

*National Environmental Justice Advisory Council*

October 23, 2008

**NEJAC Members Present:**

Richard Moore, Chair

Chuck Barlow  
 Sue Briggum  
 Jolene Catron  
 William Harper  
 Christian R. Holmes  
 J. Langdon Marsh  
 Gregory J. Melanson  
 Paul Mohai  
 John Ridgway  
 John A. Rosenthal  
 Donele Wilkins  
 Omega Wilson

**EPA 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

*Audio Associates*  
 301/577-5882

*Audio Associates*  
 301/577-5882

3

4

*National Environmental Justice Advisory Council***I N D E X**

October 23, 2008

**M O R N I N G   S E S S I O N**

(8:52 a.m.)

**Review and Discussion About Day Two**

|   | <u>Page</u> |
|---|-------------|
| <b><i>Review and Discussion Around Day Two</i></b><br>by Richard Moore, Chair                         | 4           |
| <b><i>EJ Screening Approaches Workgroup Report</i></b><br>by Sue Briggum                              | 25          |
| <b><i>Factors to Identify and Assess Disproportionate Environmental Impacts</i></b><br>by Charles Lee | 51          |
| <b><i>Questions and Answers</i></b>   | 64          |
| <b><i>Updates on NEJAC Actions and other Committee Business</i></b><br>by Victoria Robinson, DFO      | 90          |
| <b>MOTION</b>   | 96          |
| <b><i>Closing Comments</i></b>  | 105         |

MR. MOORE: As we get started here this morning, I am going to turn it over here in a minute to Victoria.

There are some logistical things that we need to take care of but I just wanted to, just as we are getting settled down a little bit, just kind of mention a couple of things.

You can see, it should be in front of you, there was a letter that was referred to last night during the public comment period from the Multicultural Alliance for a Safe Environment, MACE. Sofia Martinez testified with Milton on some uranium issues in New Mexico.

The letter wasn't there. I would like to thank those from the staff that got that up for us. So you have got a copy of that. You know, I know when we left last night, we had a lot on our mind. That was some pretty heavy testimony that was happening there.

It is very difficult sometimes, I think John mentioned this to me, that -- you know, some of those issues that people were talking about, I mean as a NEJAC council, We know what our capacity is as an advisory council and what it isn't.

For years, at least in terms of my participation in the NEJAC, a lot of times -- and I think you all know

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

*Audio Associates*  
 301/577-5882

*Audio Associates*  
 301/577-5882

this -- I think when people come to testify with the kind of issues that they brought forward last night and so on that they came to the NEJAC council with respect. Sometimes, however how this ends up sounding or whatever, people just need somebody to talk to sometimes.

I mentioned this thing around deliverables, I made a comment about it yesterday -- I forgot it again --

MR. LEE: Performance measures.

MR. MOORE: Performance measures. This is one of those non quantifiable, things, you know, that are not real easy to identify.

Sometimes when you get in very desperate situations, some of what was being talked about there, and some would say it, and we talked a little bit about it this morning before the meeting, hey, if you are living in that kind of a situation, and that is situation is so bad, why don't you just move out?

But life is not just about moving out. It is not just about some of these people living in poverty. A comment was made by one of the people that testified, I didn't say anything to him about that -- I was going to, quite frankly -- because, you know, however how he meant it, I can't be judging, but we hear that.

It is the food we eat. We eat too much red chile and green chile in New Mexico and all these things. Some of

*Audio Associates*  
301/577-5882

contacts. A lot of the comments that were made by council members -- did you do this, could you try this -- those things are very important.

So I just wanted to, as we started off this morning, to again thank the council members. You are a very select group of human beings. There is thousands upon thousands upon thousands of us out there. You are a very important group of people to the lives of other people and we need to really realize that. I think we do realize it.

So I just wanted to start off that way a little bit. I don't know if any of the council members would like to make any comment before we move straight into the agenda, but I want to open up the mics for a minute. John?

MR. ROSENTHALL: I would like to say something in response to what you just said because, you know, a number of us discussed last night individually, these people come here and they have -- for some of them this is their only hope. And sometimes they feel so good that we just listen to them. And one of the reasons I keep harping on the other agencies, the inter-agency pushing the agencies to do more environmental justice is because the answer is not the EPA.

The problem is not the EPA either. The EPA has a very good environmental justice program. It is doing a lot and it is pushing. But environmental justice does not really exist to this degree in other agencies.

*Audio Associates*  
301/577-5882

that may have to do with some things -- not that it has anything to do with chile -- but then we got to deal with the real fact of what is happening around us. And there is some not good situations going on.

We knew that and we heard that. There was a lot of side things going on. That happens a lot at the NEJAC meeting for those who are not as familiar with the process. There was meetings going on and discussions happening with Shirley Augurson, the EJ coordinator from Region 6 with the folks from Louisiana.

I have known Shirley for a long, long time. Even in Region 9, there was discussions that were happening with some of the people that testified on the uranium issues and so on. Meetings that were happening with Enrique, with Lilly Lee, and that was going on. And they were starting to talk about how when they got back home, particular things could be moved forward.

So there is a lot of things that happen at NEJAC meetings. For me, I don't really say things quite frankly, just to say them. I don't want to waste your time, you don't want waste my time, and we don't want to waste each other's time. But then there are some things sometimes that we can do, and we have done before, in the relationship-building process.

We have said that here. We all got a lot of

*Audio Associates*  
301/577-5882

The EPA is a small agency, relatively speaking. The big bucks are elsewhere. Until we can get the other agencies to start using their big bucks for environmental justice, the people will come here and complain about transportation and HUD and Health and Human Services and DOE.

Hopefully, as EPA has revitalized NEJAC, they can revitalize some kind of NEJAC activities and other agencies and get them to put their resources together to help these communities.

The second issue I want to ask is somebody mentioned coming to Louisiana. Have there been instances where NEJAC has done public hearings with members of the committee rather than the full committee, to go somewhere to do a fact-finding mission?

MS. ROBINSON: I believe that there has been -- over the years there has been several things. One was in 1995, a series of public dialogues on brown fields. That was conducted, co-hosted by EPA and the NEJAC --- and facilities subcommittee. They were in five locations. I think there were than 300, 400 individuals came to those cities and provided comment.

The EPA co-hosted with the NEJAC on 3 different occasions, maybe 4, on enforcement roundtables. San Antonio, Durham as well as one on international U.S. Mexico

*Audio Associates*  
301/577-5882

border stuff. That was in California.

We have not had -- oh, and the relocation roundtable, I believe. But there have not been any other public dialogue or NEJAC action meeting as a body in any other forum.

Some NEJAC members have participated on regional EJ listening sessions, I believe, and I think that has been the direction the EPA had been pushing to have more site-specific concerns addresses or listened to in an environment where they could be more readily addressed.

That is the regional level. I know that some of the regions are still holding regional EJ listening sessions. I do not know when the last one was or what the status of those are at this time.

MR. ROSENTHALL: --- stories don't change. The faces change. These same people come here, I mean different people come here year after year after year. That has been going on forever. It just seems like there is something that EPA/NEJAC, the region and other agencies can do to at least give some consistent answers, if not consistent relief.

MS. ROBINSON: I understand.

MR. MOORE: You know, just kind of, you know, following up on that, I think throughout the years of the NEJAC there was a moment in the history of NEJAC where there

*Audio Associates*  
301/577-5882

recommendations that were made in that report still are living live and well today this several many years later.

I says that unfortunately because there has been some change but there has been times when there hasn't been a whole lot of change.

So that interagency working group that John is referring to is very important. What we try to do -- and I am going to let you ---, Omega -- what we try to do, we have particular expectations, you can say, and when I say we now I am speaking for Richard and where I come from in New Mexico, of the NEJAC, of what our capacities are, because we train many of our people in that, in the expectation, not setting the expectation.

Them becoming very aware of what this is all about and what it can do and what it can't do. That is very, very important.

On the other side of that coin, even with the interagency working group, we set up interagency working group within Region 6 -- Louisiana, Arkansas, Oklahoma, Texas and New Mexico. Sometimes, quite frankly, we are not waiting for OEJ, you know for any of this. We will set up some things whether it has been endorsed or whatever by the national -- it just hasn't been, because we will do it at the local level within the regions.

Lastly, I just -- to me, that is another thing,

*Audio Associates*  
301/577-5882

was an expectation that the NEJAC council could do more about what was being talked about sometimes. And in some cases, what the reality really was.

But again, knowing some of the stuff that we are talking about here, that there is a lot that we can do -- we need to watch what we can do as a NEJAC council so we don't set an expectation that is something that we really can't quite carry out.

At the same time, we need to be able to use, as some of us were doing yesterday, in terms of making comments, a lot of the experience and so on that we have gained, contacts that we have gained and a lot of that as council members at one level, and then on the other side -- because I totally agree with what John is saying.

You know, we have been really doing this with the EPA for a long time. Quite frankly from way back before even the executive order was signed because we have been organizing our communities for a long time.

But there is some reports, just to make a word to the council, because there have been listening sessions that have taken place that the Congressional Black Caucus had, too, Sue and myself and Mildred McClain chaired the national environmental policy committee for the CBC for three or four years and we traveled all over the country, including the south and, unfortunately, I guess you could say a lot of the

*Audio Associates*  
301/577-5882

and I don't want us to take this too lightly and I know as council members you have not, when people are coming and talking about the need for resources, and we heard a lot about that. We heard that in the testimony last night and we have had some discussions around that.

We have got to figure out ways, and it is not just the EPA, and it not just OEJ. I just traveled from Kansas, I can't remember the region, Region 7, a couple weeks ago. I spent about 4 or 5 days out there for a training on the ADR, environmental laws but I interacted with grassroots groups.

I went out a couple days ahead of time. The people from the university and this kind of thing. And so we need to encourage our local governments, our city governments, our state governments, our legislators and all of that to really be able to put some resources forward.

It is not just as simple for us to be thinking, and I know with the kind of folk we have on this council that community folk are going to be able to hang, I am just using regular language now, from an infrastructural standpoint.

The EPA or the Office of Environmental Justice can't give everybody everything. There are things that OEJ, that is not going to happen. Nor in some cases should we expect it. But then there are other things that we do

*Audio Associates*  
301/577-5882

expect. And that capacity-building stuff that we are talking about is very important to keeping our people, in a broad context, at the table.

Omega, I am sorry, I was going for a minute, and you got it up, and then Chris. Omega.

MR. WILSON: Thanks, Richard. I just want to -- Stefanie, I can't remember her last name at this point. She was -- pardon me?

MS. ROBINSON: Stefanie Anthony.

MR. WILSON: Thank you. Stefanie Anthony. The question she was raising about the university and exposure levels, where you may have college students who are enriching their lives and probably some of them come from these communities, finding their way out and they wind up being exposed to something that will affect them for the rest of their lives and may not have any idea where it is coming from.

I just want to reiterate the whole question, we have a similar kind of situation with military people. We have a lot of military bases in North Carolina, and there have been recent stories about how they have been treated.

Veterans coming back who are wounded, who are in barracks that are just, you know, and drinking water off the military base that has been poisoned by decades of ordinance and failed underground storage tanks and, of course, some of

*Audio Associates*  
301/577-5882

How long does it go on generationally? I am not assured anywhere in any place that we have dealt with that. It is not just a geographic issue where the harm is. People living in, coming through.

You know, I mentioned the thing about my wife being a special education teacher and seeing children coming in and nobody knows why they are the way they are. And the numbers are going sky high. She has been doing what she has been doing.

You wind up in situation where we are creating a culture of people with this kind of exposure that nobody is measuring, not sufficiently. Nobody is paying attention to, and if we can't do anything, at least we need to put -- at least from a public health point of view -- we need to put it on the agenda something to encourage some other folks to recognize that we recognize it is something that should be taken account to.

When you have young people, thousands of them on a campus, and maybe they have never been exposed to anything in their lives, and they come to a place and study for five, six, maybe seven years. You know, they are lawyers, doctors or whatever they are, and they wind up with things and they don't know where they got them from.

I think -- at least at this point -- it is our responsibility to recognize and put it on the agenda that

*Audio Associates*  
301/577-5882

this information has been known to the military for years.

Recruits are coming from all over the country to be trained there and they stay there for months well and leave wounded and come back in that kind of situation. They are still fighting over getting some kind of corrective and medical action.

This sounds similar to me. It may not be something we can do anything about but I think it is something we can raise and put on the agenda because I had a chance to get to know some people from Anniston, Alabama who were partners doing the collaborative problem-solving grant that we finished last year.

We all have our problems but what makes me very sad is the Johnny Cochran settlement that they helped some of the residents get -- some \$30 million the community got -- some of the residents got as much as \$87,000 individually, and they said in most cases it wasn't even enough to pay for one year's medical bills.

There were some residents that did move away, right? And they had their children tested. They were babies when they moved. And they still have cancer. Two little girls, babies. So whatever was in their bodies or what it absorbed, it was going beyond the geographical location. If they had children, what was it going to do to them?

*Audio Associates*  
301/577-5882

something needs to be addressed. Because when you start harming people who have no idea what happened to them, and you can't change it. There is nothing they can do about it later on.

