is a good idea.

MR. MOORE: Great. Thank you. Omega?

MR. WILSON: I just wanted to add another item to the list. Maybe you have considered it already. The colleges and universities, major educational institutions, because some of these universities number in the thousands in the amount of consumption of energy, physical waste, food waste that comes off of colleges and universities is --

MS. TUCKER: I never thought of that.

MR. WILSON: -- is tremendous. And in some of our areas, the colleges and universities are larger than the local populations are and they are massive consumers of energy. And I hate to say it, massive producers of just adulterated waste.

MS. TUCKER: Thank you.

MR. MOORE: Thank you, Omega.

Well, thank you -- thank you very much for your recommendations and for your testimony again. Next, Victoria, please?

MS. ROBINSON: Dick Mason, Shintech.

MR. MASON: Good evening. My name is Richard Mason.

I am the secretary of Shintech, Incorporated. Along with our plant manager, David Wise. I have been very involved in our siting, permitting and operations in Louisiana.

Shintech values its strong working relationship with Iberville Parish and West Baton Rouge Parish. Specifically, we value the relationships that we have with local residents such as Albertha Hasten of Iberville Parish.

The focus on a community is embodied in Shintech's commitment to live locally, hire locally and buy locally. Since December of 2000, we have operated a PVC facility in Addis, Louisiana, which produces approximately 1,300,000,000 pounds a year of PVC.

We are also concurrently in the process of building a facility in Plaquemine, Louisiana. When that facility is completed, it will have capital of investment of approximately $2,000,000,000.

Before siting or construction began in Louisiana, we implemented a community participation process. Before any final decisions were made, we went to the community, asked for their input, advice, guidance and thoughts. The entire process was based largely on EPA's guidance and guidance coming out of the state with respect to developing better communications between regulated entities and their publics.

Some of the frequent suggestions about our initial plans for Addis focused on issues such as job training, an

evacuation route, and a plant entrance.

We didn't quite understand the entire dynamic with respect to jobs because we are out and about in the communities on a significant basis and we thought that there were available qualified people that we could use from the community.

Because of the concerns expressed, we tried to do something different. We set up our own job training classes that took place at the Louisiana Technical College West Side Campus. We funded several sessions of an 11-week training class and provided training materials while the technical college allowed for the use of its facilities.

This training program gave us a very good base of local participants to use as a job pool. We were very successful in hiring locally and hiring a work force that was representative of the demographics of our community.

Before we decided to diversify our operations in Plaquemine, we again went through the same type of public participation process. This process resulted in some changes to our approach.

For example, there was a strong desire in the community to have the training programs available at different places within the two parishes so that they would be more available to residents. As a result of community input, we are also more able to fully utilize community residents for

many of the temporary jobs and support functions during the construction process.

This type of extensive collaboration and discussion with our stakeholders, including Ms. Albertha Hastens, brings issues to our attention and allows us to work to maximize local participation.

As I stated, we value our relationship with Louisiana and with the Iberville and West Baton Rouge Parish communities. We are committed to acting responsibly. We will continue to involve the community and respond to questions and concerns. We will continue to engage in a broad range of discussion and negotiations with our stakeholders.

We fully understand that some of these discussions will be difficult, but we are committed to this collaborative process. We live locally, hire locally and buy locally. That is a commitment we made several years ago and one that we will continue to try to keep. Thank you.

MR. MOORE: Thank you. Thank you for joining us this evening. Let us see who we got -- Chris?

MR. HOLMES: Thank you for your presentation. It was encouraging. Do you have any of these health problems that people have been talking about?

MR. MASON: Not directly. Quite directly, my view is one of the things that is very powerful about this approach is the commitments that we have made are based on community

input. Certainly to the extent that health were one of those issues, we would have attempted to incorporate that in what we are doing. Obviously, health is a concern. My personal opinion is that in our communities, it is primarily related to poverty and lack of access to medical care, which is one of the reasons that I think jobs are such an important aspect of that program, okay?

