

**National Environmental Justice
Advisory Council
Meeting**

January 27 - 29, 2010

Wednesday, January 27, 2010

National Environmental Justice Advisory Council

January 27, 2010

NEJAC Committee Members Present:

Elizabeth Yeampierre, Acting Chair
John Ridgway, Co-Chair

Chuck D. Barlow
Sue Briggum
M. Kathryn Brown
Peter Captain, Sr.
Jolene M. Catron
Wynecta Fisher
Jodena Henneke
Hilton Kelley
J. Langdon Marsh
Paul Mohai
Ignacia Moreno
John A. Rosenthal
Omega R. Wilson

Charles Lee, Director, OEJ, *ex officio*
Victoria Robinson, Designated Federal Officer, *ex officio*

NEJAC Committee Members Absent:

Don Aragon
William Harper
Christian Holmes
Gregory J. Melanson
Richard Moore
Shankar Prasad
Patricia E. Salkin

National Environmental Justice Advisory Council

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Audio Associates
(301)577-5882

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

(1:11 p.m.)

*Welcome and Opening Remarks**by Victoria Robinson, Designated Federal Officer*

MS. ROBINSON: Hello everybody. I want to welcome everybody to the 29th NEJAC meeting. I think this is our second meeting here in New Orleans. And I would like to extend a welcome to not only the member of the NEJAC, our speakers who will be here for our panels later on, but also to the members of the audience who've taken time out of their busy schedules to actually come to New Orleans and participate.

We also have a large number of EPA staff here at this meeting and we would like to welcome you and thank you all for coming.

My name is Victoria Robinson. And I am a designated federal officer for the NEJAC. And it's a great time to be here what with the "Who Dat" Nation and the recent win, last Sunday. But also all the great work that has happened here at the EPA/EJ conference this last couple of days. There's been a lot of energy around that.

The NEJAC has also, I think, been deemed one of the if not the busiest and hardest working federal advisory

committees. And as usually we have a very full agenda. We do have a public comment period scheduled today beginning at 3:45 p.m. And we want to make sure that we stick to that time line.

In preparation for this afternoon's comment period I would like to remind all the EJ coordinators if they can to be there for that period. We want to make sure that those who are giving public comment can connect with the appropriate people from the regions to address -- to answer any questions.

I do need to make a few administrative announcements before I introduce those people at the table. If you do want to give public comment, public comment sign up closes at 3:30 p.m. We do have more than 50 people who have already signed up for public comment. It's our largest in many, many years. Even if you have pre-registered you will need to go and check in at the sign up desk. We're asking everybody who has done that to make sure they stop by. That way we'll know you're here. And we will have a 15 minute break before comment public starts at 3:45.

For those who have not found them yet, restrooms are located at both sides of the registration area. You'll see the big overhead signs.

Just to let you know we do have a Court Reporter

and two note takers from our meeting contractor, APEX. You can identify them by the blue staff name badges. Anybody here, if you have any questions regarding logistics or anybody has a blue staff badge, can help you.

We also are doing an audio recording of this meeting as we always do. But in addition, certain portions of the meeting will be saved as an audio pod cast to be posted to the NEJAC website, much as we did with the September 24th teleconference call that we had on EPA's Enforcement Initiatives.

There is also going to be a verbatim transcript and a written summary of the meeting proceedings. So remember to the speakers and to the members that you state your name clearly and speak audibly, clearly, so that the Court Reporter and note takers can hear.

And I do need to say that this new technology and you're going to have to hold the button down when you speak. We are changing that over for tomorrow, but right now you're going to have to hold the press button if you're going to be talking and you got to be holding it while you're speaking.

And as a reminder there are members of the press here in the audience. And please turn off all your cell phones, pagers and Blackberries, but at a minimum, put them on vibrate.

So, let's get right into the meeting. I would like to introduce Elizabeth Yeampierre. She's going to be serving as our acting Chair for this meeting. Richard Moore, who is our Chair is unfortunately been battling some health problems and will not be able to attend this meeting. And we do wish and send him our well wishes.

In addition to Richard there are six other members who are absent. Who are not able to be here due to illness or prior commitments, Shankar Prasad, Don Aragon, Bill Harper, Chris Holmes, Patty Salkin, Greg Melanson and I think that's it. We wish them a speedy recovery and hope to see them at the next meeting.

Next to Elizabeth is Charles Lee, my boss. And the Director of EPA's Office of Environmental Justice. Charles will be moderating our first panel with the EPA Senior Officials which will be starting soon.

Before we move to the panel I am going to ask Elizabeth to greet the council and then following that, I would like the members to introduce themselves, briefly, by stating your name and affiliation. And -- I think that's it. So, Elizabeth.

Welcoming Comments

by Elizabeth Yeampierre, NEJAC Acting Chair

MS. YEAMPIERRE: (Other language) My name is

Elizabeth Yeampierre. And I am really honored to have the opportunity to chair today's meeting. I would like to start by having a very brief moment of silence to (Other language) to our brothers and sisters in Haiti, so if we could do that for a second.

(Moment of Silence)

MS. YEAMPIERRE: Okay. Thank you. It is amazing to be in New Orleans because New Orleans is really -- fields like the heart of Environmental Justice. And it's a place where we understand how climate and how adaptation and community resilience is really going to have an effect on a lot of our communities throughout the United States. So it's a great place to be, to be reminded of what's at stake and what the human costs are to our communities throughout the United States.

I want to thank Administrator Jackson for making Environmental Justice a priority. Administrator Jackson has not only talked about climate but co-pollutants, and has really sent a challenge to her employees that they have to be visionaries and they have to be creative in addressing these problems and we expect a lot because a lot is going to be required to address a lot of the problems that have plagued our communities not only for many years but are going to be come worse because of the climatic changes that are

coming.

I want to thank Charles Lee, Victoria Robinson, Mustafa Ali, Aaron Bell, the staff at OEJ that works so hard behind closed doors to make sure that an event like this is a success. It is not easy to get activists from all over the country to come together and focus on one issue because so many are a challenge.

And in addition to thanking the members of the NEJAC I also want to thank the audience, and I also want to remind people who the members of the audience are. People in the audience are people who with little -- with few resources or with none at all are transforming their communities. And come here with the desire that we are able to provide some recommendations and that we can listen with all of our senses to addresses the challenges that they're facing every day in their communities.

Everything from -- and we're talking from communities from, community from Brooklyn, to the Bay, from Indian Country to Mossville. All of those communities where children are literally developing cancer, upper respiratory diseases, asthma, all of those things that are plaguing our elders, that there are so much that we have lost as people of color who have already been exposed to a lot of different challenges that have to do with justice. And that we can't

count on something as basic as the right to breath.

So, people are coming with heavy hearts, with recommendations, with ideas and with the hope that the people who represent the administration here are able to provide them with some answers and provide them with some resources on how they can, for themselves, address those issues.

You know, the tenant in Environmental Justice is that we speak for ourselves. So people know, and people not only what the issues are. They also know what some of those solutions are.

So, I would urge people who represent Administration here, the EPA and other agencies to work in collaboration with these communities so that they can add value.

And some of the things, and I am just going to wind up here, that I think are really important is looking at an interagency collaboration that really makes sense. It had been my hope that a number of agencies would have been here in addition of EPA like the Department of the Interior, Department of Labor, HUD, a number of agencies that really need to be here because the issue of Environmental Justice isn't limited to EPA and it's charge of enforcement. It is one that really is going to effect all of our agencies and we need to figure out how those resources are going to be made

available and how EJ is going to be a priority, not just for EPA but for all of the agencies that have to weigh in on this issue.

The other thing, and I'll make this my final one, is that I am hoping that in the next NEJAC that we will be able to create a space to bring in young people so that we can be truly inter-generational and give them an opportunity to learn what EPA does, what EJ activists do all over the country and figure out how we can integrate them into leadership in a way that is really meaningful.

So, with that, gracia for your attention. I would like to introduce you also to John Ridgway. We're going to start with him. He is the Vice-Chair of NEJAC and we're really happy to have him here in that capacity. John.

MR. RIDGWAY: Good afternoon. Thank you for coming. I am John Ridgway. I am with the Washington State Department of Ecology. And I am honored to be an Acting Vice-Chair today to support all you council members and the audience as well. Thank you.

MR. BARLOW: Chuck Barlow from Energy Corporation.

MS. BRIGGUM: Sue Briggum from Waste Management.

MS. YEAMPIERRE: I actually did not say what I do. I am Elizabeth Yeampierre, I am Executive Director of UPROSE in Brooklyn and President of the New York City Environmental

Justice Alliance.

MS. ROBINSON: Thank you everyone. I am going to turn it over to Charles Lee, to introduce our EPA Senior Officials and to start the opening dialogue session. For those of you who may not know, Charles served on the NEJAC for many years before joining EPA. In fact he was one of the original NEJAC members and contributed to earlier research on EJ and health disparities in low income and minority communities during the early years of the EJ movement. So, his knowledge and expertise on EJ is very vast. So Charles.

Welcoming Comments

by Charles Lee, U.S. EPA Office of Environmental Justice

MR. LEE: Thank you, Victoria. And I too want to welcome all the NEJAC members and those in the audience and agency staff, especially our senior staff who took the time to come here today.

I think this is a really, really important NEJAC meeting. But before we start, before I give my remarks, I want to say to all of you here from New Orleans, congratulations on the Saints going to the Super Bowl.

(Applause)

MR. LEE: And given the fact that everyone knows that our Administrator is from New Orleans, I don't think anyone at EPA dares not to root for the Saints.

(Laughter)

MR. LEE: I also want to recognize Victoria Robinson, who is the NEJAC Designated Federal Officer, the OEJ staff, the EJ coordinators and our contractors who support this meeting, for all the hard work they do in organizing the meeting. Normally we try to do at the end of the meeting but I think a lot of times we don't -- a lot of people are not here at that time, and so we really need to make sure that we are recognizing the hard work that went into this meeting here.

I am the moderator --

(Applause)

MR. LEE: I am the moderator for the next session. And I am also supposed to give some remarks, so I am going to use this time to just move as quickly as I can to the next session. We really want you to have time to dialogue with our senior EPA officials.

I am going to give a few words of context and overview for the meeting and then I am going to introduce the speakers.

As we begin this meeting I think it's safe to say that under the leadership of Administrator Jackson activity around Environmental Justice at EPA has been truly, truly unprecedented. Administrator Jackson has said that we must

reach out to the historically under-represented. And the NEJAC is a critical mechanism for us to accomplish that goal.

We are also moving forward at EPA aggressively on integrating Environmental Justice into our regulatory agenda. Something which we've been trying to do for 15 years with little success. We have stepped up our partnership and our work to empower communities as evidenced by recent EPA Congressional Black Caucus Environmental Justice Tour Event in Mississippi.

And we are making EJ something that is integrated into all parts of the work -- the work of all parts of the agency.

Major developments related to EJ are taking place in all parts of EPA which each of the senior EPA officials will discuss on the next panel.

The meeting agenda has a number of important items. Many of which build upon -- earlier dialogue we've had with the NEJAC. As I said, EPA is moving forward with incorporating Environmental Justice into the rule making process.

We have a comprehensive approach that builds upon four pillars of guidance, development, building on strong foundations of both science and the law and transparency. As you recall we had a discussion with you on these efforts as

one of our five major initiatives during the -- of the EJ Executive Steering Committee, in the meeting in July.

We will also discuss the potential new Air Rules which are being envisioned as part of new strategies. And they are examples of our EPA rules can disproportionately benefit overburdened communities. They reflect a paradigm change the agencies looking onto to prevent disproportionate adverse impacts to our -- to promoting -- to our promoting benefits for communities which are already over burdened.

We will discuss the definition of Solid Waste Rules, EJ analysis. And this is an example of how we are developing analysis to ensure that EPA rules do not result in disproportionate impacts.

We will share with you our plans on responding to your Goods Movement report. And EPA has made a commitment to seriously consider and respond to your recommendations in writing. And we will discuss with you our approach.

It is no small matter that Gina McCarthy, our -- the Assistant Administrator for the Office of Air and Radiation will personally take part in that discussion.