They can't pass the SAT, they can't score on the ACT. They can't do math. All the things -- why they can't do it nobody knows why that disability is there, and nobody wants to accept -- they can't get insurance. I do insurance, I have been doing it for 25 years. They can't get insurance. I mean, they are just screened out of the --- almost completely, and have to become a ward of somebody.

So I think it needs to be recognized at least, that we identify it as an environmental injustice.

MR. HOLMES. I think you are completely right, Richard. It is tough --- compassionate people who are on the advisory committee not to think of the advisory committee as being an action, where we basically have got our hands on the rudder and the wheel.

I do think, I know you all will be doing this, is communicating this back into the agency and then hopefully having them perhaps come back to us perhaps at a future meeting and discussing with us some of these key things ---. The lack of cooperation at least in one region as it relates to EJ, and you never know, it could be just someone had a

*Audio Associates*  
301/577-5882

bad hair day or it could be systemic.

I think the other thing which is more of a very big policy question for the next administration is I think of this situation in Louisiana as being in many ways a microcosm of things to come in the future of this country. More people, more climatic change, more extreme events emanating from this climatic change, and so how do you protect and care for those populations?

It is going to have a ripple effect. This is going to set a standard for what might occur elsewhere. When I was in Houston and worked on the Katrina response, what always stunned me working in those football stadiums and conference centers were, you know, the constant polite, desperate request from people for something to tell them what was going to happen to them.

Those of us who work there, there was this refrain, one of out every seven people saying, Mr. Mr. And nobody had any answers to anything in terms of how to care for them. I think we are seeing a little bit here because I think they can't get the answers also.

If you want to put it really crudely, some of those people may not pay a lot of taxes, obviously, but they can pay something, you know, and they do deserve something in return. It sure seems like they are not getting ---.

MR. MOORE: We have got a couple more to go and

*Audio Associates*  
301/577-5882

how, in a way how powerless I felt. It caused me a long, sleepless night, but I understand the process of the NEJAC council and our advisory capacity and, you know, I kept telling myself to think about the positive. Our network connections who -- other resources that we could individually talk to and recommend. The ability to be helpful in one way or another.

So, I guess I have two questions sort of suggestions. No. 1, one is about process, and this kind of goes to what John was talking about. The comments are transcribed and then what happens to those after they are transcribed and what kind of action is created through EPA once we are done with the public comments.

Are they given to each region and are they asked to follow up on those comments? And then the other part of that is EPA funds a lot of programs, a lot of research a lot of grassroots organizations through the grants program. There is a lot of resources out there that may be a lot of people don't know about, and I am thinking specifically, because I am familiar with them, the River Network program and their Train the Trainers program where they go into communities and train them to understand a lot of the environmental aspects of where they live.

Maybe having access to that kind of information or making that available -- I don't know, is that possible or

*Audio Associates*  
301/577-5882

then we are going to start breaking down here. John and then Jolene.

MR. RIDGWAY: Thank you. A couple thoughts. One is I would like to suggest that we recognize during the listening sessions what is taking place out in the audience, and that is, and is the case again this morning, we have the regional EJ coordinators out there listening.

They are a link between us and the people that are giving testimony, and maybe there is a chance in the future where we could have them identify themselves at the beginning of a listening session so that the people in the audience and we as the council members know that there is some of that regional listening that goes on and a connection there.

I do know that a lot of the regional EJ coordinators are taking note and are following up but we as a council don't necessarily know that at the time and the people in the audience may or may know that. So one possible way to build a connection during the listening sessions.

I also wanted to say thank you to those people for, after having a long day, also coming to the listening sessions and tracking what is going on. Thank you.

MR. MOORE: Jolene?

MS. CATRON: I was really struck last night at

*Audio Associates*  
301/577-5882

how we even begin to do something like that. But knowing what resources are out there, through EPA to community organizations to grassroots, I think, would be very, very helpful. Thank you.

MR. MOORE: Do you want to just say something, Victoria, about what happens -- Jolene's first piece there about what happens with the minutes, the notes that are being gathered?

MS. ROBINSON: The transcripts are available to the public. They will be posted to the Internet. The last couple have not been posted. They will all be posted. We had some Web issues to deal with.

And I must say, I will say that we have not formally passed on the recommendations, the comments, the public comment to regions, particularly when most of the regional people were in the room. It was kind of informally -- we thought they would handle that. In the past, the NEJAC EPA did have a formal mechanism for passing those on.

It became sort of cumbersome when you had as many as 60 or 70 public commentors in a single NEJAC meeting. And the follow-up process, it is one thing to pass it on, but then where does the responsibility lie, accountability lie for tracking those, and what kind of mechanism that could be had.

*Audio Associates*  
301/577-5882

One that is not cumbersome and prevents us from doing other work that needs to be done. So that is something I will take back and talk with Charles about, and with the regional EJ coordinators, about how best to get these comments to them, and what kind of mechanism, if any, can be done to track it.

MS. CATRON: Also the idea of podcasting this event, I think, is really important. Making that available to other public who aren't able to travel here or unable to have the funds to stay in the Ritz-Carlton.

MS. ROBINSON: All right, we will take a look at that and see about the logistics and all that is involved in podcasting. I myself don't know how to do podcasting so we will see.

MR. MOORE: Okay, I just wanted to just very quickly -- Charles, did you have any comment?

MR. LEE: You should recognize there is a long history to the questions. Victoria spoke to it. You know, there was a time when, I think, the administrator made a commitment that every single concern that was raised was going to be followed up upon. Then that was what Victoria spoke to. It became a very ponderous, bureaucratic process. And also costly.

I think there is a much more seamless process. The key to this is that there has to be different avenues,

*Audio Associates*  
301/577-5882

different venues for listening to, being able to respond to the issues within communities. That is when the regions all make a commitment, and this is within the EPA context too, to do regional listening sessions. They come in all different forms and shapes and actually, to do that in the most effective way would be done through partnerships with states and other groups.

So like the one in New Mexico, was really an EPA state of New Mexico Department of the Environment activity. The one that was just recently done up in New York, in New York City, was really an EPA and New York, D.C. and the city of New York.

The kind of resources that it takes to do something like that -- these are really resource intensive so there are, I think this is an ongoing issue, ongoing challenge and is something we are really mindful of.

MR. MOORE: Thank you, Charles. We are going to move along. We really committed ourselves to finish up early today, okay? It has been a long couple of days for people. Some have been here since Sunday and we started our meetings on Monday morning.

We really want to do that. What we just did was very, very important but now we are going to move right along. So it is a couple things that we are going to take care of. Someone is going to give us a few minutes

*Audio Associates*  
301/577-5882

orientation on some logistical stuff that we have got to make sure that we take care of.

Then we are going to go straight into the EJ screening. Mustafa has joined us. Mustafa, you want to introduce yourself to --

MR. ALI: Hi, everyone. I am Mustafa Ali from the office of Environmental Justice and I am the DFO for the Nationally Consistent Screening Approaches workgroup.

MR. MOORE: Sue, I am sorry, did I miss something?

MS. BRIGGUM: (off mic) ---.

MR. MOORE: So we are going to do the EJ screening approaches and Sue is going to be reporting back on that. There are other committee members here and so on, and Mustafa also will be working with us on that.

Then we are going to do the discussion of the factors to identify and assess disproportionate environmental impacts. Charles and Mustafa are going to take us through that discussion.

Then we are going to do the updates on NEJAC actions and any other business we need to take care of. We really want to try to stay with that 1:00 p.m. if we can.

I would just ask that as we consistently move through the agenda this morning, that if we could agree on that 1:00 p.m., it would be to take care of our business by 1:00 p.m., and we will take a break or two in between there

*Audio Associates*  
301/577-5882

if we do but if we stay a little consistent and don't go too far we can come back.

And not break for lunch, which is shown on the agenda. Not break for lunch --- we will finish at 1:00 p.m. and then people can go have lunch and cool out or some people got to catch planes and all that.

So if that is agreeable, that is what we are going to work on. We got to do it together. Charles, you had an announcement.

MR. LEE: I was told that there were three articles in the newspapers in the state of South Carolina about the EJ awards. We also ended up inside EPA this morning, so just wanted to let everyone know. The world is looking.

MR. MOORE: Victoria?

MS. ROBINSON: Just a little bit of housekeeping. (Housekeeping and reimbursement procedures)

MR. MOORE: Okay, now we are going to jump into this EJ screening piece. Right before we do that, I just wanted to do an introduction.

(Introductions)

MR. MOORE: We want to thank you very much for not only your work but your commitment to the process. Are we ready here for the EJ screening? Mustafa are you -- Sue is going to start us off?

*Audio Associates*  
301/577-5882

**EJ Screening Approaches Workgroup Report**

MS. BRIGGUM: I am going to cut down on the introductions since I see that I have exactly one minute until I am overtime. I think I can be pretty crisp here.

We had a terrific meeting, I think everybody would agree, this week. Members of the group are Eileen Gauna, my co-chair, Richard, Omega, Shankar, Paul, Jodi Henneke -- who couldn't make this meeting but who has been on all the previous calls -- and then three additional academics who have been extremely valuable, Julianna ---, Russ Lopez and Jim Set\*.

Since the last meeting when we talked to you generally -- you have had a couple briefings about EJ --- so you know what the general framework is. We met on a conference call biweekly. Most of those calls were highly substantive discussions with the designers of EJC or people in the regions who talked about their testing process.

So we were very well set up for the meeting on Monday, which went all day, and we received briefings from Regions 3,4 and 5 about the pilot testing of EJC that they are going through.

That was extremely valuable, and in particular it was valuable to have Andrew Schulman\* again. He is kind of the lone soul laboring to actually deal with all of the mechanics and inputs to this model and we have had a

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

So we really felt that we had a very hands-on understanding of the way this tool would work. It allowed us to understand the strength of the individual factors. We had a good sense of what the database was because they went into that. We talked about what was covered and what wasn't. What were the limitations on the data, what were their strengths.

We looked at -- in particular one of the presentations that was very helpful in kind of finalizing our thoughts was after we had two presentations that showed there a number of limitations that we really can clarify and we can make very specific recommendations in order to improve the tool.

But then we also saw a presentation that compared it to a California model, very different in structure and a kind of data sets. But the interesting thing was the results were roughly comparable, which gave us the confidence that this was in fact a very useful and robust tool and a sense that we were now positioned to make, we hope, some very helpful recommendations.

As we looked at the recommendations, we had two general thoughts. One is we felt comfortable that as a very rough tool, there was a lot to recommend this kind of approach to satisfy one of Granta's goals, which was to be able to draw attention and resources to the environmental

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

terrific dialogue with him in terms of helping us understand what the mechanics are, what the data sets are and the way the factors interact, and he has been more than forthcoming on every single question we ask him and we have asked him literally dozens.

Most importantly, for the meeting to be as successful as it was -- and we are deeply grateful to our academic participants.

Sometimes they can get some rough comments at the NEJAC and I would like to talk about the extraordinary value we got from our academic participants in our workgroup who work very closely with grassroots groups and are very educated on the ground with regard to environmental justice communities and therefore have really helped us out.

The three of them volunteered to spend a vast amount of time and actually go through the tool with comparing it to communities that they understood very well from kind of working with grassroots community groups in terms of organizations.

They looked at Michigan, New York City and California, used EJC, and more importantly they went through and they broke it down for us so we could see the investigation of this is how this factor looks. This is how that factor looks. This is what happens when you put these two together or those two together.

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

justice program by showing that they had pursued the granting of benefits and the focusing of enforcement on communities that were most burdened.

If you wanted to tell a story of the past, had progress been made? The regions -- what was their relative contribution in terms of following this dedication to provide resources in environmental justice communities.

This kind of rough screening could be very helpful. But that we would think about it quite differently as we went forward, because if what you are talking about is not -- okay, we have already gotten in, the resources are out there, how can we characterize their impact in trends?

If instead you were talking about we have only so many enforcement resources. We are deploying small grants or something like that, how do we make sure that the resources get to the communities they ought to go to?

Then this was not really a tool to do that but it was only one factor in what we would say is kind of an analytics set that would have to be gone through at least on the regional level that included more than just using EJC.

And when we were talking about this, we were very much led as well by the regional folk, who said that they did the same thing, that when they ran their screen and thought about what they were going to do in terms of focusing the program they --- were wait a second, we also

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

must have community input. There must be an opportunity for people to understand what the results are from this and then ground truth them in terms of appropriate priorities.

At this point we had like, someone called it an epiphany, that we had done enough research that we could, we hope, be very, very helpful to the agency in doing several things. For one thing, we think it is important for people to be able to see the presentations that we got in terms of the use of the tool.

Paul is going to coordinate with his colleagues. That will be an appendix to the report and when we have our conference call to talk about the report they will be giving you the same data, so you can share our background and therefore appreciation for how the tool works.

The rest of the group, with the chairs taking the drafting lead, are going to do the frame as we talk about the general uses for this, kind of distinguishing when it is good as a rough tool and when it is a little too rough to be the tool, and therefore, it has to be part of a protocol that has very strong grassroots, community ground truthing and input and public transparency.

We will be working on that as well. We will probably come up with some kind of grid that hopefully Charles will like since he does those kinds of visuals all the time and they are very compelling.

*Audio Associates*  
301/577-5882

specific factors that with think should be modified.

Eileen and I will take this as our task to get the general frame in terms of the text report done by that time, at which time we will have to have a conference call obviously. Maybe a webinar if we could do that, if that would work so that we can actually see in real time the screens.