The other would be particularly in river parishes of Louisiana, living locally and having the management of your facility live in the parish where you operate.

MR. HOLMES: Thank you.

MR. MOORE: John?

MR. RIDGWAY: Mr. Mason, thank you. First, I would like to ask that you encourage colleagues from other industry to come to NEJAC. I think it is helpful to hear your thoughts.

My question is similar to others. What advice do you have for the Environmental Protection Agency or perhaps this group to help to address the issues that we have been hearing about this evening?

MR. MASON: Somebody else said it earlier as well. I think one of the most important things is to be willing to listen to what the issues and concerns are in the community and to be proactive in responding to those issues. You know, again I would go back to our commitments -- live locally, hire

locally, buy locally. Very difficult for me to emphasize how important that "live local" commitment is to us, okay, because it essentially makes the management of our plants and our employees part of the community, exposed to exactly the same risks that everyone else is exposed to. It is extremely powerful.

MS. BRIGGUM: Sure -- and I too am pleased to hear someone from the business community coming forward and giving very positive comments in terms of important commitments like hiring locally and purchasing supplies locally. And, you know, being an old-timer, I also thought of at the same time it is important to give tribute to those who I think have brought us to the moment where we have these kinds of comments. I am thinking of Daniel Smith and others who were very material in terms of raising issues and kind of the community base for this understanding and the base on which business gets good ideas about participating in a constructive way in the community.

I am reminded of what Connie has often mentioned with regard to ADR and we hear from Omega frequently and Richard and others about the need to develop the capacity within the community to speak for themselves and have the ability to control these circumstances and therefore have the power to make sure that the businesses operating in their communities are working with them in a way that is

constructive. And so it is nice to see this kind of ratification of several themes and see some progress, I think, that NEJAC may have had some small part on in terms of helping to build that kind of infrastructure, and we continue to learn as people come in and give us new ideas and new problems we have to resolve.

MR. MOORE: Thank you, Sue. John?

MR. ROSENTHALL: When you say management to live locally, how far does that go in the company? How do you find management and how do you find locally?

MR. MASON: In this particular instance -- and we do not do the same thing in our Texas operation because it is not a key element for us -- in Iberville and West Baton Rouge Parish, the senior manufacturing executive at that facility lives in Iberville Parish, okay? So it is within the political confines. He is in the process of building a new home now. His old home was 1.86 miles from our Addis plant. We mean locally.

MR. ROSENTHALL: And where is the new house?

MR. MASON: His new house is actually going to be closer to the Addis plant. I don't know the exact distance, probably about a mile, probably about a mile.

We are very serious about that issue because it is a very important issue to our communities at a variety of levels, okay? It is important to many of the people in this

room. It is a very important issue to our parish officials, to the school board. One of the first complaints we heard when we went to Louisiana was from a superintendent of schools. He said, "I have got seven plants in this parish. I get very tired of having all seven of those plant managers come to my office, tell me the millages are too high, and then get in their cars and drive across the river." Very important issue.

MR. MOORE: Council members, any additional questions or comments? But you already had your turn there, my sister, and we are going to let it go for a minute.

Thank you very much for your testimony. I also want to agree with Sue. You know, I have had the opportunity to visit Albertha and many others up and down that stretch between New Orleans and Baton Rouge, and hearing some of the -- many of the challenges for quite a long period of time but also then kind of keeping up with Albertha and hearing some of the, we can say, successes or growth or struggles that are moving forward, or whatever, is always great to see.

I would also back Sue if we could encourage additional people from business and industry to testify and to attend these activities. If you would assist us in spreading that word, we surely would appreciate it.

MR. MASON: Yes, sir.

MR. MOORE: Thank you, sir.

MR. MASON: Yes, sir.

MR. MOORE: Okay, Victoria, tell us --

MS. ROBINSON: All right, we are down to our final three -- Michael Allen, Louisiana Environmental Justice -- LEJCOC; Stephanie Anthony, Louisiana Democracy Project, and the written statement of Christopher Heaney, University of North Carolina I believe to be read into the record by Dr. Sacoby Wilson.