At this meeting you will also receive and consider draft recommendations from the NEJAC work group on two major items. First is school air toxic air monitoring and the second is EJ screening approaches. And I want to point out,

these are examples of the soft --- balance, multi-stakeholder advice that NEJAC is now capable to providing to agencies.

Our Assistant Administrator for Enforcement is Cynthia Giles, will discuss EJ enforcement initiatives, which build on a NEJAC teleconference on our national enforcement priorities that was conducted last September. And it is important to note that over 200 people attended that teleconference.

We want to conclude it with a discussion about ways in which EPA can best engage in NEJAC in the coming years as well as how we can best integrate Environmental Justice throughout all the other federal advisory committees and think about how this can be done through our advisory committee system as a whole.

We know that interest in Environmental Justice is also emerging in other federal agencies. For example, the Assistant Attorney General for Natural Resources and Environment, the Environment Division at the Department of Justice will be speaking here on Friday.

Lastly, the public comment period will take place this afternoon right after this session. We have -- it is important to note that we scheduled this NEJAC meeting to coincide, to coordinate with the conference on Environmental Justice Air Quality Goods Movement and Green Jobs. This is

so that we can assure the greatest possible community participation. We are very mindful of the kinds of challenges that EJ communities have in terms of the finances and the travel involved to get to the NEJAC meetings. So, we want to make the greatest opportunity possible for you to interface with the NEJAC and with the EPA leadership.

This is an example, I think, of how we're trying to carry out the Administrator's instructions that we must meet the community on the road that they are traveling.

Opening Dialogue with EPA Senior Officials

by Charles Lee, Moderator

MR. LEE: With that, I will go right to the next panel which will consist of the political leadership at EPA. I will quickly give their names. They have already introduced themselves in the order that they will speak. Lisa Garcia, Michelle DePass, Cynthia Giles, who I want to also mention is not only the Assistant Administrator for the Enforcement Office but the National Program Manager for Environmental Justice.

Mathy Stanislaus who is unable to be here today but will be speaking tomorrow. Gina McCarthy, who will also be speaking here tomorrow. Peter Silver was taken away on business, but I think he's make it here tomorrow. In his stead, Mike Shapiro, the Deputy Assistant Administrator for

the Office of Water will be speaking for him on his behalf today. Steve Owens, Scott Fulton and then Al Armendariz.

And the Regional Administrator for Region VI, who is also our host region, and he will speak on behalf of all the regions.

I think the fact that we have assembled such a collection of senior leadership for a NEJAC is a statement in and of itself. Each of them will speak for five to seven minutes. Providing their overview on their EJ mission, vision and some new developments. If you are following the agenda, please note that we've moved Michelle DePass to earlier in the speaking order so that she can go catch a plane.

Before we move into these presentations with EPA's senior leadership it would be remiss if we did not recognize a large number of career senior leadership who are also present here. They are seated in the front row, right behind the table. I will ask each of them to stand and introduce themselves.

(Introductions)

MR. LEE: They will be available to answer questions during the discussion part of this session. With that I will turn it over to Lisa Garcia.

Comments

*Audio Associates
(301)577-5882*

by Lisa Garcia, EPA Senior Advisory For Environmental Justice

MS. GARCIA: Thank you, Charles. I just want to say thank you to the NEJAC council for inviting us and having us. And we're very happy to be here.

I know that I've been speaking for the past few days so I am not going to take up too much time. But folks who may be -- where not here and didn't hear some of the key points that we had mentioned, I'll just go over them quickly.

As everyone has mentioned through the past few days and a memo went out earlier this month, Environmental Justice is a top priority for the Administrator. And so my role as Senior Advisor to the Administrator is making sure that that priority is accomplished, working with the different programs, to help, I guess, promote that and certainly work with communities. To make sure that we're going down the right path and that we are accomplishing things that we need to.

And then, of course, a key part of that is making sure that the Office of Environmental Justice is kind of deployed into all those different areas to help out because they're a huge resource as they have been to the agency for many years. So, thanks to the Office of Environmental Justice.

Basically what we decided in trying to work on this

priority is to create three objectives and frameworks within the agency to how to move Environmental Justice forward. And the first one -- Cynthia and I are going to tag team on this one -- but I'll talk about the first two.

The first one is improving partnerships with community, states and federal agencies. And it essentially provides for EPA to have open doors. And that is to NEJAC to creating or to continuing this relationship but really becoming an advisory committee and advising us on different issues, to working with communities. And I know that over the past two and a half days we've heard a lot about bringing along the states as partners and bringing along the federal agencies into this discussion because the other agencies and states are a huge part of the success of Environmental Justice really becoming a priority.

And so along those lines I just want to announce that the Administrator has spoken to Nancy Sutley from CEQ and discussed ways to begin working together on bringing in federal agencies, figuring out the mechanisms and the procedures, or processes, I guess, to really begin to address some of these concerns that have been raised. And so that is a work in progress but it started and both the Administrator and Nancy Sutley are committed to that.

The second objective and goal is working to build

healthy and sustainable communities. And that is kind of the more proactive work and how we go out and really bring benefits to the communities. Another thing that has been raised a lot is the multimedia -- the need for multimedia attention. To really look at communities holistically. And so there's been a lot of discussion on EPA making sure that the Office of Environmental Justice is working with the Smart Growth Office. And that is something that is going forward.

There's a conference, I believe next week, and there is a whole workshop on how Environmental Justice and Smart Growth really -- there's a lot of synergy there. And they're talking about green infrastructure and greening communities.

And of course we have -- Charles spoke about the ten Showcase communities, another effort by EPA, to begin to look at communities in this holistic way and to address it on a multimedia fashion. And so those are some of the things moving forward.

And then quickly, I know I had mentioned this on Monday, that Title VI has been raised, it's a huge issue. And people want to see Title VI addressed. I had told you that there were things moving along at EPA. We recognize that we, in the past had not really responded. And made --

responding to the Title VI complaints a priority.

Well, I am happy to announce that a memo went out just yesterday asking for EJA and each program and region to designate a person to the Title VI work group that is really going to be addressing Title VI complaints and across the many different programs and regions at EPA. So it is moving as we speak.

And so I guess I'll stop there and once again thank you. And I am around if there's any other questions.

Comments

by Michelle DePass, Office of International Affairs

MS. DePASS: Okay. Thank you very much for inviting me. I am very honored to be in front of the NEJAC council and honored to be in front of -- thank you, Scott. Tag teaming. See, our senior leadership team works very well together when EPA. And thank you to Elizabeth Yeampierre for being here and getting this meeting started.

My vision for EJ, I am thrilled first of all to be here in this agency at this time working with Administrator Jackson and working with this leadership team, who are all very committed to Environmental Justice. And in my role as Assistant Administrator for International Affairs and soon to be Tribal Affairs there's a myriad of roles that we can actually facilitate Environmental Justice.

First in with the National Program Manager for Boarder 2012. Boarder 2012 is a program where we work bilaterally with Mexico to be able to address risk with some of the most vulnerable populations on the boarder. These are communities that are sometimes living in an unincorporated communities. They have a very high rate of unemployment and they're a very high -- percentage of children who are very vulnerable to environmental health considerations. So we will really be working hard in the next iteration of Boarder 2012 to incorporate Environmental Justice and children's health concerns.

But I want to actually address more deeply an issue as a cross-cutting office with Tribal Affairs, I have the opportunity to talk about that might not be captured as much as with my other colleagues in the media offices today.

So, we know that EJ means meaningful participation. And it means equitable treatment. And we have our work cut out for us. We know in tribal communities. And in the Lower 48, there are hazardous waste dumps and there are open dumps. In Alaska issues of climate change are very, very important. They're impacting tribal communities quite heavily.

And the Administrator, when she came in, reaffirmed our tribal policy. And also she expressed a desire to elevate tribal affairs by putting it under the AA-ship of

International Affairs working with the AA-ship of International Affairs to ensure that the sovereign to sovereign relationship is continued to be working quite smoothly.

We -- I am happy to say we're almost done with that process internally at the EPA and it should be official towards the end of February.

In addition, we're working very closely with the Office of Water to ensure that the consultation process that President Obama put forth in his Executive Order in the October at the Tribal Summit, is actually a realization quite quickly at EPA. The promise -- the plan is to actually put forth a draft action plan by February 3rd to OMB and how we will be reconciling the Tribal Consultation Plan with the EPA Executive Order, Executive Policy that already exists.

So, we are -- we are really engaged and we're very excited that we're going to be able to work and that I'll be able -- this I am very engaged and excited that I am going to be able to have a leadership role in terms of tribal policy. And I look forward to engaging in a dialogue about how we can continue this.

Comments

by Cynthia Giles, Office of Enforcement and Compliance Assurance (OECA)

MS. GILES: Hi, I am Cynthia Giles. And I believe

***Audio Associates
(301)577-5882***

as Charles mentioned earlier I just want to reiterate, that I am actually here wearing two different hats that are relative to this NEJAC meeting. One is as the head of the Enforcement Program at EPA. But as Charles mentioned, I am also the National Program Manager for Environmental Justice, which goes well beyond enforcement to all of the other work that we're doing in the agency to realize the Administrator's goal that we include Environmental Justice in all the work that we do.

Lisa Garcia mentioned that there are three principal areas in which we're working. And she talked about the two, opening the doors of EPA to listen better to what communities are saying and to provide more information for communities to seize control of their own destiny. The second category being working to build green sustainable and healthy communities. And the third that I am just going to spend a minute talking about is using all of our regulatory tools to advance the objectives of Environmental Justice.

So, the regulatory tools that we're talking about here using the existing laws and existing authorities are principally in three areas. One is in rule making. That we need to make sure that we're looking at the impacts of rules that we are developing, both to make sure that we are not creating disparate impacts through the rules that we are

writing. And that we are seizing opportunities to correct existing disparate impacts.

We're going to have, I think, a session with NEJAC later about where we stand on rule making, getting your input on some of the thoughts we have about how to do that.

Another area is permitting. Permitting is a very challenging area for us involving Environmental Justice concerns. Very principally because it often involves land use patterns and local government and state decision making in addition to the environmental program decision making. So, we are looking forward to talking to you about ways that we can advance Environmental Justice through permitting.

And the third is enforcement. A matter near and dear to my own heart. We recognize that we have an obligation to make sure that the law is enforced evenly across the country. And that we use our enforcement tools to protect public health. And we're going to be working hard to achieve that.

I want to give you a little bit of an example, which I talked to some of the folks who were here on Monday, I talked a little bit this. An example of a way that we can use our enforcement tools to advance the cause of Environmental Justice. We need to be targeting our enforcement work towards the pollutants and concerns and

concentrations of facilities that are effecting public health. And we've been doing that by looking at some of the facilities that are the largest emitters of pollutants of concern, to communities.

And an example of that is in the cement and glass industries, as I mentioned briefly on Monday. The cement is the third largest emitter of some of the pollutants of greatest concern for public health and respiratory conditions, including asthma. Which I think as everyone here is aware is a condition that's disproportionately seen in low income and minority communities. So an area of particular interest to us.

We can go in and use EPA's enforcement authorities to get significant reductions in pollutants. In the case of these two settlements that we announced last week, 27 different communities across the country that are going to see substantial reductions in the pollutants that are of concern to public health and to respiratory conditions in particular. This is just an example one way that EPA can use it's enforcement authorities to get things done.

And when we look at problems like this nationally and we get national settlements with these two companies that we announced and all their facilities in the country, what enables us to do and what we did in this settlement was get

reductions over and above what we could have done by individual litigation. And so we've got reductions for these communities particularly focusing on the communities that had disproportionately high burden of air pollution in the past. We focused in on those communities to make sure that we were getting the reductions in the tightest controls in the communities that had the poorest air quality and that had the highest emissions.

And so just to raise that as one example as to how we can bring enforcement focus. It also relates to providing information to communities. Because one of the key parts of these settlements was making sure that these companies installed continuous emissions monitors on these facilities, so that EPA and the communities can know are they complying with those requirements, what are the emissions that we're actually seeing from these facilities. And these are important advances because in the past these industries had not been required to have this type of monitoring.

So, we're going to talk more about enforcement on Friday. And I am very pleased that Ignacia Moreno, who is the Assistant Administrator -- Assistant Attorney General, excuse me, not Assistant Administrator -- for the Environment at the Department of Justice is going to be flying in here to join us, because she wants to be able to talk with the NEJAC

and listen to your questions and talk about how we're going to be working together on enforcement.