And depending upon the response by the council, we might be able to finalize this by the end of the year and we hope that would be quite useful to EPA, which we know is very eager to start using this kind of program. That is our report. Anything I missed?

MR. MOHAI: First of all, I think Sue gave a very excellent summary and I don't think there is anything that you overlooked that shouldn't have been mentioned. I just want to say from my own personal observation from the process that this has really turned out to be a very good process. In the beginning we, all of us, including myself, the more technically oriented person on the workgroup, really tried to understand what EJC is.

What is the nature of the data? Where do the data come from? What do the data mean? What happens to that data when you do the scaling and the waiting and the combining and the ranking and so on? So in the beginning all of us felt a little overwhelmed, and it seemed a little

*Audio Associates*  
301/577-5882

We are really grateful to Granta on this. We have a good appreciation for how serious his commitment is to EJ in terms of trying to come up with this nationally consistent approach and therefore an enduring way to devote resources to environmental justice communities by providing the kinds of metrics that the budget authority at EPA and on the Hill demands in order to increase resources. We applaud him for that.

We are going to stress there really needs to be transparency in this and we also think we can make some very helpful recommendations based on our experience with using the tool that are, we think, relatively easy to be done to improve it before you actually start using it. We think that there are some factors that are stronger than other and there are ways to treat factors that will perhaps be more helpful in terms of characterizing what you really want to characterize.

So we are going to make some very specific recommendations about how the tool might be modified as well.

Now, our plan is pretty aggressive because we are starting to feel a little competitive with goods movement, in terms of wanting to produce. We have given ourselves a three-week deadline to come up with both the -- Paul will take the lead in compiling the recommendations on the

*Audio Associates*  
301/577-5882

bit daunting, and many of the initial meetings and conference calls focused on just asking questions about EJC just to understand it.

I think that once we did, I thought it was a really fascinating part of the process. It took very long in a way to understand it, but once we did I was very, very impressed on Tuesday morning how quickly we came to a consensus on so many things and saw all the opportunities for not only improving the tool but making constructive suggestions that will not only improve the tool but hopefully make it a very useful and potent instrument for the agency.

Again, just for my own personal observation, I guess I didn't see that coming until the very end because, again, we struggled very hard to understand this tool. It is highly data intensive and very technical, but we did it, so I want to congratulate everybody on that workgroup.

I also want to acknowledge the great leadership that both Sue and Eileen have given to our group. They were just the perfect pick for the leaders of this group.

MR. WILSON: I kind of apologize for missing the next day's meeting because I was here for the awards activity. But I just want to reiterate, I think it was very valuable for me from a community perspective to see what Paul was providing as a demonstration and what Jim and

*Audio Associates*  
301/577-5882



Jillian, Jillian Maantay, as well as Jim Sadd -- I think that was a very valuable thing, especially geographically.

You know, it was coast to coast and the kind of middle of the country. I thought that was a powerful, powerful piece.

There was one thing, I don't know if it can be called a recommendation or a suggestion because I didn't get a chance to attend the second meeting, I think one thing that helped me, and I think it helped other people to clarify, my thought was EJC become a tool umbrella if you get my reference here. And then under that umbrella is this particular screening tool.

And that we should identify it with -- what we are talking about is air quality issues so we would assume at some point in time, I think, depending on how all of this goes, there may be some kind of instrument relative to water or relative to drinking water. A tool, right?

So that under that EJC umbrella title, that this be identified as an air. This particular screening tool we are talking about is for air. And that as we develop other things under EJC, without changing the umbrella title, that we are -- because people are going to be asking.

This was one of the hardest things for me, most difficult thing for to understand in the beginning, was that this particular screening tool we were looking at wasn't

*Audio Associates*  
301/577-5882

data. So thank you.

MR. MOHAI: If I could add to that, I think one of the other things that became apparent to the members in the workgroup in trying to understand the data, is in fact, even though I think EJC, the effort here has been to try to use the best data available, it has really made it clear in so many ways that the data that we would like to have and should have just doesn't exist.

I, for one, and I think others on the workgroup had expressed the thought that maybe one of the benefits in doing this exercise is to focus attention on the gaps in the data. We, and I don't mean we necessarily just in this room or EPA, but everyone that has some knowledge and influence and resources about this to try to improve the quality of environmental and health data and make it more accessible to people.

I think one of the discussions, perhaps the longest discussions we had were over the health data. I think we all agreed that health data were important but -- and we were well persuaded by Andrew and others in EPA -- how difficult it is to get health data at the census track level, which is a relatively small geographic unit, as compared to counties.

But using county level data has a huge limitation in trying to then rank census tracks. Again, a much smaller

*Audio Associates*  
301/577-5882

dealing with all environmental -- air, water, soil. It was just dealing with air.

I think maybe from the reference point from the outside, people may misunderstand it is not as broad to cover everything.

MS. BRIGGUM: You mentioned a point that I neglected to say, and thank you, which is that it is extremely important to have recommendations on communications so that it is clear what is included within EJC and what is not. Omega is correct. The most robust set of data in terms of emissions are air but EJC does have some RCRA materials, some toxic release inventory material that will include air, water and disposition in the soil.

We need to be very clear about what it has. I also should give credit to Omega, who was the first to kind of raise this idea that it had to be part -- a tool would be an umbrella or a template or something with regard to when you actually make choices because he described to us and then we saw as we looked at the data rollout that there are communities who will simply not be raised to the sufficient priority based on the use of this tool because the data isn't available for them.

Therefore there needs to be a mechanism that assures that it won't be an add on but it will be part of the deliberative process, that you must seek and use that

*Audio Associates*  
301/577-5882

unit. If my understanding is correct about EJC and then if our groups understanding about it is the intent is to continually try to upgrade and improve it, that would definitely be a good thing.

Certainly focusing attention and trying to put more effort and resources in improving the quality of the data would be enormously important step, and I want to underscore what Omega said about that.

All the environmental indicators are more related to air pollution. There isn't anything in there about water or soil or anything else. There isn't anything about abandoned toxic waste, and there are some data out there pertaining to that. But a lot of our environmental data is just very, very weak in this date and time in our country.

MR. MOORE: Okay, Mustafa, did you have anything that you want to interject in this discussion?

MR. ALI: I would just say it has been a very rewarding experience. I think this is a first step for those of us who have been working on these issues for a number of years. We know it is something that has been needed.

This is a very complicated and sometimes difficult subject matter to get your arms around but I think that we brought together some of the best minds that are out there and actually listened to what they had to say, incorporated

*Audio Associates*  
301/577-5882

that information into the overall analysis that the workgroup did, and they made my job very easy.

MR. MOORE: Council members -- Victoria, Charles -- other comments?

MR. LEE: Just let me understand our next steps. You are going to have a draft report. You are going to go through a process, the details of which you know, but when you say finalized by the end of the year, you are talking about a draft report by the end of the year.

MS. BRIGGUM: Well, it depends. In three weeks we are going to have an initial draft and we will have a conference call. If at the conference call, the group is pretty happy with the draft, at that point we will probably do, you know, some modifications to reflect our deliberations but that shouldn't take more than a week or two, which means that in December, we might be ready for the NEJAC call.

And then, of course, at that point, realistically it depends upon the full council's input. If they feel comfortable with the report we can turn it over quite quickly. If they raise new issues or they want additional information and additional dialogue obviously the schedule would slip.

I would think it is entirely possible we might be able to finalize this by the end of the year.

*Audio Associates*  
301/577-5882

comments?

MS. ROBINSON: The only concern I have with the aggressive deadline, and I shouldn't speak this -- we have an aggressive deadline with goods movement -- is that to allow adequate time for the council members to review the draft prior to the public teleconference call. I am not sure, probably a minimum of a couple of, two or three weeks easily.

We used to do 30 days but that may be a bit too much, particularly since this topic really hasn't been presented to the council as whole. Some of the concepts, I mean, a lot of the members haven't seen some of the stuff before so we need to keep that in mind.

MS. BRIGGUM: We have no problem with being delayed by the agency because of the procedures. We just want to show we are really hard and productive workers, so if you will give us a gold star we are happy to respect your schedule.

MS. ROBINSON: Don't worry about the gold star. It is going to be erased between goods movement and screening approaches.

MR. MOORE: Chuck?

MR. BARLOW: The last time that we had a broad discussion in this group about EJC -- I think there were at the beginning of your work, really -- and there was a lot of

*Audio Associates*  
301/577-5882

MR. LEE: Let me ask another question. Are you going to articulate a set of principles?

MS. BRIGGUM: the principles will be inherent in our discussion, but what we found was we took out the principles we had before and in the light of our understanding and discussions, they appear to be pablum.

So we thought that instead of starting with principles and organizing our thoughts to respond to them, we would talk about the tool and how it should be used itself. And there will be principles that are inherent in that.

If you want us, after we are done, to cull out principles, we could do that. We just found that we weren't getting anywhere by starting with general principles of what we thought about these tools as opposed to talking about this particular tool and its context in use.

MR. LEE: I think it would be -- I appreciate what you are saying but I think it would be helpful as part of what you recommend, whatever process you come out with it, to at least have some description of the principles by which you -- I mean, you drew from the whole process. I think that would be very helpful.

MS. BRIGGUM: Thank you. That is good guidance. We will do that.

MR. MOORE: Victoria, did you have any other

*Audio Associates*  
301/577-5882

confusion and concern. I wondered if the -- is the report itself going to include, as part of the report, an explanation of how the tool works and what you have found about -- you know, what you have learned through your research so that I can read it, who has not been involved in the discussions, and learn what you have learned, at least to some extent, about how it works and then see the recommendations.

MS. BRIGGUM: Yes, absolutely that has to be done.

MR. MOORE: Okay, any other comments from the council?

MR. LEE: Just wanted to say that I really appreciate all the hard work that went into it. This is a really important piece of work, and I think that one of the observations I would make is the importance of as the agency is developing tools like this that there be a mechanism for input as the agency -- in the process of development.

There are issues that made it difficult in this case but irrespective of that, I think this would be really helpful. That is something that really needs to be built into the process, particularly tools that apply to environmental justice.

I do think that when you, and this is not something to be addressed at this point but, you know, how this is going to be accepted by stakeholder groups is still

*Audio Associates*  
301/577-5882

a big issue. Let's see what you have and then figure out what other issues need to be addressed.

MR. MOORE: So what is the next action with the --- timeframe. Is there any specific thing we need to do now as we move forward here?

MR. RIDGWAY: I am very interested in learning more about this and appreciate the complexity of the data involved. I am sure we will get more detail later, so if this is a premature question, that is fine. The question is regarding data limitations -- I guess there are two questions here.

One is will you be making recommendations for additional data that would be helpful for EPA to try to collect or seek out from other organizations if it exists or to encourage that it might be collected?

And second will the tool have some flexibility, as you understand it, for other organizations to use it on a more limited basis where data does exist? For example, if there is better health data in one state than another, would that state that has more robust data be able to apply it to this tool?

MS. BRIGGUM: Good questions, and we actually had lengthy discussions on both. With regard to the data we have now and the data that would be really important in order to have a tool that was more robust, if you were, we

*Audio Associates*  
301/577-5882

things and instead say no, there is an approach to prioritize environmental justice communities, for which this is but one necessary but insufficient component. And that is why we are doing this, because we don't want a state to say okay, I am going to run the tool, there are my five sites. All the rest are just fine. Don't talk to me.

We really want to make sure that doesn't happen. We also realize some state have terrific data. California has great, you know, land-use data. Some states -- Maryland has great census track health data that it would be possible to do that as well, so both of your questions are really good questions.

MR. MOORE: Chuck?

MR. BARLOW: Help me understand a little bit better, or this may really be an EPA question, how the tool is expected to be used, what the bottom-line purpose of the tool is.

Because what I have got in my mind, and the problems that I really wrestle with and I was wrestling with last night as I was listening, especially to the folks from Louisiana, are when you have got a situation where -- let's assume for purposes of argument a situation where all of the emissions sources in an area are in compliance with the laws and regulations and permits that apply to them.

*Audio Associates*  
301/577-5882

will address the need to explain the data we have now -- what it includes, what it doesn't.

We will make some recommendations about how in the tool to best handle the fact that some of the data is insufficient for the characterization that you might want to make.

You could not say that the tool now appropriately and sufficiently characterizes health conditions of importance in environmental justice communities. I want to make that very clear.

We will also lay out the kind of information that we think is needed, appreciating and recommending that this be an iterative process, that we will make the tool as good as it can be now, and then we will prioritize what ought to be done to make the tool better in the future. So you are absolutely right on that.

In terms of flexibility, our sense is that this has be very transparent and that it uses data that is available on the record. You can go in there now, anyone without an EPA ID can go in and, if they really understand the databases well and are sophisticated, can go in and pull out information. That will happen for others as well. We will address that, too.

One of the reasons why we want to make very clear and not say, oh, it is a tool but you have to add other

*Audio Associates*  
301/577-5882

So that it is not an enforcement question. It is not a question of a lack of enforcement, again assuming for the sake of argument. But that you still have got communities that are being disproportionately burdened by cumulative impacts.

Just help me understand a little bit more about what EPA sees as, you know, we need this tool so that we can do X. What is the X?