MR. MOORE: Please begin your testimony.

MR. ALLEN: Good evening. My name is Michael Allen and I live in Iberville Parish, Louisiana, a little community called Bayou Sorrel, which is about 25 miles south of Baton Rouge. And we got an injection well right by our -- 1400 feet from where we live at. And they have been putting toxic chemicals in this injection well and it has migrated onto our property and it got into our water wells and stuff.

Some coastal environmentalist from Baton Rouge came and tested our wells and they found a bunch of toxic chemicals in them. And they checked my mother's house and it is -- they found all kind of contamination in it from those trucks pass right in the front of the road. We are about 35, 40 feet, I guess, from the road, you know, my mother.

They said that it is not hurting people down there, but people are dying left and right from cancer. Old, young, it doesn't matter. And they said that it is not from that.

But they have never checked anybody, so how can they say that?

They said that they were going to clean it up in our well. They are doing that, but they still have trucks going up there, you know? We don't know what they are bringing, but they are still going there and a lot of them are going at night and they are going real, real slow, so they are full of something -- I don't know what it is. But they are saying it is rainwater they are getting out of some pits and they are putting the -- that is what they said.

In another place, is a little further from where we live, they just were dumping that stuff and just like right here, just backing -- pulling up there with those trucks and discharging it. Right now it looks like swimming pools up there.

They finally, I believe, cleaned that up, but it is still right by the Grand River Bayou which -- where we get our drinking water. Not drinking water -- you can't drink it. It is to do other things if you want, you know -- clothes and cooking stuff like that, but it --

One time they got it into the main water line and when you turn on the faucet, it looked like gas coming out of there. That is in your house, in the sink. And they said that it wasn't from that.

So they put a water intake at the end of this river, Grand River, and they send the water to us, and that is where

the open pits were at. And we are just getting the water from what was in those pits and all that. And every time it rains or the spring waters come up, the banks flood, and it comes all over our property everywhere. And you can't think about drinking it, I can tell you that. Anybody else down there, too.

But that is what we are facing.

And we also got land out in the --- river basin that we own, been owned for about a hundred years, maybe a little over, in the 1800s, 70-something, yes, over. The original deed was signed by Zachary Taylor when he was President. And my great-grandfather got it through 3 transactions. And we were told that we didn't own it, so -- by Dow Chemical and some other oil companies -- for about 15 years, so we had to go have meetings with them and they finally acknowledged that we owned the land. But they donated the land, the surface rights, to the State of Louisiana, but they still get the mineral rights. So if they acknowledge we own the land, why haven't we been getting them for the last 40, 50 years? And that is what we would like to know, you know?

I would like to read this right quick while I got a minute left, if I could.

"A concerned citizen of Bayou Sorrel, a Native American, ancestors of an unknown tribe, why Bayou Sorrel Superfund site is not on the priority list when we have

nothing in our community anymore but a landfill that was a Superfund site in 1993 that was unclean? Our culture and heritage -- we do not know who we are to know where we are going. Our deceased brother, Walter Allen, followed up with this Superfund site until his death this year, which is not two months yet.

"Our land still has hazardous waste from the landfill which our property was only 3 feet from it and did not get cleaned up and we own it. We are in the 21st century. Emissions in the air, discharge, water and hurricane aftermath. Our land was taken away and given to the state and they now have the mineral law rights where we have our loved one buried on an Indian mound that we are not allowed to visit. Nothing has changed. The greedy get richer while the needy suffer.

"We are here because we are Americans, too. We have been given -- going through so much environmental injustice of the Superfund site, the environmental laws that are supposed to protect our Mother Earth.

"Why doesn't EPA enforce the laws so that our Native American ancestors can have peace, because their spirit is not happy? Why is this government so difficult? We want our land, our culture, and we want our families' ancestors to be proud of being the first Native Americans to be found on the Land of the Free and the Home of the Brave, but we, too, are

Americans. God Bless America."