So, we're going to be talking about -- particularly focused in on the regulatory side and rule making later, and talking about enforcement but also I am looking forward to hearing the report and having some interaction with you about your recommendations to us about how we can do enforcement screening and the tools that we have looking at that. And I have very thoughtful comments that we've received NEJAC. And I am looking forward to having some discussion on that.

So, I look forward to the conversation and thank you very much.

MR. LEE: Great. I think next is Mike Shapiro.

Comments

by Mike Shapiro, Office of Water

MR. SHAPIRO: Thank you. It's a pleasure to be here. And as I said Pete Silver will be here tomorrow. And he may have some additional comments at that time. But I think we do have a number of important activities underway within the Office of Water that address Environmental Justice issues. And I thought I would highlight a few of those. A number of which I think you've already, I think, heard about is a previous session.

One is the Urban Waters Initiative, which is

really, I guess, as Lisa framed the three pillars, it's really Water's effort under Administrator Jackson's leadership to address the community and sustainability issues within our Water Program context. And the goal of the Urban Waters Initiative is to focusing on disadvantaged communities, helping communities access, restore and benefit from their urban waters and surrounding lands.

This group heard about some of our initial thinking about Urban Waters Initiative last summer. Since then we've had some time to do some developmental work, think about the comments we got from NEJAC and others and begin to build out a program which we're very excited about and looking forward to kind of beginning to get more visibility.

So, do as a way of jump starting the program plan to announce a very small grant program later this year that will provide for capacity building, for our urban building groups engaged in education and information and good ability development in accessing their waters.

One of the recommendations of this group was to look beyond EPA and solicit assistance from other federal agencies with water related components. And so in addition to I think building what I think right now is a great partnership within the EPA with the Office of Environmental Justice and with OECA, and with the Office of Solid Waste and

Emergency Response, and especially their Brownfield's program, we're convening a federal partnership for them in February to meet with the Department of Interior, Department of Agriculture, Corp of Engineers, several other agencies that have interest similar to our and look to kind of integrate our efforts and leverage our resources in a more effective way.

We are also working with some of our outside partnership groups like the River Network, which plans to have a major urban waters component of their next River rally and worked with us in the last major meeting to kind of coordinate activities.

We're also developing an overall program strategy which we hope to have available to you for comment some time in the next month or two and look forward to your feedback from that.

In addition to Urban Waters, we've been spending a lot of time on mountain top mining. This is a high priority for the Administrator. Really from the very beginning from her tenor at EPA. We an another offices within the agency have focused on reexamining and pay new attention to the impacts of mountain top removal mining and looking at ways we can improve our structure to improve the protection to our waters and to public health associated with these practices

and our permitting.

This is again where there is multiple agency jurisdictions, there's the Office of Surface Mining, the Army Corp of Engineers which actually issues the dredge and fill permits. An EPA who has overall responsibility for water quality as well as joint permitting with the Corp.

We have really gone through a fairly thorough examination of our efforts, which is on going. We signed an agreement with the other federal partners to develop a number of short-term and long-term actions and coordination that would improve our approaches including examining in detail a number of permits that were kind of in queue for issuance. And we've really begun to work through that backlog of permits and in a couple of cases making some decisions that I think have significant improved.

In one case a permit that was about ready to issue and in another case a major permit has been sent back for some rework. And much more work to be done in that area.

In the meantime, of course, last October we received an Environmental Justice petition under Executive Order 12-898 and the Office of Water is working with OECA and the Office of Environmental Justice to evaluate that petition and make sure that as we move forward we're addressing Environmental Justice issues comprehensively both in the

context of the petition but also in the water context of the reexamination of our approach to the oversight of mountain top mining operations. So that's been a major thrust for our program.

A couple of other things. For the first time now in the Office of Water we've been able to bring together some of our data on the location of impaired waters and join that data with the work that OECA has done on EJ's seat. So that we now have a seat at that table and we can use the EJ data that has been developed in EJSEAT and identify where -- disadvantaged communities are being subjected to impaired waters. And determining patterns using those analysis to help in our evaluation of a national regulations, but also in setting priorities for developing plans to improve impaired waters and water quality monitoring and permitting efforts. So, I think that will be a tool that will really be broadly helpful to the water program.

We've continued to expand our work on fish advisories, recognizing that there are important populations that depend heavily on fish for their subsistence. Many of those are communities that have been a challenge for us to communicate with because they don't speak English as a native language so we've had -- for example our mercury fish advisories translated into many languages. We're piloting a

project to do special emphasis outreach to the Chinese community in order to -- to enhance our communication and improve the transmission of the information.

We're also doing an interesting study in the Mississippi Delta area where we're trying to -- where we're randomly sampling and interviewing populations of fishermen, to see whether they're aware of our mercury advisories and taking them into account even as they continue to fish and consume fish. It will be very important feedback for us to evaluate the effectiveness of our programs.

I think, finally I just want to touch again on something that is still an ongoing process. We discussed this at a previous NEJAC meeting as well. The whole issue of drinking water variances as they relate to -- especially smaller communities who are challenged in trying to meet the demands on increasingly stringent water, drinking water standards, while faced with the cost of meeting those standards.

And we got some important feedback from NEJAC, which the basic message was, don't focus on a dual standard approach, focus on ways to make sure that everyone in this country has access to safe drinking water. And we're continuing to -- and we got similar comments from the water advisory group, the National Drinking Water Advisory

Committee.

We've been spending a lot of time trying to kind of assess the implications of what we can do next and develop a strategy that broadly addresses the needs of rural -- especially under served rural communities. I think we -- we certainly appreciate the feedback and are factoring that very heavily in developing a strategy that we hope will move us forward in this area since we very much feel that the, you know, whatever paths we use, the ultimate goal has to be to provide everyone with safe drinking water. And I'll stop there.

Comments

by Steve Owens, Office of Prevention, Pesticides and Toxic Substances

MR. OWENS: I want to thank you, Charles, and thanks to the members of this committee for inviting me to participate. And my apologies to the audience and the folks behind me for not being able to see them when I am talking but hopefully we'll be able to have some interaction -- that may be my best side, I don't know, but we'll see how this goes.

As everyone has said, Environmental Justice is a top priority for Administrator Jackson and like all the other offices at EPA, the Office of Prevention, Pesticides and Toxic Substances, which I head, is working to integration

Environmental Justice concerns in both our decision making processes as well as our rule making processes.

And just as an advertisement, this goes across the board, our offices has helped and is in the leadership of developing the guidance for all the EPA offices in incorporating Environmental Justice concerns in the rule making. And my Deputy Assistant Administrator, Jim Jones, will be participating on the panel tomorrow morning to talk more about what we're specifically doing and what the other offices in EPA are doing to incorporate EJ concerns into rule making.

So, I hope that will be a good panel and I hope everyone can be here for that because there's a lot of good working being done in that regard and in the work that and the work that Jim is doing on that effort.

But before I talk about the specific things that we're doing in OPPTS, just a little bit of background on the office itself. As the name implies we really have two major functions. We have the function of overseeing and regulating pesticide use in the country, which is the predominate work that goes out of the office, two thirds of the staff in our office are dedicated to that mission.

But what has become an increasingly important side of that office, especially under Administrator Jackson is the

work that we do on toxic substances, specifically under the Toxic Substances Control Act, which for the people who are familiar with the Toxic Substances Control Act know it ain't that great.

And we are working very hard under the Administrator Jackson's leadership to not only get Toxic Substances Control Act reformed, but we're working with NGOs, industry groups, members of Congress, the states and other interested parties to try to build momentum toward getting Congress to update, reform and improve the Toxic Substances Control Act, so that we at EPA can actually regulate chemicals the way that we believe the way that they need to be regulated.

A meeting that they should be subjected to a risk based safety standard to ensure that a chemical is being produced and used in the marketplace, that consumers are buying it and children are being exposed to it, that it is in fact safe. Because right now we don't determine whether a chemical is safe in any form, shape or fashion. That will go into all the notches of how toxic works, but the bottom line is that we really can't tell you sitting here today whether chemicals that are out there are indeed safe, because we don't subject them to that kind of analysis. And hopefully Congress will give us the authority to do that.

But while we're waiting on authority from Congress, increase authority and reform the Toxic Substances Control Act, Administrator Jackson has made very clear to me and the other people in our office that we need to do as much as we can, as fast as we can using the authority that we do have under the Toxic Substances Control Act to take the kinds of actions that may be necessary to protect the American people and children and families in this country from exposure from potentially harmful chemicals.

And that has manifested itself in a variety of ways. One of which was just at the end of December. We announced what we call action plans on four groups of chemicals, on phthalates*, on flame retardants, on proflorinated* chemicals, the so-called PFlors, and on my favorite named chemical, short chain chlorinated paraffins, which sounds like something out of a Harry Potter movie, but also is a pretty significant chemical with some potentially harmful results.

But the Administrator made a commitment that we would announce our first set of four action plans at the of December and before the end of last year. And we did that. We barely made it, they came out on December 30th, but we made that commitment. We also have a couple of other actions plans in the works on Benzedrine dyes. And then on a

substances which is of great attention to many people, and a concern to many people lately, Thisphenol-A or BP-A as it's called. We have an action plan in the works on that. Those are not yet ready for a release. They're still undergoing an internal and interagency review, but hopefully they're be ready for public disclosure and release in the not too distant future.

And in addition to working on our enhanced chemicals management approach using the authorities that we have the Administrator has also made clear to us that a very important aspect of insuring that the American people are protected from the potentially harmful effects of chemicals is that they have the kind of information that they need to protect themselves and their families to exposure to these chemicals and that is a key aspect of Environmental Justice as well. Which is having the information to empower yourselves to take the actions that you need to protect yourselves as well as to consider all the risks that may be out there.

I was very startled to learn when I became the Assistant Administrator of OPPTS that while there are 84,000 -- nearly 84,000 chemicals on what's called the TSCA inventory, which is the list that we keep of all the chemicals that we believe to be in commerce in this country,

the identify of over 16,000 of those 84,000 chemicals is considered confidential. So, roughly 20 percent of the chemicals on the TSCA inventory are not available to the public.

And what had been happening over the years when companies had been -- manufacturers of chemicals had been submitting information to us indicating that some chemicals may be potentially harmful or may have adverse health or environmental effects, they were declaring the identify of the chemical confidential and EPA was respecting that confidentiality claim.

So, you could go to our office, get a report that tells you that a chemical is bad for you but you wouldn't know what that chemical is. And so literally the name of the chemical would be blacked out in the report to the information that was being provided to the public. We know what it was internally but it wasn't being disclosed to the public.

So, we've embarked on a very significant effort to try to reduce the amount of confidentiality claims that are being submitted by industry and to address the overwhelming number of confidentiality claims that are currently in place on the chemical that are on the TSCA inventory.

And just a couple of weeks ago we announced for the

first time that we'll begin denying claims of confidentiality when industry submits information to us indicating that there are potential adverse health or environmental effects for substances that are already listed on the TSCA inventory, which was one of the more bazaar aspects of this whole system that a chemical could already be publically listed on the TSCA inventory, but that when they told us that it had a potential adverse health or environmental impact, we were blacking out -- EPA was blacking out the name and considering it confidential so the general public did not have that information.

It's a small and I consider a modest step but it's certainly a step forward and over the coming months we'll be announcing additional steps to reduce the level of confidentiality that exists among that chemical information that we have. And make sure that the public has greater access to information generally regarding chemicals and the potential risks they posed.

Having said that, let me just talk very quickly about some of the more specific things that we're doing with regard to particular substances that are regulating within my office.

In the toxic side of our house, one of the more significant substances that have Environmental Justice

implications that we deal with, is lead. We have a very aggressive program. Have had it for a number of years. To do outreach both on the information perspectives as well as providing some resources for education and lead removal programs to state's tribes in communities, to try to reduce childhood lead exposure.

The good news is that childhood blood level lead rates have been decreasing steadily over the years. The bad news is that among some populations, especially among African-American children aged one to five, we still see much higher levels of lead in their blood than we do in other children in this country including other minority children. And that's a significant concern to us.