MR. LEE: Let me just speak to that. I think one of the big issues I have heard, as many of you at this table have discussed EJC tool in another context, is the idea that information from a tool such as this or information related to environmental justice is determinative. It isn't determinative.

It is one other piece of information that goes into a decision. The larger backdrop to this has to do with debates about the role of race in environmental decision making, which is, of course, the bigger kind of questions around environmental justice.

EPA is going to make its decisions around the statutory regulatory basis and they all pertain to environmental health in one way or another.

So that, as a backdrop, is important to understand because I think a certain bias that kind of pervades in these discussions is the fact that environmental justice

*Audio Associates*  
301/577-5882

builds off of the civil rights concepts, which has this protected class concept, you know, in terms of race and color and national origin.

Put that on the side. That is a large discussion in and of itself. The EJC tool, when it was first conceived, was meant to be able to tell a national story about, you know, what EPA has done in terms of incorporating or addressing issues or areas of environmental justice concern.

It was also to try to be used as far as being able to make better decisions, and this has now entered an enforcement context because this is an OECA tool, and that is why the indicators are very much enforcement oriented, right, and facility oriented.

In terms of making enforcement decisions where there is enforcement discretion involved, to ensure that issues of environmental justice are fully considered. The same kind of issues that have to do with, you know -- this goes back to the larger discussion, the first question, which I am not going to go into in detail, but these are interrelated issues.

Then these tools, it wasn't conceived of as such but it is a -- because it was a national tool -- became, all these questions around a national standard for identifying issues of environmental concern or issue or areas with

*Audio Associates*  
301/577-5882

the United States then we wouldn't have a NEJAC.

MR. LEE: That actually gets to our next whole discussion around determining disproportionate impacts because the legal side of that -- when I went through the slide yesterday about clarifying statutory authorities is the discretion to address environmental justice issues using existing statutory authorities.

That discretion area, that I think is one of the key kinds of issues that you have to get through. So I think that is more pertinent to the question you just asked.

Now, if you are going to say that would a tool like this or an approach like this help EPA identify facilities you may want to look at for further examination for the kind of issues relating to environmental justice when permitting situations come up, that is a different question, right, than what you just asked.

MR. MOORE: Okay, council members, any other comments, questions?

(No response)

MR. MOORE: All right, what is the next -- we put a timeframe together so give us the --

MS. ROBINSON: I would think the next step is just to, make sure I understand correctly, is that within three weeks your workgroup will be reviewing a draft, correct? And then once that draft has been finalized, it would pass

*Audio Associates*  
301/577-5882

potential environmental justice issues, which is a screening question, all came about.

These are the three pieces of information, or three uses that something like this would be used for. I always get concerned, and what I heard from the first discussion the NEJAC had around the EJC tool in September of 2007, was that there needed to be a lot more understanding of your question, Chuck.

At an appropriate point that should be had. I do think that screening, targeting and retrospective reporting are very different types of needs and functions and so, you know, I will leave it at that for the time being.

MR. BARLOW: Is there a part within EPA at some point in the future that there may be a version of this type of tool that would be used for permitting instead of for enforcement, as a screening mechanism for permitting decisions that are made?

I think it would be --

MR. LEE: That is the wrong question. I don't know if that is the right question because the permitting decisions are based upon the statutory, regulatory provisions that apply.

MR. BARLOW: I know, but that is one of the problems. One of the problems is -- if the statutory, regulatory provisions that apply protect all the citizens of

*Audio Associates*  
301/577-5882

over to EPA to Mustafa, and we will work with Mustafa to format it to then distribute it to the full council.

The draft would then need to be a complete draft. Are you planning on a letter or are you planning on a larger report?

MS. BRIGGUM: Oh, it would be considerably longer than that because the discussion itself will not be short and we also want to include the three technical presentations because they are extremely important in order to understand the basis for our decisions. It will be a report of --

MS. ROBINSON: What I would like to ask is when you prepare it, to identify separately those items that you want to be called out in an executive summary, you think are the key things, because we will need to have an executive summary to put with that.

I don't think you need to prepare that with the draft. Oh, yes, and then we will look into the webinar, because I think it is a very good idea to show the presentation that Paul and Jim and Jillian have shown that really helped to give you guys your epiphany.

I think if we can do that as an webinar for the whole council, I think it would be very effective.

MR. MOORE: Okay, so it is a little after 10:00 a.m., and we have got some people who have to catch the

*Audio Associates*  
301/577-5882

airport at around 10:30. The next agenda item was actually this discussion around identify and assess the disproportionate environmental impact. Do we want to take a break at 10:30 a.m. or do we want to take a break now since we are losing some of the people anyway?

MS. ROBINSON: Why don't we take a break now so we don't disrupt?

MR. MOORE: How long of a break do we need?

MS. ROBINSON: Probably no more than 15 minutes.

MR. MOORE: Can we take a 15-minute break? Thank you.

(Whereupon, a brief recess was called.)

MR. MOORE: Okay, we are going to move right into the next agenda item. I just wanted to do something, Charles, real quick before you and Mustafa jump in there.

People beat up on me sometimes in the hallway and different places, and it was mentioned to me that this is either the second meeting or last several meetings that I have only given kind of attention to the state coordinators from Pennsylvania, and that there are other state coordinators here beyond Pennsylvania and that kind of thing.

I do have to apologize to everyone. It is not intentional by any means. Many people know I was born in Pennsylvania so I really got a little respect and got just

*Audio Associates*  
301/577-5882

as much respect for the other state coordinators, but I should say that the state of Pennsylvania, if I am correct, is having its first state environmental justice conference.

I got some communication from some folks in Pennsylvania, I think, that it is next year, the beginning of next year there is going to be an EJ Conference in Harrisburg, Pennsylvania.

So just before we go, I know all the other work the other state coordinators have been doing and to be respected for doing that, can we just right quick identify which states the state coordinators are from? I know we had Pennsylvania. Which are the other ones? Alabama, thank you. Georgia, thank you. New Mexico. Mississippi. Washington, thank you.

Well, again, as we move forward here I just want to give a mention to the presence of you all being here. This is not the first time you all have been here either since we were in Atlanta, and just congratulate you for the very good work you are doing in the states. We want to make sure we continue those communications and working together. So again, welcome, thank you, we appreciate it.

Charles, I think we are ready to move forward.

*Audio Associates*  
301/577-5882

**Factors to Identify and Assess Disproportionate Environmental Impacts**

MR. LEE: Thank you, Richard. The next session is really meant to be a discussion. I am going to give a little presentation to kind of kick it off, and this relates to what we are currently calling a set of factors that we may use to identify and assess disproportionate environmental health impacts.

Before I start, there are two people that are going to join me as part of this discussion. The first is Mustafa, who you all know and love --

(Laughter)

MR. LEE: Maybe I should have just said you all know. And I will explain the different roles of each in a second. And the other person, who just came to the table, is Michael Callahan. Mike used to work for the EPA and he is a risk assessor. Among his many positions at EPA, he chaired the EPA's cumulative risk technical review panel. The one that came out with the then 2003 framework for cumulative risk assessment.

Mike is now retired and working for Michael D. Baker Associates, whom we have just -- OEJ has just concluded on its mission contract for analytical and program support. So Mike is, I guess, a new addition to the OEJ team.

The reason why this is important is he is going to

*Audio Associates*  
301/577-5882

be working in large measure around this particular issue, working with ---, who is the new environmental health scientist who is now working at OEJ. She has a Ph.D. in environmental health science from Johns Hopkins as well as an MPH.

I guess it is not just Michael Callahan it is Dr. Michael Callahan. Mustafa comes into this mix in a certain way. We also know that as we move this agenda toward building a scientific and legal foundation, but here is the science part of it, this has got to be a constant process that has stakeholder interaction with people outside of the EPA.

These issues are of concern to all the stakeholder groups that are represented here. We want this process to be transparent. We know that these issues are going to come to a point where, you know, weighty decisions have to be made. As Granta said, and I said, this is part of the foundation for regulatory development.

This is a very important part of incorporating environmental justice considerations in the rule-making process, and we realize that in order to do that we have to step back and really look at the science space and so it is important that everyone is brought along and is understanding of the goals that we are seeking to achieve and are participating in dialogue in shaping those.

*Audio Associates*  
301/577-5882

Those are the reasons why Mike and Mustafa are here to be part of the discussion. This is meant to be a dialogue. The idea of having a set of factors to identify and assess disproportionate environmental health impacts has a history to it. And I will just quickly go through that. If you go to --

(Slide)

You know the executive orders on the environmental justice executive order 12898, the most important sentence in there is the one that you just see. To the greater extent practicable and permitted by law, each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high in adverse human health and environmental effects of its so and so, minority populations and low-income populations.

I guess since 1994, when this was first articulated, the question of what are disproportionately high and adverse human health and environmental effects? How do you define that? How do you determine that? That has been a real conundrum.

I think we realize we have to step back and get a handle on this so we are working off the same page as to what we mean when we say those words.

This comes up in different ways. I know I

*Audio Associates*  
301/577-5882

thought about this for quite a while, there is a chapter on environmental justice in Howe Frank's environmental health textbook Environmental Health: From Global to Local that is my chapter. There is a section in there called the meaning of disproportionate impacts. What do we mean when we say disproportionate impacts?

At that point I laid out a number of factors to look at. As they played themselves out and adapted to, you know, what would make sense as a set of starting premises or as a starting point for discussion about those things you may want to look for when we say disproportionate high adverse human health and environmental impacts, we came out with these six factors.

(Slide)

So that is proximity exposure to environmental hazards, susceptible populations, unique exposure pathways, multiple cumulative impacts and the ability to participate in the decision-making process and what we call vulnerable physical infrastructure.

These are things we put out, we put forth, and we want to have a very systematic, thorough examination and dialogue around these. We are not sure these are the ones that we shall ultimately come up with. We are not sure six is the right number. We are not sure that these are articulated properly.

*Audio Associates*  
301/577-5882

suggested the permit writers and rule writers in EPA, ever since I got there many years ago, you know, come up to me and say, I wanted to address environmental justice issues and I want to identify disproportionate impacts. What am I looking for? We really didn't have good way to answer that question.

Recently, we had -- I think this is very significant -- in the action-development process, which is essentially the rule-writing process at EPA, there are these things called tiering forms, which is essentially a way to triage, well, who is responsible and to what level of importance a particular, prospective rule, with respect to a prospective rule?

We did get a question in that tiering form that goes to are there disproportionately high and adverse environmental impacts? So that is actually a really significant thing. The only problem is how do you answer that question?

As a result of the House hearings on environmental justice, Congressman Wynn, who is the chair, former congressman, met with Granta and asked for some advice about how do we think about environmental justice in the rule-making process?

We thought about this, and Granta asked me to come up with something that could be useful. I realized having

*Audio Associates*  
301/577-5882

The thing that we do know is that the feedback we have been getting thus far is that this makes sense and this is something we could -- so we want to build on that.

(Slide)

What we are going to do is just walk through these in terms of the slides. Some of these are very obvious, and you have your Powerpoint --

MS. ROBINSON: For those of you who haven't found it, it is in your binder and it is the last presentation before the public comment tab. It is under the Other Presentations tab. Just before NEJAC business tab.

MR. LEE: I think the other thing I was going to say is this is part -- I had talked a lot yesterday about moving the EJ program to being an evidence-based program. You know, this is having to do with putting it on a sound foundation so that decisions in the rule-making context, permitting or whatever other kind of context can be supportable, defensible.

This is to get us away from -- as you know, a lot of times when we are asked what is an environmental justice issue? What are disproportionate impacts, you know, the standard answer is, well, you know it when you see it.

I just want to say, there is a lot to that statement. That statement does have a lot of validity, particularly in light of the real unique nature and the kind

*Audio Associates*  
301/577-5882

of complexities with respect to environmental justice issues. But on the other hand, you cannot, in the context of rules and decision making you have to have objective foundation around what you build.

So I don't think you should see this as being antithetical to each other. I think that, you know -- the thing we have not done is to really identify that which we can build upon, and it has to be evidenced-based. We have to move away from a foundation of analysis that is almost like quicksand and you cannot move or build a program around that.

So if the factors proximity and exposure -- you know what they are. Everybody is pretty -- you know, the proximity to polluting facilities, incinerators, landfills, --- sites, transportation thoroughfares, so on and so forth. Next slide.

(Slide)

There is a lot of studies in this -- at this point there is at least 100 empirical studies going back to the original United Church of Christ study. And then there is the 20-year anniversary study of 2007 that Paul Mohai was one of the principal authors of looking at hazardous waste sites.

Looking at ambient air quality, there has been many studies that show that there is a disproportionate --

*Audio Associates*  
301/577-5882

are highlighted here. So go to the next slide.

(Slide)

ATSDR found in 1988 -- I think that is the big study around lead and disproportionate impact by race and income. This is not just -- subsistence fish consumption is not just Native American populations but urban populations and poor rural populations. That study is just an example of that.

And then the last one I thought was really kind of interesting, which showed -- now this national data. The NHANES data found that elevated mercury levels in Asian Pacific Islanders and Native Americans. Next slide.