"Yes, we support LEJCOC. Everybody, get your role on through ADR."

(Yours in the struggle.)

Thank you.

MR. MOORE: Thank you, sir.

(Applause)

MR. MOORE: Thank you very much. Jolene?

MS. CATRON: Thank you for your comments. I just -- I don't have necessarily a question but just kind of relate some of the issues that I work with in my community. The issue of the split estate, how you can own the land and not the minerals underneath and that rights that give to energy producers onto your land and drill or dig wells or, you know, whatever it is that they do impacts your land and it impacts the property value, it impacts the water quality.

These are a lot of issues that a lot of community organizers, I think, have to work around. In the West we have -- I am from Wyoming, and we have a lot of issues around coalbed methane production, natural gas production -- and that split estate law, or split estate concept, has really developed into a huge environmental justice issue.

So I certainly hear you. I hear where you are coming from. And I know firsthand the injustice that that creates. Thank you.

MR. MOORE: Thank you, Jolene. Chris?

MR. HOLMES: I am sorry that you and others tonight have had to suffer so much. Have you had a lawyer?

MR. ALLEN: We had tons of them.

MR. HOLMES: And what happened?

MR. ALLEN: You tell me, sir.

MR. HOLMES: Okay. That is a pretty good answer. I got that.

MR. ALLEN: If I knew, I would tell you. When my brother --- sure, we will take it. But when they saw what they were up against, we didn't see some of them again. They "Dear Johned" you, in other words.

MR. HOLMES: We --

MR. ALLEN: Oh, I am sorry -- go ahead.

MR. HOLMES: No, I am sorry. Go ahead.

MR. ALLEN: When we went to this meeting with them, they said -- they told my daddy that how they are heating there over on the land. And he told them.

You know, he said, "These are titles we got here, these deeds, and these papers we got here say we own the land."

He said, "How do you figure you own it?"

He said, "Where is your title?"

He said, "Oh, we left it in Houston."

He said, "You did?"

He said, "You mean you are going to come here and talk about a piece of land and you are not going to bring proof of it that you own it?" He said, "I can tell you why you didn't bring it -- because you don't have one, that is why."

So he asked my dad, he said, "Well, do you have any kind of landmarks or any fences on it? Do you have it fenced off?" "This is out in the --- River swamp."

He said, "I know. Does Dow Chemical have their land out there with fences?"

He said, "No."

He said, "Well, okay. We don't, either."

He said, "Well --- do you have any landmarks or anything on there?"

So my daddy said, "What do you mean, landmarks?"

He said, "You got any kind of thing that -- to prove something that has been out there permanent for the 90 years you have been living out there?"

My dad said, "Well, what about a cemetery? What about the Allen cemetery?" He said, "That has got the headstones still sticking up from the silt, you know? People have been keeping them up -- every time, you know, the water comes up, it floods the area a lot." Not this particular spot as much now because it has done built up so much over the years, you know, silt. The water has got to get high every

year to take it. And it is not then taken by water for the last few years.

So everybody in the community like, you know, when people would die, they just would come on the Allen cemetery, you know, and bury them, you know? It was a community of maybe 200-maybe people, you know? And they owned the land. They had people in their 80s and they signed an affidavit saying they remembered when Oscar Allen had that property, had big sugar cane fields out there, rose gardens, stuff like that.

Then they finally said, acknowledged that the Allens owned the land. But we haven't seen not the first dime of mineral rights in 50 years.

MR. MOORE: I thank you. Chris, was there any --

MR. HOLMES: Thank you.

MR. MOORE: Council members, any additional comments or questions?

(No response)

MR. MOORE: Thank you very much, sir, for joining us this evening. Thank you for your testimony.

MR. MASON: All right. You are welcome.

MR. MOORE: Victoria?

MS. ROBINSON: I'm sorry -- Stephanie Anthony, Louisiana Democracy Project. I believe there is a -- some hand-outs going around right now.

MR. MOORE: Good evening.