In addition to the efforts that we have with outreach and other activities that will be going into effect, in April, on April 22nd, of this year, the new Lead Renovation, Repair and Painting Rule, the RRP Rule as it's referred to, which would require that contractors who do renovations, repair and other activities in homes, that were built and renovated prior to 1978 which have the high prospects of having lead based paint in them, have to be certified as lead -- have to have lead certification so that when they're conducting those renovations or repairing activities, painting activities, in those homes, that they

will know how to deal with potential lead dust that might be generated when they're doing those renovations and repair activities in those homes. That rule, as I said, goes into effect on April 22nd.

We're ensuring that there is more than adequate training out there for those contractors. But while we're doing that as well, we're working very feverishly to close a major loophole that was created in that rule by the previous administration. That excludes a large number of homes based on whether or not there are children under the age of six there.

The law does not provide for that exclusion. The previous administration did. We settled a lawsuit when Administrator Jackson came into office to close that loophole. And assuming we get it all done through the interagency and regulatory process, that loophole will be closed as well when the RRP Rules goes into effect on April 22nd. So it will be a very effective rule going forward to help reduce exposure to lead dust when repair and renovation activities are taking place in these homes.

We've also got a lot of work, just moving quickly to the -- another issue that we're dealing with. Is the issue of formaldehyde in pressed wood products. I know that's something that's a great concern in this part of the

country especially because of the issues that were raised with the exposure to formaldehyde emissions and the trailers during Hurricane Katrina and the aftermath of that had citizens were living.

Back in December of 2008 my office issued a notice, what's called an Advance Notice Proposed Rule Making, indicating that we're going to be taking a look at the question of formaldehyde in pressed wood products and what we can do to address the levels that we were seeing, because there were issues that were coming up.

During the early part of 2009. There were a series of six public meeting held around the country, including one here in New Orleans, where testimony was taken and comments were received from the public on that issue. We are working -- through the risk assessment process to try and develop appropriate levels. It is unfortunately a long a tedious process to make sure we get it done. But we're trying to move it forward as quickly as we can. And we're hopeful that during the course of the next year or so we'll be able to come out with a proposed rule that will begin to identify the steps that can be taken and standards that would be set for addressing levels of formaldehyde in pressed wood products. So stay tuned for that.

And last but not least in the area of pesticides,

there is an awful lot of going on in our office. I could probably spend a long time talking about both toxics and pesticides. But I'll save that for another conversation.

One of the biggest issues we're trying to address in the pesticides arena is the issue of farm worker exposure to pesticides in the fields. We're coming at that from a number of directions. One, looking not only at the overall issue of all workers being exposed to pesticides. And what levels that are acceptable. And what are the time frames that should be utilized before workers can go back into the fields after they've been sprayed with pesticides.

But looking especially at children who work in the fields, either on their own or along side their parents, you know, what are the levels and the time frames that they can be exposed to.

But in addition to that, as we work through what's called our Worker Protection Rules, which we're helpful will get out the door in the not too distant future, I was told that those rules have been in the works for ten years now in the office. And one of the many things that I've learned about since I've been in this office, I will say there's a lot of activity apparently about -- nine to ten years ago then not so much activity for a period of about eight years. And now there's a little more activity now since

Administrator Jackson has become Administrator. But we're working aggressively to try and get those rules done as well.

But in addition to that we are looking at the overall way that we address and evaluate what are safe levels of exposures for pesticides overall. We're required to do that for children specifically with regard to pesticides being used on food products. But the more experience we've had under the Food Quality Protection Act, which requires us to do that, the less sense it made to us to do something different in other arenas for non-food pesticides, and for adults and everyone else.

So, we've proposed a process which is now out for public comment to say we're going to do the same thing for all pesticides that we have been doing for those food use pesticides looking at children's exposure, so we would tighten up the exposure levels which we believe would have pretty significant EJ implications as well as protect overall -- reduce overall exposure to potentially harmful levels of pesticides.

And then finally, in the pesticides arena, a big issue for us as well as we're addressing is the issue of spray drift. We're trying to -- we not only have been in the process of developing a new way of doing risk assessment for spray drift, we've also issued some new labeling requirements

to try to reduce exposure to spray drift. We're working on new certification and training requirements for applicators of pesticides so that only reduce their exposure and other's exposure but reduce the issue of spray drift as well.

And we have a petition pending before us by a number of environmental groups and other advocacy groups to take a look at setting up buffer zones and other issues to reduce exposure for homes and schools and areas that happen to be near fields that are being sprayed and how to ensure that some kind of standard process can be set, so we can reduce potential exposure from the spray that is drifting off of these fields after applications have occurred.

That's kind of world wind walkthrough of some of the things we have ongoing in our office. Needless to say under Administrator Jackson things have been ramped up a bit, but there's been a lot of good working going on and we're looking forward to continuing to work with this committee as well as interested members of the public and ways that we can ensure that children and families in disadvantaged communities in this country are protected from potential harmful exposure to both pesticides and industrial chemicals. So thank you.

MR. LEE: Thank you, Steen. Scott is next.

Comments

*Audio Associates
(301)577-5882*

by Scott Fulton, EPA General Counsel

MR. FULTON: Thank you, teammate. Good greetings to you all. It's a -- nice to be here with you today. There was an earlier phase in my work at EPA when I was the Deputy Assistant Administrator for Enforcement during the Clinton Administration, when I spent a fair amount of time with this advisory committee. And I saw some familiar faces in the room as I came in. Familiar faces from that earlier time. Folks who have been working away on these issues, trying to keep them in the agency's focus through thick and thin.

And though I think it's fair to say that we're not yet close to the goal line for this issue. It would be far shorter of it, but for the investment of some of the folks in this room and those who came before them.

When Administrator Jackson asked me to consider leaving my career job at EPA to join her team, I didn't have a difficult time saying yes. I saw and continue to see this Administration as one of those rare moments in time when the realm of the possible expands before our eyes, and hope becomes manifest. And I very much wanted to be part of that and am honored to be part of that.

And it's with that sense of possibility and hope that I approach the issue of Environmental Justice in this new capacity. Because I regard this issue as one of the

agency's most challenging questions in terms of our really getting our arms around it and wrestling it to the ground and doing it right.

My hope is that this Administration will be able to turn a corner on this issue and find some significant breakthroughs that have eluded the agency in the past. And my sense is that this is possible.

I am fairly newly in the General Counsel's job, having spent the first year of the Administration in the front office, as the Acting Deputy Administrator. But now I am in the General Counsel's role, I'll of course be coming at this question from the vantage point of the agency's lawyer endeavoring to ensure that EPA decision makers are fully apprised of the range of legal options available to them, as they consider how to integrate and advance the cause of Environmental Justice in their programs areas.

And as a predicate for the advice that I hope to offer, I've asked my folks in the Office of General Counsel, to do a through review of how existing authorities might be more effectively aimed in the direction of Environmental Justice. Building on some of the good work done by the NEJAC in the past. By Professor Richie Lazarus, ELI, and others. The goal really being to see the law and find the mechanisms in the law that allow it to serve as an important enabling

vehicle for Environmental Justice.

Now, having been around this issue for a while, I approach it with the sense of humility and determination. The humility lies in the fact that Environmental Justice issues often emerge as part of a much bigger and broader dynamic disparity that is rooted in our history and embedded in our society. And I think we all know that we still have a long ways to go in addressing these broader disparities.

But my determination is not to be paralyzed by these complexities, but rather to engage in the struggle to push towards the end state where we seek. Where environmental benefits and burdens are distributed evenly across society without regard to race, income level or other demographic factors.

So for my part, I look forward to the engagement with this group. I welcome your advice and thoughts on how I can orient myself to the law and by doing that better advise my clients in the agency on how to do this work right. Thank you.

Comments

by Al Armendariz, U.S. EPA Region VI

MR. ARMENDARIZ: Good afternoon, everybody. Again, I am Al Armendariz, I am the new Regional Administrator for Region VI, and I am honored to be here today, speaking to the

NEJAC.

I thought I would start letting you know that from the regional perspective I really see Environmental Justice as an integral component of what I do every day. You know, there are a lot of people here from EPA leadership who have very specific programmatic focus like Steve and Cynthia, Mike over in the Office of Water. But for those of us who do cross-program work which happens a lot at the regional level, we can -- I think very clearly see how to engage in Environmental Justice activities in everything we do.

And I know in Region VI, I've been the RA for seven weeks now. We have an office of Environmental Justice and Tribal Affairs. And the Director of that office reports directly to me. She's not a part of one of the other programs, but she is an integral member of my inner team who participates with me on Environmental Justice issues.

Another thing that was set up prior to me being RA which I really want to thank our Deputy, Larry Starfield, for setting up, was he made the deputies of all our different programs, the Air Program, Water and Superfund, and so on, he made those deputies as steering committee for Environmental Justice. To make sure that we incorporate Environmental Justice. Throughout everything that we do.

And because I do see Environmental Justice for a

way for us to prioritize. We don't have -- let me say it this way, we can do an even better job of serving the American people with more resources and have inspectors and permit reviewers at every facility every day, but we obviously can't. So we have to make decisions and we have to prioritize. And I see Environmental Justice as a very effective tool for us to prioritize where we spend our time and where we spend our resources, looking at those communities who are most likely going to be impacted the most by the pollution that is emitted by facilities in their area.

I was making a list here myself of the four issues where I've spent the most of my time the last seven weeks. And you know it's going to be a different list for each regional administrator, but as I look at this list I've been working a lot on trying to fix the air permitting program for one of the bit states here in Region VI. Also been spending a lot of time on Louisiana coastal issue, gulf hypoxia, nutrients, and how that ties into coal fired power plants and climate change and sea level rise.

Spending a lot of time also talking to our Superfund teams on huge, massive, multimillion dollar projects on tribal lands in rural areas of Oklahoma and New Mexico, to clean out some of the legacy of mining waste that has happened in the region.

And also been engaged very intensely with a lot of our senior staff on looking at what we've done in the past, what we're doing now, and what we can do in the future for a community over in Calcasieu Parish here in Louisiana, in Mossville and in the Lake Charles area. And it's communities I am sure that a lot of you know is next to a -- an impressive array of industrial facilities and they have a lot of concerns about the pollution in their communities.

I want to thank this team that we have in Region VI. Of the deputies of all of our programs who worked together to select our Showcase community. I believe most of the regions have selected a Showcase community where we're going to put some additional focus and perhaps learn ourselves how to better address community level issues. And it's in the community of Port Arthur here for Region VI. In fact we had a listening session last night from -- and at that listening session I heard from a lot of the people in our region who represent community groups in multiple states and -- heard a lot of very interesting stories, a lot of very touching ones.

And heard one from Hilton about his own personal activities the last few days, moving people away from the toxic fumes, from the barge and tanker collision out on the waterway in Port Arthur. It was an other reminder to me of

the important role that community groups play in environmental protection and Environmental Justice, which is something that I saw prior to being RA when I was working with community groups and working with environmental groups in Texas and in other states. I think it's an unbelievably valuable role that gets done by people like Hilton and others for very little pay. And I wanted to thank Hilton for what he's been doing the last few days in his home town.

I also want to let you know how much I certainly fully support and value the NEJAC and it's advisory role to the Administrator and to EPA. One of the things that I've been trying to do myself in the region is think of tools that we can provide our communities so that they can better engage with us. Things like ways that we can communicate with the communities early. Ways that perhaps we can help them partner with universities or non-profits. With technical expertise. Ways that we can either provide data or train people in the community to be able to access data. So that when we engage with them, we engage with them in a sophisticated level so that they can truly provide us with information about what's happening in their communities and they can fully understand what we do and what we don't do. So that we have a more productive dialogue back and forth.

Elizabeth earlier brought up the idea of

interagency collaboration. And already in my short time as RA I've had several meetings about communities who we're concerned about, who obviously have environmental problems, and are hearing -- and getting one kind of message from EPA. And then perhaps are getting different messages from other federal agencies. People have already talked about the need for us to engage with HUD and Department of Labors and others.

And we have this desire to have one EPA and I think at some level it would be nice to have one federal government. And so I certainly think we as EPA, we're happy to engage with NEJAC on how can we better engage with the other federal agencies so that when we go into a community where we have some concerns there isn't perhaps another federal agency telling the community something that seems in conflict with what we're saying and what we're doing.