(Slide)

Now cumulative and multiple cumulative effect impacts. This is one of the most important factors here. A lot of what is being represented by tools EJSEAT is cumulative impacts or are cumulative impacts. So if you go the next slide --

(Slide)

That is a depiction of what that looks like in the Mississippi River Industrial Corridor. Other examples, everybody knows the South Bronx in New York, --- Gardens in the south side of Chicago. Chester, Pennsylvania -- you can go on down the line. Almost every community that we talk about has these kind of multiple cumulative impacts. Next

*Audio Associates*  
301/577-5882

that African Americans and Hispanics are disproportionately represented in areas where there are nonattainment areas. TRI, toxic release inventories, one that comes to mind is the TRI facilities in San Francisco. I think two-thirds of the population within one mile are low income and minority.

Jim Sadd along with --- and Rachel Morrell were the authors. There is another one that comes to mind around CAFO, concentrated animal feeding operations where, I think, the population, in terms of poverty, is about 20 times higher in the highest quintile as compared to the lowest.

Next one is susceptible populations. You know, that is pretty self-evident. Children, elderly, persons with at-risk conditions like asthma. Next slide.

(Slide)

Some of the studies associated with that -- this is a pretty significant one. Columbia School of Public Health, in 2003, found that women exposed to auto exhaust, cigarette smoke, incinerators in the third trimester tended to have babies with smaller head circumferences.

Of course, farm workers. The World Resources Institute found that 300,000 farm workers a year suffer from pesticide-related illnesses annually. Next slide.

(Slide)

Unique exposure pathways. That is pretty self-evident. Lead, subsistence fish consumption, other things

*Audio Associates*  
301/577-5882

slide.

(Slide)

Now we get to the more social side of this -- and this has to do with the ability to participate in the decision-making process. Lack of information, lack of representation, lack of access to arenas of decision making. Language or cultural barriers. Some of the studies around that, two of the most important ones -- next slide --

(Slide)

Are Jay Hamilton's study, which found an association between the percentage of registered voters and hazardous waste facility expansion. The most important one is Manuel Pastor, that is Manuel and Jim Sadd actually, which found that there was a correlation between the periods of greatest community demographic change and the introduction of noxious land uses.

So, obviously, the theory why that is happening is that when the social capital of a community is the lowest in terms of stable leaders, networks and institutions. As we think about this issue of ability to participate in decision making, we are really talking about a social capital question.

Then the sixth factor are physical infrastructures. Substandard housing, transportation, schools -- these are all things that you know about. The

*Audio Associates*  
301/577-5882

kind of ecosystems which are vulnerable by virtue of any number of things and have some kind of environmental health effect.

Why don't we go to the next slide and that is the last one.

(Slide)

Some of the studies related to this. The first one has great amount of pertinence for Goods Movement actually, which is a recent study that found that truck exhaust was linked to asthma in school children in the South Bronx. Housing, substandard housing associated with all kinds of illness in terms of lead poisoning, asthma, pesticide exposure and health and developmental problems.

The third one, this growing number of schools which are built on top of hazardous areas and landfills. Any number of these across the country. And then also there have been a couple court cases around schools being built around highways.

In California they are actually, there is a law that sets a buffer between the space between a school and a highway.

These are specific areas in terms of these six factors. What we want to do is open a dialogue with you about this. Our plans in terms of moving forward is we are, as we speak, developing and commissioning the charges for

*Audio Associates*  
301/577-5882

issue.

So we are going to try to look at this from both ways in terms of what does disproportional impact mean.

MR. LEE: Thank you, that was great. Mustafa?

MR. ALI: Again, going back to something that I talked about earlier, these types of factors are something -- and a lot of folks in this room have been working on these issues since '92, '93, a lot of the faces I see -- these are the types of factors that help us build a story for folks to give them a better understanding of what are some of those areas out there that we should be focusing on.

So as we move forward with the discussion, I think it is really helpful for those folks who have the expertise, and everyone comes from varying backgrounds in the room, but they bring a level of expertise, that we share where the gaps may be. What are those additional areas that need to be enhanced and highlighted, if you will. So I am going to stop right there so we can have the discussion and really get into the meat of what is going on.

MR. LEE: One quick thing to add in terms of context. Many of you know about this. For a period of time, Office of Environmental Justice and EPA had worked on developing what is a toolkit for assessing allegations of environmental injustice. Not to go into the experience of

*Audio Associates*  
301/577-5882

the commissioning of a set of papers, which are essentially literature reviews, looking at the disproportionate impacts in terms of minority and low-income populations with respect to each of these factor areas.

We are working with a number of EPA offices, the EPA Children's Health Office, Office of Research and Development, Office of Prevention of Pesticides and Toxic Substances, Office of Air Radiation and the policy office in developing a symposium around -- it takes place sometime in the beginning of 2010.

We are also using this information to be incorporated into ongoing rulemaking that are going to come up over the next several years. This part of the exercise is to systematically build a scientific foundation for evidence-based policy and regulatory development.

So with that, I will stop and open it up for discussion. Mike, you may want to add few thoughts, or Mustafa?

DR. CALLAHAN: I think part of the way we are thinking about this right now is disproportional impact occurs either one of two cases. One, when one community gets more of something that is considered undesirable or bad or a health problem. Or, the other case, is when two communities get the same exposure and in one community you see greater health effects. So that is a vulnerability

*Audio Associates*  
301/577-5882

having used that, but I think it is important to put that in context.

The first is that was a very positive exercise in terms of looking broadly at a framework for understanding environmental justice issues, you know, have social, economic, environmental, health kind of aspects to it.

The other is that as it was developed in the way that it ended up having to be used, it was not very practical. So we wanted to take what we knew from there and bring it down to earth. The threshold question being if you were looking for the disproportionate impact, what are you looking for?

Omega?

#### Questions and Answers

MR. WILSON: Thank you, Charles. I am just looking at the initial quote that you had on the screen about each federal agency shall be achieving environmental justice and et cetera, et cetera, et cetera. I am going to make a quick reference and then I will just do the rest of it.

We filed an administrative complaint with the United States Department of Justice in 1999 relative to the highway corridor, and our primary emphasis had to do with the highway. We got a response back from the United States Department of Justice, they identified five other branches

*Audio Associates*  
301/577-5882



of the federal government that had a responsibility. We were a little bit confused about what they were doing.

I won't go into all the details but what they were trying to tell us, Department of Justice, is that in the disproportionate impact, and adverse impact for us because we filed a complaint under Title 6 and the executive order, Environmental Justice Executive Order, that the environmental impact had to do with more than just the highway. It had to do with the housing. It identified the department of agriculture, identified HUD, Department of Commerce, identified EPA, even identified the Department of Justice itself.

So what I am saying here is I think that disproportionate and adverse impact should translate to each agency's mandate and service that they provide to the public based on federal funding and appropriations.

What the department, what EPA is looking at in their responsibility for disproportionate adverse impact, may not follow the same technical language that HUD or the Department of Agriculture would use because of their responsibility and their financial mandate as providing public service based on what they do constitutionally.

I will just leave it there.

MR. LEE: I will say that there is a lot of things you just said, but the one thing we can draw out from that

*Audio Associates*  
301/577-5882

I sure hope that you are going to be able to play aggressively in the budget game.

MR. LEE: That is a real good question. I am not sure we are at that point for that. That might be a question we should think about in the future and probably we are not the only players that go into the answer of that question.

I will say this. When you are speaking to Chris a lot is the research question. There are a lot of research issues here. So I want us to step back a little bit because there is a tendency -- and this happens in the planning committee -- everybody has all these great research issues they want to deal with, and that is a good thing.

But we need to go through an exercise where we are identifying what is, and I will submit there is a lot of literature here, a lot of evidence that exists right now, that we need to bring that together, almost inventory it, so that we can use those.

This is ultimately, in the first instance, not a research gaps exercise. This is identifying that which we can use to base decisions on. You know, the name of the symposium is going to be something about environmental justice assessment for decision making because this is to identify that which we know are sound, solid evidence in terms of decision making.

*Audio Associates*  
301/577-5882

was -- all the discussions around disproportionate impacts, the EJC Tool being one of them, it is a cumulative risk issue.

It always going to come down to something having to do with cumulative risk or cumulative impacts. Chris?

MR. HOLMES: As you build into your FY2010 budget, and the redone one that will go on right now as a result of the change, are you going to be able to build into that budget funds that will enable you to continue to refine the tools and the measures that relate to the factors and at the same time identify the data that you consider to be of highest priority that relates to each of the national programs that link back to these factors?

So we went through this presentation yesterday dealing with southeast Louisiana. And you contend that all those factors relate to southeast -- what we heard yesterday. But the question is, to get people's attention is, what kind of data are you going to have to develop to become the predicate for the programs that you are going to have to build to take care of communities that are disproportionately impacted?

So I am very curious how this is all going to play out in the budgetary process as it relates to both your budget and the MPW's budget, and I guess my role as a member of the advisory committee, I would say the obvious, which is

*Audio Associates*  
301/577-5882

By doing that we can begin to identify also what the gaps are and then based upon that are the kinds of issues that you are raising as far as different areas in which there can be real research.

You know, I want to say as part of this, which is a concern to many of you here, if it is unspoken you might as well just put it on the table, so where does -- as far as we see this, and this has to do with community-based knowledge or community-based participatory research.

We think that the community offers a lot of information about the kind of factors that should be considered, and that there needs to be more support for developing the methods to both acquire and to validate that kind of information which is essentially community-based, participatory-based exercise.

There is right now a RFA that the Office of Research and Development has led that looks at -- there has been a discussion about community-based risk assessment, which is a very significant thing. That is actually a direct outgrowth of two things, which are the work that Mike did or rather the cumulative risk assessment framework, and the NEJAC's recommendations around cumulative risk assessment.

But going back to -- I think at that point we can begin to look at the kind of research questions and research

*Audio Associates*  
301/577-5882

agenda that grow out of this. One of the goals of that symposium is to begin to identify areas of research, but I think what we need to do before we get there is we need to have a solid foundation upon which to build.

The other thing I just want to say, because it would be of great interest to all of you here, is that the fourth goal for this symposium is to build a network of people, researchers, scientists and others who are practitioners who are interested in this area. So there is an ongoing dialogue and cross fertilization in this area.

I will say there is a -- one tends to look at environmental justice in terms of what is described as the more environmental justice research, which is the research that looks to whether there is or not disproportionate environmental effects.

That all the research you hear about all the time. But there is a whole area of research in public health that speak to these factors. That is where we have to go to build on these. And, in fact, the research I look at, environmental disparities in the environmental justice sense, may not be as important for the kind of decision making we are talking about when we talk about environmental -- the kind of health assessment with respect to permits, rules and other things.

There is a much more strong nexus with EPA

*Audio Associates*  
301/577-5882

So in some ways this is very much part of our thinking around transition. Thank you for that.

MR. RIDGWAY: I have two relatively minor items to note here. The first is on the fourth slide, maybe Lisa or somebody can just -- I don't know if there is a typo or what on the proximity and exposure slide -- you want to back up a couple, right there.

Second bullet, war exposure is corrected with more harmful effects? Correlated I think is right.

MR. LEE: Correlated, thanks.

MR. RIDGWAY: Second, I would like to know -- what got me into this topic in the early 90s was a study we did in Washington state -- I will send that reference to you -- we looked at nearly 1,000 facilities in our state to also document disproportionate distribution of pollution facilities.

Where I think there is a heck of a lot of work involved is on the second slide, right after the title slide, if you could back up a couple. We are talking about addressing as appropriate. That word is, I think, bureaucratic vagueness.

What is appropriate for the state of Louisiana, Region 4, EPA local jurisdictions? I hope there is some opportunity for discussion around that because I think the evidence is there. You are going to have a great inventory

*Audio Associates*  
301/577-5882

statutes, so --

MR. HOLMES: I worked as an EPA CFO, and I worked as a national program manager, so I take that together, and I also handle the transition between administrations, and there is going to be a point prior to your symposium where some important decisions are going to be made obviously as it relates to the allocation of funds.

I just think if there is the opportunity to be able to intake a model where you might say -- we will take the southeast part of Louisiana, we will play to the great concerns of the incoming administration over no more Katrinas, and we will apply these six factors and work on developing the data and protocols that relate to them. It may resonate very well. Thank you very much for your answers.

MR. LEE: No, in fact, if it was up to me we would do this in the fall of 2009. Timing wise, you know. But practically speaking I don't think we are going to be able to do that. So beginning 2010 would be important.

Clearly, the thinking behind this has to do with the new administration because it is critical to me that we have a really good symposium because that sheds light as well both from a point of view of interest as well as a kind of laying out some of the substantive foundations for future activities.

*Audio Associates*  
301/577-5882

of studies and research and lots of questions to look at, but what do these agencies do that is appropriate, and appropriate for whom?

I hope that there is an opportunity to get into that not only at the symposium but the discussions that lead up to that and guidance for all levels of government to tackle that one. I understand it is very hard and subjective but it is not going to be good unless you are providing some opportunity for discussion around that.

MR. LEE: Well, I think the -- just like we are trying to make this much more objective and evidence based, my interpretation of that word as appropriate -- remember, this is an executive order, right -- is as appropriate under the existing environmental public health, the statutes.

And that is the other area that we really, really need to do a lot more work in, where there is a foundation that basically says -- and that is --- by clarifying legal authorities, right, statutory authorities. As appropriate with respect to statutory and regulatory authorities. That is why as appropriate.