MS. ANTHONY: Good evening. It is with great pleasure that I address this body, and I want to thank you and Albertha Hasten and her coalition for affording us this opportunity.

Louisiana Democracy Project is a grassroots social justice organization based in Baton Rouge, Louisiana. Our organization was formally established in July, 1998. Our motto is: We want government to make sense and democracy to reign supreme.

We are mostly made up of female heads of households, people of color, disabled, senior citizens and students. For the most part, we are uninsured and we are low income. Our office sits within two miles of ExxonMobil and several other petrochemical companies.

Most recently, our physical office was damaged by Hurricane Katrina and now it has been destroyed by Hurricane Gustav. Yet, we continue.

We are here today to remind you of our community's plight. We believe that industries along the river are not -- are not -- in compliance with air emissions and that they routinely emit pollution in the late evenings and when Louisiana DEQ is closed on the weekends and on holidays.

We believe that the relationships between Louisiana DEQ and the petrochemical industry in Baton Rouge is so close

that compliance may take a back seat.

We believe that there is anecdotal information concerning compliance in air emissions that is overlooked. We know that after hours on holidays and late at night, the plants release stinking, eye-stinging, breath-taking chemicals into our air.

Each of the elementary schools in our area, and the middle schools, are academically deficient. A high number of students have ADD and other related disorders. They have short-term memory loss, asthma and other respiratory ailments and high rates of cancer.

We have a joke in our area. We say that it won't be long before we will have to buy fresh air like we pay for water and electricity. Chuckle!

We have called for a moratorium on any new air permits until we are in true compliance with the Clean Air Act.

Louisiana Democracy Project monitors the emergency preparedness meetings in our area, along with other public policy boards. But the emergency preparedness has -- office has determined that in the case of a chemical disaster, we are to shelter in place. Louisiana Democracy Project holds that the shelter in place model has been based on high-end, rich, suburban homes and not our frame, 50-year-old raised wood homes which -- the homes that actually populate the area that

is closest to the plants.

We call for a true model that will give a true impact study on what would be the likelihood of our survival should there be a major chemical disaster. And, of course, our homes have been further weakened by Hurricanes Katrina, Rita, Gustav and Ike.

You have received a little -- a partial packet that tells you a little bit about our area, and I want to just call your attention to Page 4 that talks a little bit about the area, the health impacts, and let me tell you that we call our environmental justice project "Pray for our air" and we call for prayer for our air daily, daily prayer.

The Environmental Background Information Center was kind enough to do a report for us based on our demographics and based on ExxonMobil as, you know, the largest of -- and we believe the largest polluter as well in our area.

If you turn to Page 6, it will tell you a little bit about the demographics in that 2-mile area of where our home office sits. We have -- it is very tightly compact. There are over 28,000 people, and as you can see from -- in that 2-mile area, 22,421 are under the age of 5.

I will leave this for you to go through at your leisure. But I do want to point out one graphic and that would be on Page 10 that shows the 2000 census graphic of the percentage of the darkest areas, the percentage of black

people, the lighter area minority and the lightest, and smallest, white in that 2-mile area around the plants then in the state and in the parish.

You will notice that -- let us see -- there is a statement that in order to get true measures of the environmental impact that we have in this area, of course we need reporting on ailments in geographic areas less than a parish-wide to actually see what the impact is.

MR. MOORE: Thank you, ma'am. Council members? Omega?

MR. WILSON: Thank you for being here and thank you for your insightful information. And I want to ask a question similar to what I posed to, I think it was, Connie Tucker earlier.

My wife is a special education teacher of almost 27 years now and we lived and worked in Ohio, North Carolina, Mississippi and some other places. And as the years go by, going on 3 decades now, she continues to get people -- children, special education children, who are coming in with undiagnosed, undiagnosable illnesses that put them at a disadvantage, some of them for the rest of their lives, most of them for the rest of their lives.