I also want to -- kind of highlight something that Steve brought up, and I'll end with this, that what I think is going to be unbelievably value work on TSCA reform, on taking a look at the chemicals that are in commerce in this country, so that we can provide the American people with a level of safety about what are often low levels of exposures that they get to that might be harmful in everything from water they drink to the products they buy at the store.

I think as that work goes forward and it's probably going to go forward for a number of years, I think it's going to highlight and perhaps bring a very high level of concern amongst those people, many of whom are in this region, who work at the facilities that make those chemicals, or that process those chemicals or the families of those workers and the communities of those workers. Where those chemicals are made or processed or disposed of or incinerated, it's very likely that they're going to be exposed to levels many times higher than what the general public is exposed to.

And so I think there's likely to be a very high level of concern from the communities in our region where these chemicals because of commerce are so abundant and so ubiquitous. And so a -- with that I'll conclude my remarks. And again just thank NEJAC for the ability to meet here today.

MS. YEAMPIERRE: Thank you. Your comments I think were really heartwarming. I think that all of what you do is really complex. And while we're often in a position of being critical and pushing the envelope, and that's our job, that's what we do, we also recognize how hard you work and that it's all very complicated and resource and sensitive.

Before we switch to questions and answers, I just want NEJAC members who just joined, Wynecta Fisher to

introduce herself. Wynecta, you have to push down and keep your finger down on the green button.

MS. FISHER: Good afternoon. My name is Wynecta Fisher, I am the Director of the Mayor's Office of Environmental Affairs with the City of New Orleans.

MS. YEAMPIERRE: Thank you.

MS. FISHER: Thank you for coming to our city.

Questions and Comments

MS. YEAMPIERRE: Thank you. So, I am going to urge the members to take a moment so that you can ask questions of. I would actually just like to take a moment to make a comment about some of the presentations that were made. I feel Richard Moore's absence deeply. And so when Michelle mentioned that she would be addressing issues of the global South, I can almost, you know, feel his energy in the room. And I can't think of anybody better to be addressing those issues which are so near and dear to a lot of our folks in the Southwest, particularly.

In terms of interagency coordination and working with states, for example, because that was an issue that was raised, you also need to ask how the states are addressing Environmental Justice before you reach out and collaborate with them.

In the State of New York, for example, where there

is an interagency task force set up to deal with Environmental Justice, that task force really has not engaged Environmental Justice communities in a meaningful and respectful way. It really served to diminish the EJ voice and really was used for personal aspirations and agendas. In fact when we had cases like trying to recycle -- to try to fight a recycling facility that we wanted to get permitted, that facility was not permitted because of the role that the interagency task force played in preventing that in a Environmental Justice community.

So, there are some inconsistencies and a lot of folks are using EJ collaborations and task forces as window dressing because they have to address Environmental Justice and they're required to do it. But you really need to work with community partners to find out what's real and what isn't. So I would urge you to do that.

In the issue of urban waters, I was reminded by the sister, Marsha Gordon, from the Bay Area, that there is port redeveloping all over our communities, communities of color all over the United States. And that we need to think about redevelopment and what that means. Not just within the context of Environmental Justice but within the context of climate adaptation and community resilience. And so there is a tremendous potential for interagency collaboration, but

also really engaging community stakeholders in a way that's meaningful so that we can start developing community resilience plans that work.

So, I am sure that the members will have questions regarding some of the presentations. So, I'll start taking them. I am sorry. Peter.

MR. CAPTAIN: Thank you to the presenters for their wonderful comments.

I am the indigenous representative from the State of Alaska. And a little history about the State of Alaska is that, you know, it's a high resource state. And also the State of Alaska does not recognize tribal sovereignty up there. And as a result we get bypassed with a lot of regulations, you know, that we should have been consulted about on. Since a lot of our resources are on our lands.

A concern with the natives of the State of Alaska is that, you know, they do not turn over regulatory authority to the State of Alaska. We would like to see EPA keep that authority because we do have a government to government consultation with EPA. And I am proud to say, you know, I am one of them that from way back when, you know, I've always trusted EPA and have consulted them on a lot of issues. However, you turn over the regulatory permitting to the State of Alaska then they will just circumvent our effects

and this we don't want to see.

As you know, one of the largest, world's largest open pit mining is being looked at now in the State of Alaska. And that's the pebble mine. Right below the pebble mine are streams with fisheries in there that, you know, should something happen and the discharge of the mining that would effect the fishing.

I am not per se anti-development, a lot of the tribes are not anti-development because we do depend on the monetary sources that these developments bring in. But we do want to see -- we want to see, you know -- how would you say it -- we want to see, you know -- I am lost for words. Good solid foundation of these, you know, steps put in place for anti-pollution and what not. And I just, you know, I just ask each and every one of the regulatory people to look at that aspect. Thank you.

MS. YEAMPIERRE: Wynecta.

MS. FISHER: I actually want to thank everyone for coming, the panel. And sorry, Michelle, but I missed your portion. But I've got a question for Steven, I am actually very excited that you guys are looking at different toxic substances as well as lead.

And I recently saw two e-mails. One was from Health and -- I guess it's called Health and Human Services. And

they talk about the dangers of BPAs. And then I saw something else that said that the level of cardiac arrests when people have this exposure. And I just wonder how these two federal agencies will work together to help the people in the Environmental Justice community to understand the importance of being concerned about that.

And then the other question I have was about the lead program. And you had mentioned that, you know, there's a lot of outreach going on and the outreach that EPA does for lead is really phenomenal. And I was wondering since those materials are so -- there are already good materials out there for lead. Had you considered possibly taking some of the funding that you use for outreach and maybe offering competitive grants to local governments for enforcement. That's a huge problem that we have locally.

I get calls all the times about people, they are doing dry sanding. And yes, the city has an ordinance that prevents it. But I don't have enough inspectors to go out and cite them, but then the damage is done.

You know, I had a woman who called and she actually -- her child is two and she got the child tested and every week the lead levels in the child's blood was going up. She's now living with her family in Tennessee so I don't know if that could be something that could be possible. A

competitive grant program because we know how to prevent it.

And then how will you address renovations done by unlicensed contractors? Because given the economy a lot of people do not necessarily hire a licensed contractor, you go by Home Depot or Lowes or any -- I shouldn't say Home Depot or Lowes but you go by a store and you get someone that can do the work and --

MR. OWENS: Those are all great questions. Let me start with the BPA one and then we can talk a little bit about the lead.

We work very closely with the Food and Drug Administration, FDA, when they made their announcement. And it wasn't an announcement by the Department of Health and Human Services overall. Because they not only have FDA working on this issue but they also have the CDC and they have the National Institution of Environmental Sciences, which is putting \$30 million dollars into research on BPA and the health effects on that.

So, we've been in very close communication with them as we have been working on our action plans as I mentioned and looking at the strategies that we might adopt for addressing that issue.

There are some limitations in the Toxic Substances Control Act about who has what jurisdiction over what

products. For example, if it's food products and things like that. That's FDA and not us. But that's why our cooperation and interagency coordination is extremely important. And so we're going to be working very closely with HHS and other agencies as well, not just in BPA but on some of these other chemicals as well as we go forward.

And I will say there's been a lot of talk about the creation of an interagency technical work group that would focus specifically on children's environmental health issues, but it would take these considerations, Environmental Justice considerations into concern.

There was actually such a work group that was created by Executive Order when President Clinton was in office but it never really got put together and now this administration, Nancy Sutley, and others were looking at how to sort of activate that work group. And in fact the announcement that HHA submitted on -- on BPA I think made some reference to that work group. But I have to go back and look specifically to see if what they said about it. But that's in the works and so hopefully there will be some activity on that front to start with.

On lead, the questions you've asked are very much in the forefront of our minds. The questions of enforcement. We have been having a lot of conversations with states and

local communities about the enforcement issue. The rule or -- is HHS certification rule that requires, as I said, contractors to be lead certified. They have to follow certain practices. And, you know, in a literal sense, if you're a licensed contractor and you're conducting activity in a pre-1978 home and you're generating dust, or you're not following, that you're in violation of the rule and then you can be penalized under the Toxic Substance Control Act. There are some sizable penalties that can be levied in that regard.

But the question is how do you catch them. And then what do you do, you know, because many of these activities do depend on people reporting to either us or to the local enforcement offices. And it's going to be a difficult thing because we know that there are a lot of activities taking place, especially in this economy that people are going to be looking to cut corners. We're trying to make sure that as this rule goes into place that the responsible contractors are trained and informed. And, you know, in some respects you have to count on them to rat out the competitors, to be crude about it, because if they know that there are people out there who are conducting these activities, who aren't certified, who aren't even licensed in the first place, that they let the appropriate authorities

know that.

And then on your specific question -- and then you do inspections, periodically, things like that. And random -- random checks and things of that nature to let people know that folks are watching.

But on your question about the grants, it's something that I think we ought to take a look at because we have been putting a lot of activity and a lot resources into outreach. My office and Cynthia's office, and Cynthia and I personally have had a lot of conversations about -- enforcement activities, and lead enforcement in general is considered one of the core TSCA programs that WECA has done a great job over the years. And our office, I think it's fair to say, have been working more closely then they ever have before on addressing a whole range of enforcement issues related to toxic substances and pesticides. And that's something that we ought to look at, how to put more resources into enforcement.

Some of that we have to take a look at how the grant monies are allocated. If it's allocated for outreach then there are some restrictions on it. But if they're generally available fundings then it may be a place where we ought to look in shifting resources going forward. So that's a great suggestion that we'll look at. Thank you.

MS. YEAMPIERRE: Thank you. We have about 45 minutes left. So next is John.

MR. RIDGWAY: Thank you. First of all, thank you for your time to come and explain, and to you new appointees, good luck to you. I think you got your work cut out for you.

I have two questions. One is very brief and it's for Mike. And you made a reference to a meeting in February working with interagencies. Maybe you can give us a little more detail about that. But I also want to add that it's these kinds of meetings where I hope that you and your counterparts will think about how to bring Environmental Justice considerations into those interagency meetings and keep us advised on those so that we can also track it. This is something that Elizabeth mentioned, I too am also very interested in seeing how we can improve the coordination and communication.

We certainly heard from Administrator Jackson of her priorities for Environmental Justice. But I really don't know where the other federal agency leaders are on this. And so maybe we can hear about that down the road.

But specifically to you, Mike, what is that meeting about?

MR. SHAPIRO: The meeting and again this is what -- I think one of the -- although a number of groups have

recommended that we do this, it really is about following up on the Urban Waters Initiative, which is focused on Environmental Justice issues from our prospective. But bringing together a number of federal agencies. Some of whom we partner with already on a number of water issues. Others of whom, because of the bent of this administration, the policy, the direction they're given, are very interested in working with us on issues of sustainable development, community involvement and how those especially can be used in situations where you have disadvantaged communities that haven't had access to the information, to the planning tools, to the assistance as well as to some of the other resources, that we can bring to the table to help them envision and get involved in the planning for sustainable use of their water resources from a variety of perspectives.

And it is, certainly from EPA's prospective, we're all about water quality, but it's all about access to water, it's also about achieving water quality goals in the context of water community development objectives as well. And so depending on the issues and problems that a community confronts, the biggest water challenge may be something that our friends in OSWER or the Corp of Engineers have to deal with in terms of cleaning up contaminated sediments because you can actually reuse or restore a particular waterfront

area.

In other cases, the National Parks Service has an interest. The National Forest Service has an urban forestry program, which ties in very well with some of our notions about green infrastructure and the use of green infrastructure to create sustainable environments and communities.

So there is no kind of one game plan. It's more what each agency can bring to help kind of -- help communities solve their common problems and to try to -- kind of allow a more efficient use and integration of resources across EPA as well as other federal agency resources.

MR. RIDGWAY: Thank you. I do hope that you can -- make it clear when such meetings are open to the public so that they can help provide that prospective as well, as well as your internal conversation.

My second question is to Steven and this is regarding the comments that you made and looking for EPA to maybe have some more authority on proving safety in chemicals and maybe you can comment to us and the audience about, industry's role in helping that happen. I presume EPA cannot do that by themselves.