You know, the Office of General Counsel did offer a memo in 2000 that said there was discretion in terms of permitting statutes and these different areas, and then there was, in the environmental justice toolkit, you know, there was an Appendix B, and I would point everybody to

*Audio Associates*  
301/577-5882

that, where it talked about other areas where there was discretion.

We need to do more work around that. That is the other side of this, because, you know, one of the lessons that we got out of the 14 times that the EJ toolkit was actually used, was that we did disproportionate impact analysis in the abstract.

It wasn't a nexus to the particular decision that needed to be made in terms of permit or whatever, right. If you did say you found disproportionate impacts, the question is so what? So that is the other side of this, there is a large side to the question, so that is why we said in our goals to lay the scientific and legal foundation. The legal foundation needs to be built as well.

MR. RIDGWAY: I will just add that I think this gets to what Omega and others have brought up in regard to -- the first part of this phrase, "to the greatest extent practicable and permitted by law" I think often the greatest abilities of law to pursue enforcement in corrective action are not pursued in all cases or in equitable manners.

I don't think there is a limitation by law here or anything. Often, the EJ issues are the fact that there is discretion on how enforcement is applied and there are other conditions and limitations -- financial, of course, being one.

*Audio Associates*  
301/577-5882

And as it relates to the regulations that are out there that EPA may not necessarily have authority for, other agencies may. And also goes back to something Chris was talking about with the community that we saw last night in Louisiana of the impacts they were facing, and how there are other agencies that should also be playing a role in that process to holistically address the issues that they are facing.

MR. LEE: You know the -- this is very much on point. What we say, in looking at the other federal agencies -- you know, we are EPA so we speak for EPA but our advice would be -- remember I said in that presentation yesterday about how the lessons learned by EPA could become guideposts for other federal agencies?

Every federal agency who has a responsibility for environmental justice should look at their existing statutes and identify the discretion, if you will, to address environmental justice issues.

Just like EPA did. We would think that within the housing context there are a lot of laws that apply. Within the transportation context, same thing. You can go on down the line. Sue?

MS. BRIGGUM: I suggest that you take a look at your definition of exposure. That kind of sets everything up and then you use your studies to prove that the exposure

*Audio Associates*  
301/577-5882

Just in general, understanding what you are saying there, Charles, I do hope that there is some attention because what is appropriate based on what is legally possible may not necessarily be synchronized or in parallel with what the residents think is appropriate. And, again, I think there ought to be opportunities --

MR. LEE: That is why -- this discussion is being had very much in terms of the regulatory context, regulatory development. And so a lot of what we are talking about is kind of geared around that. But we all know that in terms of complexities and the needs of a lot of the issues in the EJ communities is that it has got to be regulatory and nonregulatory as well.

So that, you know, you have a holistic set of strategies and solutions.

MR. ALI: I just want to add one thing -- and Charles, I am glad you said the holistic approach and this goes back to something you were talking about, Omega.

I think it is necessary as we move forward and gain additional information and knowledge that the other federal agencies who play a significant role in what is going on in these communities are given the opportunity to participate, given the opportunity also to build some capacity inside of their organizations, so that they have a better understanding.

*Audio Associates*  
301/577-5882

is a problem. I am a little concerned that you appear to be setting this up to be casting your net for fish that are already in the boat. And now you are just kind of beating on them with hammers.

You have kind of taken the facilities for which there is the most specific information, you know, regulated incinerators, landfills, super --- sites. It is a tiny fraction of even the facilities that are within that class of exposure and it ignores a lot of the other exposures. It doesn't actually capture anything that was talked about last night.

And then the academic literature will prove that this is an area of key importance, and it is. That is why we have superfund and RCRA and very detailed program. But you are still only looking at the facilities for which there is already a program and legal mechanisms to then take care of all the factors that you are talking about lately.

It is not going to do anything for you. For example, as you look -- last week the definition of solid waste came out. And what it said was we will take a certain class of toxic materials that otherwise were handled under a very prescriptive system and we will send them out to a more discretionary system for which there will be no tracking.

There won't be any studies based on what happened to those toxic materials that are no longer regulated

*Audio Associates*  
301/577-5882

because they will drop out of the system. So there won't be a study.

So I would just suggest that you really think very carefully about doing this to make sure you are capturing all of the potential impacts for which you want to protect all of the people that you are talking about as you go through the rest of the system because otherwise you will enhance protection in some areas. That is appropriate. But you will miss a lot.

MR. LEE: Thanks for that, Sue. I think the larger drawback, larger issue to which you are speaking is this: The slides that were made, speeches like stationary, that which is obvious but it doesn't talk to mobile sources or things like this.

I think what we are trying to do is to set up a systematic approach to a body of literature that comes out that is self sustaining. I have always had problems with -- you know, environmental justice is a pretty kind of new area so, you know, so every time we come to something we always use the word define.

You know, or tool, as if that is going to fix everything. It is developing a body of knowledge, meaning a body of literature, whereby, you know, more and more of this is being added. And hopefully it is very dynamic.

What I try to caution everyone is every time we go

*Audio Associates*  
301/577-5882

MR. BARLOW: Thanks, Charles. I want to go back to what Omega brought up earlier, and even Chris to some extent, standpoint is the overlap of maybe -- not the definition but accountability.

We heard it last night when all the folks were here telling us about what was happening in their communities and, John, I think you brought up yesterday the same stories from different people we have been hearing for years and years and years.

How do we help make our government accountable for not overlapping? For saying if these are the boundaries that we choose to set -- Mustafa, you talked about that holistic point of view.

If these are the boundaries maybe we have an opportunity with the new administration coming in even to go to the new administration and say, hey, here is an opportunity for you to be a hero by going to the other agencies and saying let's agree on a set of definitions for EJ or some kind of buy in that we all buy into so that at the end of the day, the same things that Sue is talking about doesn't continue to happen year after year after year.

And people have some kind of focus as it may not get fixed tomorrow but I know that all the agencies aren't looking at 15 or 20 different perspectives. They are looking at one thing and there is a specificity to move

*Audio Associates*  
301/577-5882

into a conversation about this, you know, we think in those terms. Every other field don't think in terms of just one tool. Every other field thinks in terms of a systematic body of knowledge and different methods that are used as appropriate.

Sue, you remember when Mustafa, you and I were part of the discussion and panel with EJ in America conference about these disproportionate impact factors. I think the first, second, third question was how is this going to be a tool that solves all my problems?

That is not -- we can't go that way. We are trying to build a systematic body of knowledge that can become more and more mature and used, as appropriate, for the situation that it requires.

MS. BRIGGUM: My only concern is that the body of knowledge not be a way of continually slicing the data you already have and ignoring the fact that you have data on 2 percent of the toxics that are of concern to communities because continuing to reslice it cross ways and up and down and everything else, is not going to take care of these other impacts.

And it is not going to evolve the body of literature into real risk but will continue to focus on those that are defined, just not defined in the same way.

MR. LEE: I appreciate that. Bill?

*Audio Associates*  
301/577-5882

toward.

So I just think it is a chance for us to help push that accountability.

MR. LEE: Lang?

MR. MARSH: I don't know that I have a real comment on the factors but I have a question about whether there aren't some cross cutting factors or exacerbating things that might be considered. And one of them that occurred to me -- I am a little bit ignorant on this whole area -- I keep hearing the stories over the years about what I would call differential diagnosis or response.

In other words, that people who are impacted are not given good health information or good diagnosis of their problems. They are ignored. You know, farm workers are the classic example.

Or in the case of Katrina, you know, the response was not what it might have been in a different part of the city. So there are these differential kinds of things that happened in areas that are receiving disproportionate impact and they may exacerbate the problem because health issues that aren't diagnosed early enough get worse.

I don't know if there is any kind of data or research on this but it kind of goes to Sue's point and others about the need for identifying data gaps, and I am just wondering if this isn't one of them that bears looking

*Audio Associates*  
301/577-5882

into.

I have no idea that any study has ever been done on, for example, the health side of that. It seems to me while it is a complex analytical problem, even if you have data potentially, that there are real effects that are not captured by the list that you have up there.

I just raise the question if there are other sort of cross-cutting things like that that might be included in the overall scheme that you are coming up with.

MR. LEE: You know, Mike could speak to this a lot more than I can. I mean the -- when Mike said there is ultimately something that is a combination of an exposure or an invulnerability, right? You know, the whole side of this that looks at vulnerability is a lot of what you are speaking to in some ways.

There are ways to look at vulnerability. The one that is in the cumulative risk framework has a framework of four things, susceptibility, differential exposure, differential preparedness and differential ability to recover.

You could speak to this a lot more than I can, Mike, but, you know, these are the kinds of things at play here, that really do, I think -- the side of this that looks at social capital and the kind of larger societal factors, social or physical, you know, are all at work here. How you

*Audio Associates*  
301/577-5882

plus the ability to cope. That is basically vulnerably.

What is going to affect people's abilities to withstand exposures to toxic things? We are going at it from a quite broad look and we are going to try to get whatever we can out of this.

MR. LEE: You know, if you get a chance, I would recommend to everyone read that framework for cumulative risk assessment. I mean, some of the principles it articulates are very pertinent to environmental justice from the point of view that it is no longer an agent to receptor analysis but a larger public health community.

Impact analysis from the fact that stressors one is interested in and not just physical -- not just chemical but also nonchemical. And not biological but also social. And that social factors are an important factor to look at in terms of looking at the ultimate cumulative impacts.

I think there is really a strong foundation to build upon. I think, Omega, you were next.

MR. WILSON: This is just a quick clarification, and maybe I missed it but I don't think I got a real good clarification about, you know, Dr. Callahan and what agency he represents as a part of his contribution here. I am not trying to extend your introduction but I wasn't quite sure.

DR. CALLAHAN: I am one of Charles' contractors. I work for Charles basically. I am a former EPA employee,

*Audio Associates*  
301/577-5882

tease that out I am not totally sure.

I don't know if you want to add to that.

DR. CALLAHAN: I think that what we are going to try to do with these papers that are going to be commissioned is going to be trying to ask people to look at what do we know about these kinds of factors, including those specific things that you talked about and again, what kind of data do we need to make this a viable factor to use as something that we can use in an EJ analysis?

I think this whole thing that Charles said a few minutes ago, when you get right down to it, it is a cumulative risk assessment issue. I think we are kind of coming at it like that. To get to Sue's point of a moment ago, I don't think we are coming at it with a mindset that limits ourselves to the kind of data on things that are already regulated.

That is not where we are going with this at all. We want to know what do we know -- yes, we want to know the data that is already out there but we want to start pushing on what else can we find out? What other kinds of exposures are there? Including a lot a nonchemical exposures.

You might notice in some of these slides, those aren't chemicals that people are being exposed to. I mean, we got noise, odor, dust -- all kinds of other things that are going to affect people's ability -- WHO calls it hazard

*Audio Associates*  
301/577-5882

and I am now working for MDB Incorporated. It is a consulting firm out of Washington, D.C., and RTP. I am based out of -- near Dallas. We were awarded a contract as the mission contractor for Charles last month so we basically work for Charles.

MR. LEE: Does that answer your question? Who is next? I think, John, you were next?

MR. ROSENTHALL: Two quick issues. We keep mentioning disproportionate impact but if you look at the definition, it actually says disproportionately high impact, which leaves even more discretion into the definition than the other two words up there, other two terms up there, "as appropriate" and whatever the other one is.

But it leaves a whole lot of discretion as to who determines what is high, who determines what is appropriate.

But the other factor that I wanted to raise is last night we heard a lot about the inability to access decision makers. And we have heard around this table even about the inability to access decisions makers of other departments.

So to what degree did that come into play in coming up with these six factors, and will access to decisions makers be one of the papers you commission?

MR. LEE: Well, I think the -- that is the fifth one that has to do with the ability to have access to the

*Audio Associates*  
301/577-5882

decision-making process. That is a large area.

I mean, I cited two studies but there is a whole set of studies that relate to different aspects of that. So I think that from the point of view of developing evidence base, I think that there is that.

From the point of view of, you know, the more complicated question that --- here, what is the decision-making process, which includes, in some cases, more than just EPA but a lot of other agencies, you know, those are other kinds of questions that are imbedded in here and we have to think about.

MR. ROSENTHALL: But my question is not the process. It is actually to the people, to the agency employees who don't necessarily return the phone calls, or to those who will give the answer that is so delayed until it just sort of drives people away.

MR. LEE: So what is the question?

MR. ROSENTHALL: Will access to the decision makers be considered -- will you commission papers on access to the decision makers, not to the process?

MR. LEE: Well, that is one of the things. To the extent that we have commissioned papers under evidence that exists, to the extent that there are studies to that, we will find it. We know that is an issue, so we are going to look for studies and other evidence that speaks to that and

*Audio Associates*  
301/577-5882

insurance. Another 50 million under insured. As we move forward, especially with the issues we focus upon, how many doctors are actually out there in communities, and I was thinking about one of the presenters last night, and she was saying how she went to doctor and the doctor really didn't have a diagnosis for her because he wasn't quite sure how to move forward.

And I think in many instances if we can get people into the pipeline, one, we don't want people to be exposed, but when they are, making sure there are enough doctors who have that environmental expertise in medicine to be able to properly address some of the issues going on. It is really important.