I know you have information in here about cause and effect and the impact of benzene and everything on quote, unquote, the living, the ones that are here now. One of the

questions we have raised and discussed many times and haven't gotten any answer to, and I wanted to know whether or not you are approaching it or addressing it, is what these kinds of chemicals are doing to the unborn, the people who are not here that we will have to take care of the way she is trying to take care of in public schools with almost no money, no support, no policy, no supplies, very little of anything, and the numbers are growing?

MS. ANTHONY: And no research. We really as a nation really have not addressed the personhood of infants, fetuses, nor actually this is such a wide range problem just -- I believe -- potential problem. In a 2.5-mile area is Southern University, the largest black land grant college in the nation, some people say in the world. And we have young people who at the peak of their reproductive lives who come for four years and are impacted and then disperse out across the nation.

So it is a problem that we are exporting, I do believe, a potential problem that we are exporting.

We don't have the research. And actually, we have the potential to do it because Louisiana sits in a unique situation -- that is, we have a state-run hospital which is now a part of a college system as a college medical school. I speak of Louisiana State University and, in our area, Earl K. Long Hospital.

However, the research and the data is not being compiled. So that is an area I believe that seriously needs to be addressed, but Baton Rouge is a very, very strong chemical town and anything that potentially will reflect poorly on the industry is shunned.

MR. WILSON: I just wanted to add, and I don't want to put words in your mouth, but do you consider that something that you would make a recommendation on if NEJAC would --

MS. ANTHONY: Would explore researching this area because I believe that it is a part of the future that we can't ignore. Thank you.

MR. MOORE: Thank you. John?

MR. ROSENTHALL: Ma'am, your statement says that ExxonMobil had requested an expansion of its refinery.

MS. ANTHONY: Yes.

MR. ROSENTHALL: What is the status of that?

MS. ANTHONY: Well, that is a most unique situation. They did request, and eventually they withdrew the request.

MR. ROSENTHALL: Do you know why?

MS. ANTHONY: I would love to say because we really go to the street. I would love to say that we --

MR. ROSENTHALL: But say that then!

MS. ANTHONY: Oh, we really, really went to the street. We did a lot of prayer. But other folks said it was economics, so that and some changes within the Federal

administration that allowed them to, you know, retract the request for a permit. So --

MR. MOORE: Good. Congratulations!

MS. ANTHONY: We are just happy!

(Laughter)

MR. MOORE: Great. Thank you. Council members? Jolene?

MS. CATRON: Yes. I am not quite sure how to frame this in a question. Part of these reviews include the development of risk analysis, and risk analysis in and of itself is a really difficult thing for community grassroots to understand and also if the values used in the analysis don't really reflect the community itself, then it seems like it is flawed in a lot of ways.

I am just starting to work on understanding risk analysis and how that process plays into permit approvals and NEPA documents and things like that, and I have also done some research into other resources that teach you how to understand risk analysis and how that is used in decision making. And I would just offer that River Network, which is one of the organizations that I am a member of, they have some excellent training in risk analysis and understanding that process. And that might be an organization that you seek out. Even though their focus is more on water and watershed protection, the air also affects your water, and so that is how it all kind of

ties in together.

MS. ANTHONY: Thank you.

MR. MOORE: Thank you, Jolene. Chris?

MR. HOLMES: Thank you. I am assuming, based upon what you have told me and others have told -- what I have heard from others this evening -- that the health department in Louisiana has not done any epidemiological studies that really measures and analyzes the health impact of these refineries in the area around them.

MS. ANTHONY: They aren't really interested in that. I think what usually happens is that each study, a partial report that they put out, you know, says that our life style, the foods that we eat, the life style is the reason for all of the disease, although to anybody, it would be illogical, but --

MR. MOORE: Right.

MR. HOLMES: Has anybody ever enjoined them to actually conduct serious epidemiological studies?

MS. ANTHONY: You mean sue the State of Louisiana to do the studies?

MR. HOLMES: Yes.

MS. ANTHONY: Not to my knowledge. But that is very -- that is a revolutionary type of idea.