MR. OWENS: Thank you for the question. Actually, first of all let me say that in addition to the work that

we've been trying to do with the states, been really doing terrific work including Washington State, it's really been out front on this. Jim --- who was the former Ecology Direction, now the governor's Chief of Staff and now Ted does sort of it -- have really been among the leaders in the states -- to step out of the issue addressing toxic substances at the state level.

And that is in part one of the reasons why this momentum is building as I mentioned and why a consensus is developing. And in part one of the reasons why industry is interested in seeing something happen at the federal level because there are a number of states that are beginning to take activity to either actually band certain substances. I think, was it -- Wisconsin just came out a band of EPA the other day, maybe Minnesota I think it was. But a number of states are taking those kinds of actions, either band or to restrict the use or sale of certain products. And that contain different types of chemicals in their jurisdictions.

But the industry has been -- it depends on which groups you're talking to but certain of the trade associations have been very active on this issue, have been very supportive of toxic reform, for example the American Council Association, ACC, developed the state of -- the statement of principals that agreed with the statement of

principals that -- that the Administration put out, that Administrator Jackson articulated last September in called for a risk based safety standard for chemicals and saying that EPA needed to have more authority, not only to regulate chemicals but to retain and require companies to generate health and safety data on their chemicals. Because right now they're not required to do that at all under TSCA. Except in very limited circumstances where the burden of proof is on EPA to demonstrate why that data needs to be generated.

So, some of the industry groups aren't there yet. But others are. And we've been working very closely with them. And there are a number of individual companies who have been very outspoken on the need for toxic reform as well as the need for safer products, whether they're retailers or actual manufacturers of those products, so --

So, you know, we're keeping our fingers crossed that as we move forward with this process we can continue to have the kind of consensus we've had and in that everyone including states and other folks should be at the table to talk about these issues as we see what the legislation will look like.

MS. YEAMPIERRE: Thank you, John. Steve, right. Omega.

MR. WILSON: I would like to thank you for being

here, too. And I feel a little bit different then I did six months ago about where we may be going with everything. Been very encouraged by a lot of the input we've been getting that last three days from the Goods Movement activity and the National EJ Air Quality.

Quite a few community people and attorneys and even EPA staffers raise a question that has been raised by community people quite extensively in our discussions and it has to do with two things. Is fact sheet information and clarification on water or Title VI triggers are, specifically related to Environmental Justice issues. Because it seems to be unclear with everybody.

And where the triggers and where there are not triggers and where it should be strengthened. I am not sure if this is something that everybody needs to deal with.

The other question had to do with -- and these were twins, they were put together -- an attorney stopped me for a few moments just before I came in here because he wanted me to help clarify and I couldn't clarify all the details based on what EPA is doing and Office of Environmental Justice. And it has to do with relocation assistance. The Uniform Relocation Assistance Act. And I can't remember exactly what year, 1973/1972, something like that, quite a while ago. But so many people in EPA, and attorneys don't even know how it

works, and haven't been using it in assist people Environmental Justice impact situations.

We already know and briefly discussed at our last NEJAC meeting where communities and some of them, a lot of them in New Orleans were, compliance with major chemical factories and other kinds of organizations, other kinds of factories, they're not going to move. Billion dollar, billion dollar corporations. So what needs to be done to create the trigger to relocate residents who have been suffering for 35 years.

And I know that that might be a pretty big question but it applies to I think every branch, everybody, the front of this table and this end of this table, too. So I think that that needs to be put down on the fact sheet. I don't know what group, where it's going to come from, but there's been a lot questions raised about it prior to the Air Quality Conference, during the Air Quality Conference, and my walking in the door.

So, I am not sure what your responses might be but help us out on that.

MR. FULTON: Well, I can get it started that -- and just to take them in reverse order, so others around the room can realize where I am going to come up short here. The Uniform Relocation Assistance Act, I don't know the answer to

that. Maybe Charles or you might have a fix on that. I do know that EPA does have certain authorities in certain circumstances to consider this kind of thing. But by and large our engagement has been limited to the Superfund arena. We're dealing with Superfund sites. But maybe Charles can comment on, or someone else can comment on the extent to which other kind of generic federal laws are potentially in play and the kind of circumstance that you're talking about.

On the -- your interest in a fact sheet on Title VI and what the triggers are for Title VI. That's something that I think we can readily take back home and work on. You know, we've got just recently established by the Administrator a new and hopefully quite significant thrust to deal with Title VI complaints within the agency. And the objective is to both deal with the older compliance that have been around for a while, as a backlog problem, but also to try and ensure that the Title VI program is a robust and sustainable program going forward.

So, to the extent that there's a confusion about where those triggers are and how you activate those authorities, I think we can and should provide some assistance in that regard. And I would agree to take that back home with that as an objective.

MR. LEE: Yes, I can give some background on the

relocation issue and the Uniform Relocation Assistance Act. I mean the -- one needs to first say that the relocation issue that has been a huge ongoing issue, going back many decades. And actually the NEJAC going back into the nineties, and I was part of that at that time, started to address this issue. And as result of a NEJAC recommendation, Elliott Laws, who was the former Assistant Administrator for Solid Waste and Emergency Response issued a memo around relocation, particular with respect to Superfund sites.

And then there was a very significant case having to do with the Pensacola, the Escambia Superfund site, that actually did lead to relocation.

So, since then -- I mean the Pensacola issue played itself out, I think, in large measure successfully. But the relocation issue and the things that you're talking about, Omega, I think we need to talk to OSWER and get back to you on that.

I think, you know, the point is made, you made. This is still a big issue. And a lot of work still needs to be done on it.

MR. RIDGWAY: Lang.

MR. MARSH: I am really gratified and excited by all of the progress that has been announced by all of you today and I felt very pleased with the directors that you

were taking at the last NEJAC meeting and now I see that things are actually starting to happen. I am going to get back to a question I have about that in a minute.

But I wanted to comment and ask a question about a broad theme on the desire of the agency, under Administrator Jackson's leadership, to address communities in holistic way. Kind of a -- making a nod to the sustainability movement and Smart Growth and so on. And at the same time to work Environmental Justice issues very much into that.

And another theme that you mentioned was the need to work more closely with other agencies, other federal agencies.

And one thing that you didn't mention but I think is extremely an important opportunity is the sustainable communities partnership, which is -- for those of you who don't know, is an agreement among EPA, the Housing and Urban Development folks, and the Department of Transportation to work on policies related to sustainable communities, to integrate some of the things that go on there in terms of policy.

But the Administrator was very careful to insert into the agreement that it also needs to address Environmental Justice. And so what I was hoping to hear, either now or some other time, is how those three agencies,

with the potential addition of others, are working on actually not just agreeing on policies, but bringing that down to the level of communities through maybe partnerships at the state or regional level so that assistance can be given to -- from those three agencies to those communities working on, you know, that difficult marriage between sustainability and Environmental Justice.

I think that, my sense is that there is a growing recognition that the two have to be, you know, tightly joined together. That has not always been the case. And I think that there's an opportunity here for more to be done. The reason that I think that this partnership is so important is that DOT has a lot more money than EPA. There are some opportunities there. HUD is a little trickier but -- there are some opportunities to assist those local projects, community projects, through that partnership that both push environmental sustainability and Environmental Justice goals.

And I guess my question, coming from the last NEJAC, is one of the most exciting things that you outlined to us, it was mostly from the regional administrators last time, was these Showcase communities. And I would like to hear, either now or some time during this meeting, or later, what the progress has been on those, I guess there's ten Showcase community projects around the -- in each of the

regions. And to think about are there some opportunities for investment from that, you know, federal partnership of multiple agencies to help those move along.

MR. ARMENDARIZ: Well, I might be able to highlight a little bit or provide a little bit of insight on the Showcase communities. Although I am somewhat knew. We selected our Showcase community of Port Arthur and had a meeting in Port Arthur on the Region VI Showcase community. And I wouldn't be surprised if the other regions are at or about that place too, where communities have been identified and initial meetings have already been held.

It's my -- and at our meeting we had not only people from the community but also the Mayor, people from industry and so there were a group of people that were brought together as part of that.

And I don't yet have the list of action items or bullet points that have come out of that meeting, because it just happened, but I'll certainly, when I get back, be looking to be briefed on that.

And the other issue that was brought up, if I could talk about for just one second, is about this idea of federal partnerships and sustainable communities. I had a meeting with my counterparts from HUD and DOT on this issue just last week in terms of ways that we can work together. One of the

requests that we had from HUD was -- apparently they do some kind of environmental analysis when they're trying to site new public housing communities. And sometimes I've been hearing in our region, sometimes those new facilities, those new housing units will be placed in places where EPA has got some serious concerns about levels of pollutants.

And so one of the things that they brought to us was is there a way that we can assess them in terms of the environmental analysis piece that they already do in terms of trying to find out where to put new housing units. And that seems like a very appropriate role for our regional office, is to work with our HUD counterparts.

And if they're going to do an environmental analysis, is there some way that we can provide our expertise to make sure that Environmental Justice concerns and pollution concerns are all rolled into those decision making processes. They often all have been happening down at the public housing level, you know, down at the community level.

MR. LEE: I just want to say quickly, I mean the two things, Lang, the first is that Partnership for Sustainable Communities and the Office of Environmental Justice and many other offices including Smart Growth have been working very closely in this. And I think the best way to respond to you is we need to do a comprehensive

presentation to the NEJAC about that. Because it really, really is important.

With respect to the Environmental Justice Showcase communities, Lisa Garcia had indicated and made strong statements about how the Administrator has taken a real personal interest in this. There are a lot of really exciting things happening. There's a lot of engagement with, as Al says, inter-regions, really bring all the staff up to speed and we're starting to really have a lot of external partnerships, including with foundations.

So, you know, I think again we need to come back to you with a much more comprehensive kind of report and a discussion.

MS. YEAMPIERRE: Jolene.

MS. CATRON: I would to thank this opportunity to thank everybody for their updates and comments.

Just to kind of give you a little information, I represent tribal grassroots communities and organizations and not tribal agencies. And so my prospective that I bring to the NEJAC is somewhat unique in that. I operate under two jurisdictions. That under tribes and that under the federal government. And sometimes even under states. And so I guess that makes it three, just depending.

But the level of complexity and especially around

jurisdictional issues is just extreme, especially in the community that I work on the Wind River Indian Reservation in Wyoming. There are two tribes, so that even adds to the level of complexity.

Just a couple of comments and not necessarily any questions. But I am really glad to hear about the -- looking at the TSCA and the trade secrets or the confidentiality. One of the things that we're really concerned about especially in the Rocky Mountain West is the issues of hydraulic fracturing and the fluids that are injected into the underground. Those are trade secrets. And how that is effecting drinking water in our area or has the potential to effect drinking water in our area. That's a major impact.

And how that activity, hydraulic fracturing is exempt under the Safe Drinking Water Act. That's another issue that we are really concerned about.

Another thing that I am really interested in -- Mr. Armendariz commented about there's one federal government, well, there is also one environment. And if we're looking at that holistically a lot of times the EPA structures that are in place are linear. And when we should really be thinking in a more circular manner.

And so I would really like to recommend that, you know in nature, we don't go from one thing to another. This

linear fashion is really something that we imposed on ourselves. And to really start thinking in a cyclic and a circle kind of manner.

And then the other, let's see, there was one more thing that I wanted to mention. Just that I am really interested in hearing about these Showcase communities. And how this process is going along. You know, we're thinking about EJ issues and EPA tools and how do you get the tools down to the community, how do you -- just kind of give you a prospective, I work with a lot of tribal elders, how do I get these tools into my community so that my tribal elders understand the work that the environmental issues and the tools available to help them understand a lot of the issues that they face for generations. That's really a test of how effective that -- the -- getting the resource to the community is. And so with that, would like to say thank you.

MS. YEAMPIERRE: Hilton.

MS. DePASS: I just wanted to -- I am sorry.

MS. YEAMPIERRE: Go on.

MS. DePASS: I just wanted to quickly respond to Jolene. And, you know, one of the important relationships is with the tribes is the regional relationship. And they're really working from day to day with the community. And so I

invite you to have more of a dialogue with us about how we can work with the regions to be able to get those tools to the regions.