So we may need to think about where that would fall under one of the factors. So I just thought I would share that.

MR. BARLOW: Charles, just one brief thing, and I would love to hear what Sue has to say about this. It is just a precautionary -- not that you shouldn't use TRI information, but to me TRI information is a fairly blunt instrument, and maybe that is just something to keep in mind.

I am just thinking about the way our own facilities have to report with TRI information. Sometimes we report because it is something we actually admit into the

*Audio Associates*  
301/577-5882

obviously once we identify that, the next step is to think about the research that needs to be done in the area.

The larger question that keeps getting asked here, and it is an important question and I think we are hearing it loud and clear, has to do with the need for multiple agencies to address issues in environmental justice. We could discuss that as a separate item, you know, in the context of this. I mean, this is looking at trying to develop an analytical framework.

Let me just stop there because I don't want it to get confused. Jolene?

MS. CATRON: Right now at this late hour in the meeting I am feeling a little bit like Pooh Bear's little brain, the framework to cumulative risk assessment, where is that available?

DR. CALLAHAN: That is on the EPA's Web site. It is under the Risk Assessment Forum, which is under the Office of the Science Advisor.

MR. LEE: We will send it out. We will send out the link to it. Other comments?

MR. ALI: I just wanted to add one thing, and I was thinking about some of the stories I heard last night, along with ones I have heard over the years, and this is the access to health care and how important that plays a role.

We have got 47 million people who have no

*Audio Associates*  
301/577-5882

air or the water. But sometimes we have to report it because we package it under DOT regulations and send it to a landfill, which is a very different type of -- assuming for the purposes of argument that you are complying with the law.

As you do that, there is no exposure at that site, but there is a disposal at another site. So I just point out -- it is not a fine-tuned, it is an instrument that you use but it is sort of a blunt instrument.

MS. BRIGGUM: I agree completely. I think that is why they distinguish between containment of TRI materials and release.

And it might be useful as you look at the literature to make that distinction as well as it is really important -- TRI sounds so great and universal, but the last time I heard it was maybe 15 percent of the emissions even in the definition, which is certain set of chemicals, you know, because there are very large poundage cutoffs. It only goes to certain industry sectors and not to anybody else.

It would be helpful, I think, for people to appreciate that because you have these situations. I think it is entirely likely that the health effects people were talking about are not coming from TRI releases permitted are not -- and it just doesn't raise those issues up within the

*Audio Associates*  
301/577-5882

system in order to be captured, studied, remedied, known, fixed.

So whenever you can clarify that helps.

MR. BARLOW: I will just give another example, because I have learned a lot about TRI over the last few years.

You could have a very -- I am in the utility industry -- you could have a very large gas-fired electric generating stations that doesn't have anything that it has to report. I mean, thousand megawatts, but just doesn't have to report anything under TRI.

You could have a very small coal facility that would have to report. That is much, much smaller. But to the people that live on the other side of the fence, there could certainly be issues. There could be issues with one just as well -- it works both ways.

Just again to say it is something to keep in mind.

MR. LEE: Let me just kind of wrap this up. Thank you for your comments and your insights. Like I said, what we want to do is introduce to you our best thinking and what is our current state of thinking in terms of this effort.

Also, as I see it, check in with you to make sure that this makes sense to you and there is anything that creates a huge amount of heartburn, you know, if you haven't expressed it already, let us know.

*Audio Associates*  
301/577-5882

That is going up to the administrator, it is dated September 30<sup>th</sup> -- we are preparing the package of materials that need to accompany the letter when it goes up to the administrator. That is the reason why it hasn't been formally conveyed. We want to thank everybody for all their hard work in producing that letter. That is definitely in the binder.

Sue, you have a question, and then Jolene?

MS. BRIGGUM: What is the package? Have we seen it?

MS. ROBINSON: When I say the package, we have to prepare -- as part of the way to encourage the agency to give some kind of formal response, we will prepare a package of materials to attach to the letter, which includes a formal response plan, who the administrator is going to assign to do these different things, some Q-and-As related to the letter so that they can answer some questions and save us some time in responding.

So that is the package I am referring to. It is nothing you would have to do to speed that process along.

So unless there is any questions -- Jolene, did you have question about the letter?

MS. CATRON: I do. I didn't participate in that last call, I believe, and so is this the current letter?

MS. ROBINSON: That is for the green business EJ

*Audio Associates*  
301/577-5882

We are going to establish a process, go back and think about what role can the NEJAC as an advisory body play in the development of this, specifically what kind of particular piece of this, as far as, where we can ask you advice around. I think we need to go back and just think this out and have some dialogue with you, with Richard and others around us.

That is where we stand now. We think this is a pretty significant effort to moving the EPA's environmental justice program to a substantive program, to one that is truly evidence based. I want to thank you for your thoughts about this. It is very helpful to me to hear any of your reactions, and a lot of the questions really, I think, spoke to pretty important things we need to consider as we go forward.

MR. MOORE: All right, Charles. We are going to take up this last section of NEJAC actions and other committee business. Victoria, you want to run us through what we need to be doing here please?

Updates on NEJAC Actions and other Committee Business

MS. ROBINSON: Okay, great. We are going to be focusing on three things. The first thing is in your binder, there is the copy of EJ, green business and sustainability letter that was approved the last public teleconference call on September 11<sup>th</sup>.

*Audio Associates*  
301/577-5882

sustainability letter. That is the current letter. That is correct.

MS. CATRON: The copy that I have had corrected like the eight recommendations to nine recommendations. Had changed the recommendations to a bullet list. I mean, there were some corrections that we made in the final draft. I am concerned that this isn't the correct letter.

MR. BARLOW: I think that --

MS. ROBINSON: No, the one that was handed out today is a different letter. The one in your binder is the green business sustainability one. Is that the one you are referring to?

MS. CATRON: This letter that I have in my hand is the one printed out from our last e-mail conversation about corrections to the letter.

MS. ROBINSON: Okay, Chuck, you want to handle that?

MR. BARLOW: I think the only difference should be formatting changes -- once I sent the last draft to you and there was a template, sort of a format template that you went back and wanted to -- I think those are the only changes. If there are any others that you find we can deal with them.

MS. CATRON: I think the last discussion that I remember, there was a discussion about clarifying what we

*Audio Associates*  
301/577-5882

wanted to convey in this letter, kind of summarizing and clarifying what we wanted to convey in this letter, and then the other part was just correcting some template kind of formatting changes. And I can give you a copy of this letter that I have.

MS. ROBINSON: And definitely let me know if you see something that was not included and I will talk with Chuck on that afterward.

Any other questions regarding -- any questions regarding the letter?

(No response)

MS. ROBINSON: The next one is the letter for the State Environmental Business Cooperative Agreement Initiative. That was a workgroup headed by John Ridgway and DFO by Kent Benjamin. That letter -- the recommendations were agreed to in principle by the council on the September 11<sup>th</sup> call.

From that call that John then, the workgroup prepared the letter to match our format and so I will go ahead and turn it over to John to indicate what those things were and we will go from there.

MR. RIDGWAY: Thank you, Victoria. Since we had the conference call, there have been very minor, mostly grammatical or format changes to the same recommendations that we covered in the call.

*Audio Associates*  
301/577-5882

council's consideration and Richard's signature, understanding that you may have questions and that is what we are here to at least open up.

So I will leave it at that if you have any questions. It was passed out to you this morning so I appreciate you probably did not have time to look at these. Either way it is currently formatted, but you can hopefully read the 12 recommendations in the bold type and in just a few moments get a real good sense of what we are recommending here.

MS. ROBINSON: If you have any questions -- Omega.

MR. WILSON: I just appreciate the fact that John worked closely with me in conference calls and telephone calls to be sure some of the comments and concerns in here were included, and I think that was very well done.

I appreciate that and the consideration for on-the-ground community organizations and encouraging state activities to address that and not just be state-funded activities without documenting that they are actually dealing with things on the ground in the states, in areas where they actually work and are responsible for.

MR. RIDGWAY: You are welcome and likewise. I am also would hope that we might hear in a year or so how this is going. Just an early cue-up for an agenda down the road, these are going to be three years in implementation so it

*Audio Associates*  
301/577-5882

I want to thank the members of the workgroup who provided the time to address this through conference calls only. We met face to face only once a year ago, I guess it was in June, at our last NEJAC meeting. So I think it has been a good exercise to be able to crank out something relatively quickly so EPA can move forward with this cooperative agreement project as proposed in a timely manner and get that money out.

I think one point worth noting is that we heard a number of concerns at our last NEJAC meeting about whether this money was going to be used in an effective way or just support bureaucracies at the state level. Those concerns were taken very seriously and addressed. In particular I want to thank Omega for spending a lot of extra time to follow up to those concerns and working with our group to see that those are addressed.

I want to be sure that, Omega, you have an opportunity to bring up any questions. I know it was another person I talked with and she, although isn't here, said very clearly that she was very happy with the way it has evolved and she would have let me know otherwise if she wasn't.

So I think it is ready to go. I also want to thank Victoria for taking extra time and Kent Benjamin as well, to get this polished so it is ready for the full

*Audio Associates*  
301/577-5882

may be a while before we see the kind of results but I would expect the NEJAC would want to get a summary of those results, and we may be in a good position as a council to make further recommendations to see it expand in funding.

This gets to the point earlier with a new administration looking at where to put money, not only for this cooperative agreement program but also for something of a parallel nature for tribes.

MS. ROBINSON: Any other questions, comments?

(No response)

MS. ROBINSON: Okay, we would like to proceed.

Anybody had an opportunity to take a look at the document and is willing to go ahead and take some action on the letter?

(Council members nodding their heads)

MR. RIDGWAY: I am going to make a motion that the council approve this and forward it for signature and send it on to EPA's current administrator.

MS. BRIGGUM: Seconded by Sue.

MS. ROBINSON: All those in favor say aye.

(Chorus of ayes.)

MS. ROBINSON: Any nays? Abstentions?

(No response)

MS. ROBINSON: Hearing none then this letter is approved and there will be a package put together and it

*Audio Associates*  
301/577-5882



will also go to the current administrator as John has pointed out.

MR. RIDGWAY: Thank you, council members.

MS. ROBINSON: Third item -- I know everybody is itching to get out of here -- this is something that Patty brought up and I find it quite interesting that she raised these issues about communication and outreach. That was something that Charles and I had decided to put on the agenda for this discussion during council business.

Yesterday, Patty had said she had questions about how to raise awareness of NEJAC's accomplishments, EPA's accomplishments along these areas. She suggested possibly an EJ Journal, similar to what other agencies are doing and other opportunities for the NEJAC to develop some sort of scorecard of activities and efforts by other federal agencies.

So I thought it would be good to put on the table, have a discussion of what the expectations of the members are. What your expectations are about this kind of outreach. Before we do, I wanted to tell a little bit about what we are doing.

One thing is, some of you may be aware -- and I may not have mentioned it to everybody -- but we have project ongoing right now in our office in which we are actually identifying, trying to analyze the impact of

*Audio Associates*  
301/577-5882

expectations. I know John has got his up and then Sue.

MR. RIDGWAY: Patty Salkin was on our workgroup and she brought in a perspective that I don't think we have heard or NEJAC has heard a lot of in terms of a broader range of organizations that could support what NEJAC supports and what EPA is supporting in the name of environmental justice.

These associations of local government, cities, counties, mayors, land-use planners, et cetera -- I just want to reiterate that I think that what she had to offer was real good and I think we ought to take advantage of her connections in that regard.

I also wanted to say I think the presentation Charles gave yesterday summarizing kind of what has gone on, what the general process has been, accomplishments and goals to carry forward with was a great tool that I would like to see, if possible, copied and sent out to us in the context that I think the NEJAC members in our work, in our various roles can help also share what is going on here.

And it is a ready-made presentation to show where EPA is at, what is going on with good credit to Charles and the staff for putting together a very concise, I think, well laid-out slide presentation. So I would ask that we could get copies of that if that is okay with Charles, and maybe ask for the group to think about how we can help communicate

*Audio Associates*  
301/577-5882

NEJAC's recommendations over its 15-year history, 14 and a half year history, on EPA program, policies and activities.

We expect at the May 2009 meeting to have a preliminary analysis of that, that being the 15 year anniversary of the NEJAC's first meeting.

So we are moving toward that to get a sense of just how powerful and influential the NEJAC's recommendations have been, how they have changed EPA's activities, policies, as well to start teeing up a conversation whereby we look at -- getting a sense of where the EPA wants to be in 5 to 10 years and how the NEJAC can help those recommendations to ensure the agency gets there. That is the next phase beyond that.

That is a question that the individuals within EPA who are managing all of the FACA committees are asking the FACA committees to think about that kind of question.

So that is one thing we are already attempting to do. Regarding EPA's accomplishments, I think Charles can speak to some of the new projects we are doing with the success stories? Or cataloging EPA's accomplishments in environmental justice? Any efforts along those lines?

But I wanted to get some sense from -- since you didn't have an opportunity yesterday to continue with some of the comments that Patty had raised. If there are any additional ones that we need to think about and some of your

*Audio Associates*  
301/577-5882

what is going on in the name of environmental justice.

I think you have a resource here amongst the council members and it might be worth discussing at a next meeting, you know, is there something we might want to do in a coordinated manner or just haphazard manner as we have the chance. I would be glad to do my part that way.