(Laughter)

MR. MOORE: It is not a recommendation from the

NEJAC but --

MS. ANTHONY: It is not!

(Laughter)

MR. HOLMES: Just interested in the problem. Thanks.

MS. ANTHONY: Thank you.

MR. MOORE: Great. Thank you for this. Well, we want to thank you very much for your testimony, wish you all the best, and, you know, we always say even in our own organization amongst our own membership that nothing is impossible unless we make it impossible. And even sometime, you know, when we have been told over and over again that that is just not going to happen -- I mean, you are taking on corporations that are beyond, in some cases, your capacity as a grassroots organization to deal with.

But I would guarantee you that in Austin, Texas, and we heard testimony in the NEJAC council before from an organization in Austin, Texas, worked together through strong, powerful organizations and relationship building and so on. They moved a whole petrochemical tank farm. Three or four or five or six different companies, you know, now have been moved out of that Latino community in Austin, Texas. And we could go on and on with the kind of examples that we have. We know the struggle is difficult and in many cases it is long and in some cases it is very drawn out, but we congratulate you all

for the work that you are doing and wish you the best. Thank you very much.

MS. ANTHONY: Thank you -- thank you.

(Applause)

MR. MOORE: If I am correct, Victoria, we have one more person and that is to read a letter into testimony, is that correct?

MS. ROBINSON: Right. The -- Sacoby Wilson will be reading the letter, the public comment submitted by Christopher Heaney from the University of North Carolina.

MR. MOORE: Please, brother.

DR. WILSON: All right. Thanks again for having me. I just want to state real quick that I am here on behalf -- I just say the groups I am here on behalf of. I am here on behalf of the Granville Community coalitions dealing with a train derailment and --- spill that happened in 2005. I am here on behalf of the North Carolina Environmental Justice Network that includes the Concerned Citizens of *Tillory that are dealing with hog farm issues and a black land loss issue. REACH is also dealing with industrial hog farm issues. RENA is dealing with landfill issues and lack of basic amenities.

I am also here on behalf of the Low Country Alliance for Model Communities that is in Charleston. It is dealing with the Port of Charleston issues, rail traffic, diesel truck traffic, violence, crime, poverty, revitalization efforts that

lead to gentrification.

So I wanted to say, you know, on behalf of those community groups, I am here to say that environmental justice is a public health justice, an economic justice, and a spiritual justice movement. So I just wanted to say that first before I got into the statement.

So this statement is a statement of one of our colleagues, Chris Heaney, who works with Omega as well. I have been working with him for the last eight years. So it is sort of going to be a reiteration, some of the stuff I said earlier. So I apologize. It is going to take a little bit of time to read this:

"Researchers and other academic professionals have helped establish and document that low-income people of color communities bear a disproportionate and adverse burden of environmental pollution and locally-unwanted land uses of Region IV, United States. It is unfortunate that some of the same scholars who helped document this burden which is suffered by so many residents of low-income people of color communities have abandoned these communities when it comes to the task of day-to-day community organizing, capacity-building and sustained fundraising for environmental protection efforts. These scholars have established national and international reputations as EJ scholars. They have forsaken the marginalized and burdened communities for national and

international lecture tours to support their fundraising efforts to sustain academic centers and institutes that study EJ problems without a focus on direct-practice EJ problem-solving. As a result, many community-based organizations have grown weary of serving as a revolving door for researchers eager to fill academic journals with manuscripts containing dead-data-walking --- dusty publications that don't lead to changes in conditions on the ground and contribute to widening the funding gap between academic institutions and CBOs.

"Principal investigators of community-based projects are predominantly university faculty who partner with community-based organizations to find a place to conduct research in communities that will cooperate with their research objectives. These university-managed research models, what we call UMRMs, are often not beneficial for CBOs because the university usually manages the study, collects and owns the data, and leverages control at each stage of the research without priority to resolution of problems impacting quality of life on the ground in participating communities. I urge -- we urge -- the National Environmental Justice Advisory Council to consider promoting a research framework that stresses and rewards community ownership and management of project activities. Although community-based participatory research has led to improvement of relationships between CBOs

and academic partners, it does not go far enough because the locus of power -- i.e., funding and management decisions -- is still centered at the university, not the CBO. CBOs need the flexibility and freedom to be able to hire partners that demonstrate a positive working relationship and terminate negative relationships. Since grants are awarded to university centers, CBOs face an inequitable scenario where termination of university partnership may lead to its own demise and insolvency.