And I also wanted to -- I didn't have an opportunity to respond to Peter. And the important issue you brought up about pebble mines. And I wanted to tell you I have actually been to pebble mines. I've actually been with the communities, the Coalition of Business and community people near the mines to discuss some of the issues. This was in a prior life, but I do have some familiarity with the issues that you're raising and I look forward to continue this dialogue with Region 10 and your communities.

MS. YEAMPIERRE: Peter, do you have a followup?

MR. CAPTAIN: (Nodding no.)

MS. YEAMPIERRE: Okay. Hilton.

MR. KELLEY: Yes, good evening to everyone. I would like to thank everybody for being here today. And taking this precious time out of your day.

My question goes out to Mr. Armendariz. First of all I would like to say congratulations to your appointment. The question is, TCQ Enforcement or enforcement of the state's within Region VI, what are the some of the plans of Region VI EPA to ensure that the states are stepping up to the plate and doing their job when it comes to enforcement.

I am pretty sure you've heard a lot of testimony concerning the lack of enforcement by regulatory agencies, like the Texas Commission on Environmental Quality. We think that it's important that the Region VI EPA do everything it can to get the states to step up to the plate because I know there's a lot of environmental groups in the State of Texas that would just like to see the Texas Commission on Environmental Quality totally revamped or sunset. We have some serious issues there.

Also, it's an understanding that there are a large number of violation notices that have not been served to various big polluters in the State of Texas and other states within Region VI. What are the plans to get those violation notices moving along. And also what are the plans to get the rubber stamps stopped by these -- by some of these state regulatory agencies when it comes to air permitting and water permitting.

Many times what we found is that many of the state regulatory agencies don't even look at the permits fully, do not even go through it to read exactly what's going to be released and how much. And they're just rubber stamping it because it's a way of just business and it's something that they've always done.

It's time to really get serious and in the State of

Texas, New Mexico, all over this country when it comes to eliminating this rubber stamp process. What are the some of the things you all have in place or what are you planning to do to kind of buckle down on this.

MR. ARMENDARIZ: Yes, thank you, Hilton. And yes, I'll address this. I do want to thank you and Jody for serving as the Region VI representative to NEJAC. I think it's great that both a state official and a community organizer as our representatives.

What I think as you know -- when it comes to enforcement often the first piece, the first tool is having good permits, because at least in those permits you can establish what's legal and what's not. And I've been spending a tremendous amount of my time and a lot of our staff as well, on ensuring that we fix the permitting issues that we've identified already at TCQ. And making sure that the TCQ issues permits that meet minimal federal standards. While at the same time, also, continue to work with our states in the region to make sure that the permits that they're issuing also meet these federal standards. It's a big issue and I can -- I hope you're -- have some confidence -- that it's a huge priority for me. And for this agency, not only at the regional level, but the national level.

Because in order to do good enforcement, these

permits that are issued are often the first tool that you need and they're often the first opportunity to reduce emissions before the facilities are built. And so we want to make sure that we have permitting processes in this region and nationwide that meet these federal requirements.

Now, to get to your question about enforcement, we certainly have an enforcement program that both works independently, we have our own enforcement staff. And we also work sometimes in collaboration with the state enforcement agencies. And one of the things that I intend to do is make sure that our state partners understand what our priorities are. So do they clearly understand what EPA's enforcement priorities are, what the Administrator's enforcement priorities are, so that they know where we're coming from and where we intend to spend a fair amount of our time. I think that's really the first step is to make sure that there's an understanding of where we're coming from as an agency.

And when it comes to -- I think you are asking maybe DOJ referrals and maybe the backlog of those referrals and getting those processed. I'll have to admit that I know probably not enough about that process. Although Cynthia and Scott can probably know a lot more and can answer this and I certainly invite their input.

I do know that it sometimes is a long process to go from a permit to an inspection to a potential violation to some kind of action that benefits communities. And I think it would probably be very frustrated for people who live some of these facilities where we might be on record that we've got concerns and yet it takes a while for that legal process to play itself out. And if Cynthia or Catherine or Scott want to jump in.

MS. GILES: Yes, I just want to respond just briefly. I think the point that you're raising is a really important one. And the Administrator has talked about the importance and the value to her to have enforcement consistently across the country. And that while it is certainly true that we work with states as partners in achieving environmental results, we also have a federal oversight responsibility and state performance. And that we need to be clear in setting the bar for what that performance is. And for -- to take federal action when the states are not achieving that.

So one of the things that we've done already to follow through on that is that we posted this year the reviews that we had done of all the state environment programs. We've posted those on the web, which was the first time we had done that, which is putting forward the data that

we had collected about how is this state -- what is the compliance status that we know about in states. And what are they doing about the noncompliance that they're finding. So, look to see more action on that from EPA in the future.

I do want to reiterate the point that Al made which is very important that enforcement is only as good as the permits that you're enforcing. So it's really important and we intend to work closely with the programs to make sure that we start with the protective program and then that we follow through and have consistent enforcement, so that people are protected and so that there's a level playing field across the country.

MS. YEAMPIERRE: Scott, do you want to add anything?

MR. FULTON: (Nodding no.)

MS. YEAMPIERRE: Okay. Jody.

MS. HENNEKE: Thank you all very much for being here. While I understand this work is -- I believe to the bottom of my heart that this work is incredibly gratifying and needs to be done and has to be done. As those of us around the table know, it can be grueling and you will be worn out by the end of the day and on your plane ride home you will go, oh, my God, what all did I just do over the last couple of days. So thank you very much for being here.

I want to make a comment and then I want to ask a question. As some of you know I have one of those strange and varied backgrounds, including growing up in a Superfund area with mining in Tar Creek in Northeast Oklahoma. So I have a very bazaar kind of background, including enforcement and -- public participation and permitting.

One of the things that I wanted to talk about a little bit -- Doctor Armendariz and was referring to Hilton's comment last night. I am sorry I was not there, but I was pretty sure it would come up somewhere about an oil spill that happened this last weekend in the Port Arthur ship channel. For those of you don't know, that's been the largest oil spill off the Texas coast in the last 15 years.

Unfortunately it happened. However, we do believe that the response based upon the -- I currently work for the General Land Office, that agency has responsibility for oil spills in the marine environment. Between the work, between the GLO, the Coast Guard, EPA on the regional level as well as TCQ on the regional level, water was monitored, air was monitored, there were -- was 11 miles of containment boom put out, 27 individual skimmers. More than two thirds of the oil spill has already been recovered.

There was only two oil slicked birds that were found. Not of which is to make light of the concerns that

Hilton has raised about the intense odors associated with high sulphur crude. That particular ship channel feeds several large refineries there in the Port Arthur area. As in other areas in this country, including Brazoria County, the Houston Ship Channel, in Texas, not to make light of Louisiana and some areas in California. Those are very large refineries that are in very close proximity to communities.

My agency, I can speak for the agency that I represent, we were very mindful of the proximity of those communities and worked very quickly, we believe, to at a minimum help contain that spill. There was no spill through the cut that goes into a lake that sits in the middle of one of the largest natural estuarine -- pristine estuarine areas in Texas and along the Gulf Coast.

But the response that the community helped us give, a lot of which goes to Hilton's credit, and the awareness that everybody had, of what everybody had, helped make that response, I think the best that has been, at least along the Texas coast, ever. Much less in the last 20 years or so.

The question that I wanted to ask goes to again one of those former lives of having to work through several Title VI complaints, and I heard a couple of you mention a memo that has gone out internally to EPA on how to respond or how

to deal or think about or, I am not sure exactly what words were used, those Title VI complaints.

My question is followed by my urging, my question is, if that has not yet been shared with your states, that have responsibilities for those programs, please do so. And that is going along the lines of what was referenced with Hilton's comment about how are you going to begin to respond to enforcement issues differently, that sort of that. If your state partners don't know what to expect coming from you, it's very difficult to interact effectively with both the federal agencies as well as the communities.

And again, thank you very much for being here.

MR. FULTON: Thank you, Jody. I'll try to answer the question. I think the -- the correspondence to date within the agency relating to Title VI has been process oriented rather than guidance in character. And basically the Administrator has commissioned a process for trying to deal with the Title VI backlog and we're assembling some resources and capacity around that in order to enable that to occur. And part of the charge is also to look at how things should look going forward with Title VI compliance.

But at this point, we don't have any guidance that it's been generated by that that is ready for sharing that will be meaningful. My guess is we will find our way to that

and certainly take your point that the states need to have those views and focus -- I am sure we would be interested in hearing what the states have to say about some of those question, goo.

MS. YEAMPIERRE: Thank you. On October 23rd there was an explosion and fire in Catano, Puerto Rico. And at a refinery. And I wonder if anyone can give us an update about the status of the cleanup, air monitoring, whether it's continued and what the status of that is.

MR. PAVLOU: Thank you. Thank you, Scott. Essentially, you know, we're continuing to work with the facility there to clean up a whole lot of the tanks that were not touched by the fire. And at the same time we extended, you know, into the wetlands that have been impacted by the release of the oil. And we're trying to clean up the wetlands adjacent to the facility.

We have conducted extensive air monitoring. Not only the site but also in areas where we believe the greatest impact of the plume is going to be. And we didn't find anything either onsite or offsite in terms of violations of air monitoring.

We worked with Agency For Toxic Substances and Disease Registry. We came up with action levels, you know. And if those action levels were exceeded, you know, it was a

cause for essentially moving and relocating the community from there.

So, overall, you know, the release has been contained. We are working in the wetlands and some of the creeks surrounding the area. And that's about it. You know, it's under control at this point in time.

MS. YEAMPIERRE: There are numerous complaints from the Environmental Justice groups in Catano, specifically about the Air Toxic Substance and Disease Registry.

MR. PAVLOU: Right.

MS. YEAMPIERRE: And so I was just wondering what your relationship is with the community groups that do Environmental Justice in Puerto Rico and how they've been involved in the cleanup process.

MR. PAVLOU: Well, actually we've had, you know, an excellent working relationship with Rosa Hilda Romas, you know, who is an activist in the area. And in the Catano community specifically where she lives. And she was highly complementary of the agency in terms of, you know, how we work with her, and you know, the level of information that we provided with her, for her.

One of the complaints that she registered with us is that there was no, you know, phone number to call, you know, in terms -- of you know, following up in the release

of the oil. And the oil and the explosion in general. And, you know, we committed in the future that we're going to do that.

At the same time, you know, we praised the efforts of the government of Puerto Rico down there because the Governor, you know, took over the control of the explosion. He activated the National Guard and the Army so that he could have full control and utility of all the local governments in terms of their response activities.

And at the same time he had, you know, press events, three times a day. We had joint command with all the other, you know, federal agencies, you know, including the Coast Guard, including the Army Corp of Engineers, including you know, ATSDR, the health agencies, to -- and we participated at these press events to answer any questions that anybody had.

I believe over all, you know, on the basis of using again, you know, Ms. Rosa Hilda Romas*, you know, feedback that she was very pleased with the way that we responded.

MS. YEAMPIERRE: Thank you. We have five minutes to break. Charles.

MR. LEE: There were two things. The first is that there were a lot of issues that were raised, so we're going to catalog them and fold them into the discussion on Friday

in terms of future directions. I think it's worthwhile to think about it in a holistic -- in a holistic way so that we're really able to address them properly.

And then secondly, you know, there -- I think it's really important that we asked deputy -- assistant administrators and the deputy regional administrators if you have a comment or something that you want to say, that we give you an opportunity to do that.

MR. PAVLOU: I am back. Actually, I want not address the comments, one made by Lang Marsh and another one made by, you know, Jolene. You know, to the status of the Showcase communities.

You know, I am glad to say that we reached out to the community, you know, in addition to the work that we've been doing with that community, you know, to meet with them, to understand their concerns, you know, we had a long meeting in our offices, in terms of how we're going to be spending the money, to address their concerns. At the same time we're in the middle of planning another meeting in the community itself to make sure that all the community members and groups do participate so that we can understand their concerns to enable us, you know, to plan accordingly in terms of, you know, managing the money.

They want \$100,000.00, you know, that we're very

thankful to Charles Lee that, you know, he provided to us. And the rest of the country, of course.

At the same time we did reach out to HUD and DOT, you know, to enable us to work with them. You know, we are applying under the pilot program for some more funding to leverage the \$100,000.00, you know, that Charles gave to us. Or OECA in general gave to us.