MS. ROBINSON: Thank you. Sue?

MS. BRIGGUM: This is along the same lines. I had talked to Patty too and because she is an academic she has potential access, for example, to publishing houses who might be interested in doing something.

It strikes me that rather than talking to each other at the next NEJAC to hear that, even though we have the public attend not that many can, and over the years thousands of people have come into contact with us and deserve to hear that they have had an impact on our recommendations that had an impact on EPA.

A lot has been accomplished that is little known and I believe still in books. There might be something that would really reflect that this has been an extremely important body. That the money spent on it has been well spent.

So we could do a faster track, maybe a conference call if Patty would be willing to coordinate just to hear about her ideas, and those of us who wanted to volunteer

*Audio Associates*  
301/577-5882

within the group might be helpful to her. See if we could come up with something that would communicate a history of productivity as well as the potential for the future to get other additional things done.

MS. ROBINSON: Thank you, Sue. That is actually one of the things we thought about as we are trying to come up with the format for the final report, understanding it is not an internal EPA document. It is not a NEJAC member only document.

Who is the ultimate secondary, tertiary audiences for a document like that? And I think getting some input from the members would be good. I will talk to Patty about an informal call for that.

MR. WILSON: I just want to go back to something somebody raised yesterday evening and it had to do with podcasts, right? I think -- I don't know how much the cost or the technical involvement would be to it, but this may be a good opportunity to tie into what Sue just said and what Patty Salkin was talking about also, talking about the EJ Journal.

The podcasts or something like that would be an opportunity to deliver information to colleges, universities, community groups, public libraries, even local government officials as an awareness and/or capacity building.

*Audio Associates*  
301/577-5882

have to write papers out of it or do some kind research or augment something they are already doing.

Of course, you know, the agency and all the Web site and all that we put out there, there are a lot of people who don't know it exists. It create a perfect opportunities, at public and academic levels, to make access of things on EPA's Web site a lot of them have no idea is there.

MR. MOORE: I think that is probably part of the key of the discussion, that consolidation there. I think the other thing is really in that communication piece that has come up is that we are seeing a lot more articles written in different journals to help to get the word out.

Some real questions, some real challenge questions that we may take on as a NEJAC and get input into that, external communications, but also getting the news out there in terms of the things we have been doing.

MS. ROBINSON: Thank you, Richard. Greg.

MR. MELANSON: It sounds like Patty has great suggestions. What I would like to do is add to that list some organizations, associations that are in the community development, affordable housing space, which I think, again, is a great connection point, which I am not sure we have seen all of the connections that are made.

This communication effort can be a great

*Audio Associates*  
301/577-5882

I have talked to a lot of people at the local level who are officials who think environmental justice is one thing, and they have no idea how comprehensive or involved it is. Not necessarily they would be able to formally respond, but it creates an opportunity for colleges, university professors to encourage students to write papers, do their own research. It may spur some things out there that we have no idea of.

And certainly one of the things is Duke, because I have given presentations at Duke University, University of North Carolina, Chapel Hill, Elon, North Carolina Central University -- and everywhere I go where they have public health programs, environmental justice programs, what they perceive it to be and how they are structured very often is not what we are dealing with.

I have had some people call me from across the country asking me to help a student work on a dissertation or give advice because a professor could not, did not understand it enough to do it, even though it was a environmental justice program at some major college or university. This has happened more than once.

So maybe this is an opportunity for that growth and that development in an informal setting. Maybe on a local basis or this particular college or university, whatever, structured the way they want to, that students

*Audio Associates*  
301/577-5882

opportunity to reach out to those organizations and heighten their awareness and see if we can bring some of their energy and resources to this issue as well. So I am happy to help and participate and bring some of those names and organizations to the table.

MS. ROBINSON: Great, sounds good. One of the things we need to make sure we keep in mind as we are thinking about outreach and communications is the bright line between what the NEJAC is as a body versus the type of effort and outreach that you as individuals can do versus what the NEJAC itself can do.

That is one thing we can talk about in the call so it can make it to the general body. The bottom line to remember that as the NEJAC's purpose is to provide recommendations to the agency, to the administrator, and that as a body it can provide advice about ways to communicate things.

But if you are looking at -- because some of things she was talking about, a lot of that would involve individual members as your role taking the message back to your stakeholder groups.

Again, as representative members, you represent perspectives, distinct perspectives, and it is part of the responsibility as members to bring information back and not only bring information to the meeting to the council but

*Audio Associates*  
301/577-5882

actually take information back to your individual stakeholder perspectives.

This could mesh very nicely with that, and we could talk more about that at the call with Patty and during discussion on a public teleconference call or something later one.

Any other questions, comments?

(No response)

MS. ROBINSON: I do appreciate all these suggestions and we will take them into consideration as we start building for the next generation of the NEJAC. We have gone through several phases over the 15 years and we are entering a new one, I think, and this would be some great ways to have some tools to accompany that.

**Closing Comments**

MR. MOORE: Well, I think we will just take these last few minutes. We have completed the agenda -- it is a little after 12:00 p.m. -- just take a last couple minutes and see if there is anybody that would like to make additional comments or whatever before we close the meeting. Victoria?

MS. ROBINSON: I thought I would be the last one. I want to say that I am -- as I am taking over as the new DFO, this is going to be a learning experience for me, so I want to make you aware. I appreciate all of the help that I

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

MR. MOORE: Thank you. I just wanted to -- Charles, we are, hold just for a minute. I wanted Charles to talk for a few minutes about the transition stuff that has come up over the last couple days.

MR. RIDGWAY: Victoria, you are going to do great, I have no question about that. I just had some logistical questions. It seems like this group is going to have a couple of thick topics to review around the holiday time, and I commented on that. Scheduling is going to be important.

I am just kind of curious over the next six months, understanding that a lot of things aren't known, what you think this group might be doing in terms of next time we are going to meet and if you might know where.

MS. ROBINSON: Okay, we are looking at having a minimum of two public teleconference calls between now and next May. That is going to be the next face-to-face public meeting. That will be held in Washington, DC. It being the 15-year anniversary, thought that it would be most appropriate to be held D.C. where -- was the original one in D.C.?

(No response)

MS. ROBINSON: I am not sure. It will allow access for many more of the EPA staff from headquarters to be able to participate and senior staff, those who are

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

have received over the years from the members, new and old.

I am trying my best to stay seated at the table, as Charles says. It is very hard to break old habits but I do want to say I have some pretty big shoes to fill following behind Charles, who brings a working knowledge of what it means to be a member of the NEJAC and coupling that with the EPA aspects, and I think that is something that was very unique for any federal advisory committee here in the agency.

So I know I have some pretty big shoes to fill. I hope my hair doesn't turn as gray as quickly.

(Laughter)

MS. ROBINSON: But I am already well on my way. I want to thank you for your enthusiasm, your dedication and your passion, which I think is going to make my job, this transition, much easier. I do appreciate it.

I want to introduce to the members so you are aware of it. Lisa Hammond, over there, is the person taking over many if not all of my program manager duties for the NEJAC. So you will see more of an increased communication and correspondence with Lisa, and feel free to use her as a resource.

All I can say is I will do my best. Feel free to make sure you let me know if I am doing something I shouldn't be doing or can be improved. Thank you very much.

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

interested, who would be interested in this.

The timeframe would be, we are looking at early, early May but just trying to find the place right now. That is what we are working on.

The two public teleconference calls, we are looking at each one dedicated to a different report. One definitely on the screening approaches workgroup report and well as one for the goods movement workgroup.

I understand your concerns about the holiday. I can see one possibly mid-December and one in January. When we get back to the office we will send out a list of dates so people can put their time on the calendar for that.

MR. RIDGWAY: For what it is worth I would like to cast my vote in support of the May meeting or spring meeting if at all possible in conjunction with the State of Environmental Justice in America conference. It would be great if the two could happen back to back or in some sort of coordinated manner.

MS. ROBINSON: We understand that. Yes, something that we are still working with John on, some logistical issues for the timing.

MS. BRIGGUM: I just want to say the same thing because it is just a good use of resources because there is a lot of overlap and it is less where and tear on a lot of people, particularly on the West Coast. It is so hard to

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

come to D.C. and everything. This would really help a lot.

MR. MOORE: I just wanted to agree with that. Was there any other -- John?

MR. ROSENTHALL: We started talking about this some time ago and finding a place in D.C. is tough, so we finally settled on May 28<sup>th</sup> and 29<sup>th</sup> at the Doubletree Hotel in Washington, D.C. That is on a Thursday and a Friday. That is the week after Memorial Day. We would love to do the two together. There are some advantages and there are some disadvantages.

I think we could do it within four days by combining the two together without cutting out much. One of the disadvantages is the public hearing would probably be a nightmare if we do it the same way we do now because you would have more people there in Washington, DC. So I don't think that would work out well.

One of the advantages though is that if you do the awards ceremony, you could do it before 400 or 500 people as opposed to, you know, 40 or 50. In fact, Charles and Granta considered doing that this year, making the award ceremony at the conference but logistically they just could not work it out. But they did give that some consideration.

We have been talking to Victoria, Danny and Charles and, you know, trying to work it out and as they said if we can, we will. If we can't, then we will have two

*Audio Associates*  
301/577-5882

MR. LEE: I just wanted to give everyone a sense of the -- many of you talked about questions that relate to transition. This is a bigger discussion than can be had in a short period of time. I kind of tried to distilled some of what I know and want to share as far as a larger picture.

As I said yesterday, the transition planning has already started, is well under way. You know, come November 5<sup>th</sup> all the transition teams are going to be in place and starting to work, if not already.

There is a whole process within the agency through various mechanisms. I thought that there was like three issues that would be most important to you. In terms of specific issues that the NEJAC is looking at, you know, the goods movement being one, the efforts around states being another.

Third one in terms of this whole letter you are going to send around environmental justice and green business, they all have implication for some kind of interest of the part of the new administrator.

We had it mentioned, as far as some of the hot issues, is the need for the new administrator to respond to the NEJAC letters of recommendation. As this thing moves out into the future, issues like climate change and all these things that we have talked about as far as building a foundation for the science of regulatory development, they

*Audio Associates*  
301/577-5882

different meetings.

MR. MOORE: That is important. Some of the discussions, as you say, John, have already been taking place so just keep us updated on that.

MR. LEE: Just the -- the EJ Achievement Awards for 2009 is on a track that makes it impossible to award by May. I think the cycle won't start until January so that would have been a good idea.

The other issue having to do with putting it all in the same week is there are logistical issues. The other thing I just want to let you know what my perspective on this is. It is a good idea but the most important thing from the point of view where OEJ stands is the substance of getting the substance of the business of the NEJAC done.

That is something we really need to consider really carefully. There are real advantages to having it all at the same time but the other questions is the disadvantage of trying to do two things at the same time, particularly from a substantive work output point of view.

So we will consider all this. I just want to let everybody know we are considering it but this is some of our thinking behind it.

MR. MOORE: Thank you, Charles. Do we have any other comments before I let Charles go on this transition for a few minutes? Okay, Charles?

*Audio Associates*  
301/577-5882

all play into this. But that is a larger, and it is hard to figure out what that looks like.

The second thing is timing. It isn't all going to happen between now and the beginning of the year. This is going to play out over time, and it is going to play out in terms of many different individuals, not just the new administrator but the assistant administrator for OECA. The person that takes Granta's place is the person that is going to deal with a lot of the more specific issues that I just mentioned.

How that plays out, it is hard to say, but it is probably going to play out over the next year. What I would say about that to you is just like what we are going to do is think about this thoughtfully. We just need to know it is happening and we need to think about this thoughtfully.

The third is that from whatever venue you come from, and if you have any influence on the new leadership within EPA in terms of education around environmental justice is that you do that proactively.

One of the things you should do is invite -- we are suggesting to all the regions and AA ships that they invite their new regional administrator and regional administrator to visit some EJ communities so they can see, understand the kind of issues that are there in a direct way. I think on a firsthand way. When people really see

*Audio Associates*  
301/577-5882

what we are dealing with.

Those are the three thoughts I would have for you. About this. We are already factoring in the NEJAC into the transition. It isn't like the first time we thought about it was when one of you raised this yesterday.

MR. MOORE: Thank you, Charles. Were there any other comments or questions as we close?

(No response)

MR. MOORE: Okay, we would like to thank everyone for the patience. For the workgroups, terrific work. I think we have had a very productive couple of days. We would also like to thank Tim and others that have assisted us in some of the work, carrying out the awards and that kind of thing earlier to the NEJAC meeting.

To the state coordinators, to the EJ coordinators from the regions, to the others that have been here, to the contractors, to the workers in the hotel -- the hotel has been incredible. Everybody has just been extremely, extremely helpful, from the maids to the restaurant people -- everyone across the board. Everyone.

I would like to also, as we did earlier, thank the contractors, congratulate Victoria in her new job. We better get a photo of her now. Also to Lisa and the other staff for the work that you are doing on our behalf in the Office of Environmental Justice. Have a very safe trip home

*Audio Associates*  
*301/577-5882*

and the best of the best. This meeting is adjourned.

(Whereupon, the meeting adjourned at 12:25 p.m.)

*Audio Associates*  
*301/577-5882*