"Community-owned and managed research addresses this inequity by promoting CBOs with demonstrated organizational capacity to PI and project manager of grants. The COMR model, COMR model, goes beyond UMRM and CPR because it emphasizes the credibility and capacity of CBOs to develop, own, manage, foster and sustain viable research agendas for ongoing environmental hazards and related public health risks. The West End Revitalization Association, a local CBO in Mebane, North Carolina, has demonstrated great success implementing COMR to fund EJ problem-solving projects and make improvements in disproportionately and adversely burdened low-income people of color communities. Until CBOs with demonstrated organizational capacity receive an equitable share of funding to sustain environmental protection programs, managed and owned at the community level, we will continue to stray from development of solutions for the root cause of environmental

justice. Environmental justice CBOs across Region IV in the U.S. face daunting challenges to sustain funding to support environmental protection efforts, and we suggest to NEJAC that a shift to COMR funding mechanisms, community facility strategies, will lead to more direct, targeted solutions for EJ problems in low-income and people of color communities across Region IV in the United States."

That is the end of the statement. Thank you.

(Applause)

MR. MOORE: That was great. Thank you -- thanks. Council members, closing comments? John?

MR. RIDGWAY: You brought up the research dollars. Are these monies coming from the EPA?

DR. WILSON: Some of the research dollars are coming from the EPA, if you look at the STAR grant program. But in general we mean research. We are talking about all the funding agencies, whether it be Health and Human Services, HRSA, NIH, CDC, all the Institutes of NIH, 20 Institutes, and specifically when it relates to environmental justice to health. We are really talking about NCI because a lot of environmental exposures and cancer -- and also the National Institute of Environmental Health Sciences, ATSDR, National Science Foundation as well. So all the major -- and let us not DOD, DOE, DOT, Department of Education, Department of Interior, any Federal funding agencies that fund research is

what we are talking about.

MR. MOORE: Thank you. Closing comments, council members?

(No response)

MR. MOORE: Okay. Well, we wanted to thank you, my brother -- I would say "my friend," but I have heard it too much on TV lately, so I will say --

DR. WILSON: My friend!

MR. MOORE: -- my brother --

DR. WILSON: Thank you.

MR. MOORE: -- for coming back and testifying with us.

Council members, I think we have completed the public comment period. I did want to thank you all that are still here with us, those that have commented and those that have been listening to the testimony. I do know that many of the staff that stayed with us this evening are -- I know there have been discussions happening and so on.

Charles, unless you have any closing comments, or Victoria, we are going to close the session for this evening.

MR. LEE: Only comment is I want to thank everyone who provided testimony. You know, we heard everything on -- and we would take everything very seriously.

A lot of these are pretty big issues and so I think they do require a lot of attention and thought.

But I want to thank everyone who took the effort to come and talk to the NEJAC.

The -- you know, I think that if at all possible or, to put it this way, you know the NEJAC is one of the mechanisms by which the EPA really reaches out, like Grant said, and hears the public. So I really want to thank everyone.

MR. MOORE: Great, Charles. Victoria?

MS. ROBINSON: Just that I echo what Charles had said, and then tomorrow -- just, you know, get a good night's rest. We still have some more things to do and discuss tomorrow.

MR. MOORE: Good.

MS. ROBINSON: 8:45. That is so we can get out of here hopefully around 1:00, 1:30.

MR. MOORE: Yes, and we are going to really work on that, you know, so we are going to work hard on getting out of here before that.

Thank you, council members. The session is closed.

(Whereupon the session ended at 10:03 p.m.)