Also we reached out to New York State and New York City, keeping in mind that there is a lead, you know, paint -- lead based paint, you know, threat in that community. But they way HUD, you know, manages the money, the provide to the city and the city has an ongoing policy that any housing of, you know, composed of single and two family units are exempt from getting money to deal with lead based paint from houses. Something that we have documented as part of our Superfund response activity, you know, in that community, from one of the sources of contamination, you know, facing that community.

And, you know, we're also trying to act as a convener of influence with the city and state to address a whole lot of, you know, of issues surrounding that community as well, you know, including doing some of the inspections of some of the areas that they asked us to consider.

In terms of, you know, hydraulic fracturing, we

meet with our tribal, you know, elders, you know, once every year to understand their concern on their level, you know, in addition to the day to day interaction we have with the seven nationally -- federally recognized tribes. Hydraulic fracturing was one of the main concerns. If you don't know, the State of New York came out with a generic environmental impact statement on how to extract natural gas from, you know, New York State. And the federal -- and the seven federally recognized tribes, this is a major concern to them in terms of the possible contamination that may occur not only in terms of the surface water but also in terms of the ground water.

We incorporated totally the air concerns into our cover letter to the State of New York to, you know, remind the State of New York that, you know, the federally recognized tribes have serious concerns, you know, regarding hydraulic fracturing including, you know, banning this practice.

So, we acted as a -- as a transfer agent, if I can say that, of their concerns in our official comments.

MS. YEAMPIERRE: Any one else.

MR. GAYDOS: I do want to talk to you about our Showcase community and in particular our --

MS. YEAMPIERRE: I am sorry to interrupt you.

Could you please introduce yourself.

MR. GAYDOSH: Sure. It's Mike Gaydosh, EPA Regional Agent in Denver.

MS. YEAMPIERRE: Thank you.

MR. GAYDOSH: Lang, I just want to talk with you about our work with DOT and what our pilot projects in the City of Denver and the Environmental Justice community to effectuate the partnership and the strong Environmental Justice focus. Jolene, I wanted to speak with you when we get a chance about some of the work we're doing with Pathilian*, Wyoming with regard to oil and gas.

MS. CATRON: I go to all the public meetings.

MS. BANISTER: My name is Beverly Banister with Region IV. We have a Showcase community in Jacksonville, Florida. We're taking a multimedia approach. We have a number of Superfund Brownsville sites there, air quality issues as well as other issues. We will be working with other federal agencies. We have a kickoff meeting scheduled for February the tenth.

What we want to do is make sure with the community is that we're addressing what they feel are the most important issues. We know some of the environmental issues they're faced with but we want to make sure that we have that conversation and dialogue, to hear from them directly before

we embark on some things on our -- the action plan. We will be working and moving forward on that.

We regard to the sustainable work that we're doing, DOT and HUD and EPA, we are looking at how we can engage EJ as a part of that. And most recently we had a dialogue and visited some of the disadvantaged communities in Atlanta as a part of that conversation.

MS. YEAMPIERRE: Hi, can you introduce yourself, please.

MR. VERCHICK: I would like to -- my name is Rob Verchick. I am the Deputy Associate Administrator at the Policy Office at EPA representing Lisa Hines Earling's office. I just wanted to make a quick point about Smart Growth and Sustainable Communities Partnerships.

The Smart Growth office is within the Policy Office and we've just gone through a reorganization. And we have a proposed new office within our office called Sustainable Communities and Smart Growth and Green Buildings are a part of that.

And two things I just wanted to point out. One is, as it has already been stated there, going to be heavily active in the Smart Growth Conference in Seattle, Washington, next week, the Administrator, Lisa Jackson, will be there. Along with Secretary Slahood* and Donovan. And they will,

among other things, be talking about the importance of Environmental Justice in that partnership. That's about what I can say on that subject so far.

The other thing I can say is that now that our office is newly reorganized I am having briefings with the Office of Sustainable Communities within the Police Office. And we are specifically talking about how to incorporate Environmental Justice issues into the work they do, which includes, as you know issuing grants, technical assistance, and helping real communities on the ground develop Smart Growth and environmentally sustainable communities.

MS. YEAMPIERRE: Thank you. We look forward to seeing you next week in Seattle. We're going to stop here and take a 15 minute break. And we will see you for the public comments -- at ten to four, thank you.

(Break)

Public Comments

MS. YEAMPIERRE: Of folks that are going to be doing a public comment, talk to you a little bit about the NEJAC.

We're a federal advisory committee that was established in 1993 to provide independent advice, consultation and recommendations to the Administrator. And we represent a number of walks of life, from industry,

government and Environmental Justice communities. And so -- so we have these meetings throughout the country to listen and to get recommendations from the community, your information, your participation, your recommendations and your anecdotes and your stories really help us shape the recommendations that we make.

And while some of us represent different communities throughout the country, for example, I live in Brooklyn, in New York City, my responsibility is to try to make recommendations that are going to benefit people of color and low income communities that are similarly situated or even differently situated. They can be in West Virginia, they can be in coal country, or they can be in Indian Country, but make sure that we made recommendations that are going to benefit our communities throughout the entire United States.

You're going to have five minutes. And we have someone on the left who is going to be letting you know how much time we have. We ask that you stay with that. It's really difficult, we understand, for you to -- particularly some communities that are really besieged by numerous environmental burdens to tell their story within five minutes, especially when they have been enduring it for so many years.

And the other thing I want to say is that this is a NEJAC for EPA and that there may be issues and concerns that you've raised that really can't be addressed by EPA, which is why I had originally talked about the need for a better inter-agency coordination, that it may be that the answer lies elsewhere, like with the Department of Health or the Department of Transportation.

But we will be taking notes and we will be gathering information and hopefully that information will be shared with those agencies that really should be weighing in and should actually be here, as well, in my opinion.

And so we're going to begin. And the first person that -- I am sorry. Okay. Thank you.

MS. ROBINSON: We're going to call them up at three at a time to facilitate getting through. So the first three I would like to have would be John Bosch or Bosch, B-o-s-c-h. Then Monique Harden. And then Carl Wassilie, Wassilie, I am not -- I may not be pronouncing it correctly. We would like all three to come to the table.

And when you get to the mike you can turn it on and it's been set now so that you don't have to hold it for a few of the microphones. But -- particularly for yours. Thank you.

And would you please introduce yourself and your

organization. And I am also going to ask the members, we have been asked by folks who are sitting way in the back that when you first speak, just give your name and your affiliation, real briefly before you ask a question. Okay. Appreciate that. Thank you.

Comments

by John Bosch, Retired from U.S. EPA Air Program

MR. BOSCH: Are we ready. Hello, my name is John Bosch. I've been a retired EPA-er for about a year now after 38 years in the National Air Program with Office of Air Quality Planning of Standards in North Carolina.

And I am here today to undo some of the problems that I caused in the first 20 years, when I was responsible for emission factors and for emission inventory compilation procedures, which, if I knew then what I know today, I would have never done it. They were good for 10, 20 years these procedures and emission factors, but now, now that we -- they're insufficient and misleading and lead away from clarity to emissions for permitting activities or enforcement or emission inventories.

The fugitive losses, now we're becoming more aware of, can only be measured at the fence-line, with the boundary between public space and private property. This was mentioned by the new Region Administrator from Region 6, last

night. And many of you have heard my story here.

Emission factors are now used to such a degree throughout the process, you are not aware, I am sure, of the inaccuracies, total inaccuracies. We're talking about actual emissions being six times to ten times from facilities what they are reporting to EPA, using EPA's own procedures and protocols. It's been -- and unable to reverse this while I was with EPA and nobody really wants to hear it. But it's true.

Studies in Europe, for example, not only show these emissions are extremely high compared to what's reported when measured, but that when measured it's like measuring the dust bunnies under your bed. Pretty soon people will clean it up real fast and they observe this in Europe, where the emissions of refineries after three years of fence-line monitoring, one week a year, reduced the emissions of volatile organic compounds by two-thirds. So, monitoring itself is a cleanup procedure, irrespective of the regulations or anything else.

Secondly -- well, they firstly, when measured, it allows the source to take corrective action. It allows the source to pinpoint, maybe they're not the source. Our waste management person here, I worked with a colleague, a competitor of hers, and they were having huge problems in

differentiating the sewage outfall down across the road from their landfill operation when in a public hearing.

Fence-line monitoring can solve this. And I urge fence-line monitoring -- monitoring not just the stacks but -- but at the fence-line be incorporated in permits as a compliance assurance monitoring tool. Also be made publically available so that when -- when the good folks in local community groups, Environmental Justice groups, can drive by, they can access it on their I-Phone.

We did this by the way. I brought up a West Coast company to the conference this week. They went around with Wilma Subra, and actually took measurements of hydrogen sulfide and methane, from -- by driving around. It's not -- two pages of which I left here. But the -- as an example.

But the interesting thing is, you find all sorts of interesting things by just driving around, not just managers find these things. For example, the Region VI enforcement person, Mark Hanson, said, whoa, he said, you found a huge natural gas leak, huge, in a urban area. He said you got to report this to -- they got to fix this. Well, it is huge. And I probably -- it will be public information. But you find things when you start going around. So --

I suggest we move away from emission factors. Recognize the real limitations of it and that they hide an

obscure real emissions. And have an agency policy to move towards measurement as simply a policy issue.

Number two, I recommend that the Environmental Justice groups be made available on a lending library, perhaps, basis, nationally or regionally of this new technology that they can use by driving around and finding these hot spots, finding these screening -- these egregious problems that Hilton was trying to find and quantify. These are available. This technology has been developed in the last five to ten years.

So, I suggest -- and it's just not one company. We're talking about five, six separate different technologies, some in Europe, some in North American, some in Canada -- some on -- but in fact I am working still with the Department of Defense, NIST, and both the public sector and private sector folks to facilitate more quantification of emissions -- and the open source or the fence-line monitoring techniques are a critical part of that.

So, those are my comments. I hope that we can see more of the intentionally forcing better quantifications through measurements. And I left you with a couple of graphs here. They're very poorly -- they are much better, of course, in color. But in driving around with Wilma, we found the hydro-sulfide measurements, where as you can see here,

35 part per billion, ten times over the threshold. And this is just driving around. And methane on the other one, which was pinpointed at various sources.

So you can really identify it. Wilma was thrilled. We demonstrated some of that in today's meeting. And everybody I talked with pretty much said, well, we got to need some of this. So -- thank you very much.

MS. YEAMPIERRE: Thank you. John.

MR. RIDGWAY: Excuse me. Carl, I have a question for you, if you got another moment.

MS. ROBINSON: Can you sit down.

MR. BOSCH: Me?

MS. YEAMPIERRE: Yes.

MR. RIDGWAY: For you, yes.

MR. BOSCH: All right. Good.

MR. RIDGWAY: Yes. Does this apply to EPA guidance air emission factors that are used for the toxic release inventory preparation as well, or is this not relevant to the TRI reporting?

MR. BOSCH: Not really relevant to the TRI reporting, except as a cross-reference kind of capability thing. Right. The initial factors are basically AP 42, compilation of emission factors to which I refer.

MR. RIDGWAY: Hang on, we got a couple more

questions.

MR. BOSCH: All right.

MR. WILSON: John, how you doing?

MR. BOSCH: Yes, Omega.

MR. WILSON: The question I have is, have you identified a list of chemicals that are detectible in the air that this process that you're talking about can measure in an immediate way as you've discussed and the ones that it may not, so people will know what it can work on and what it doesn't.

MR. BOSCH: And --

MR. WILSON: And another question is, if you have a number of chemicals that are present at the same time, does it effect the quality of the measurable results?

MR. BOSCH: The last one first. Generally not. The FTIR techniques, the open path techniques, of which we got EPA to approve a method for this, called OTM-10, is now being used by enforcement 114 Letters and the like to measure all sorts of individual chemical compounds, benzine and pethidine and others.

So, that's very expensive, however. So is DIAL*, which is kind of a light oriented radar. And it's being used in Europe with refineries for 25 years as a permitting requirement.

These techniques identify the plume and all the mass flux across of it. They don't just figure out what the concentration is, they can tell you how many pounds per minute are coming across that boundary line.

The technology to which I brought here is more of a screening tool. It's available to measure quantitatively any concentrations, methane, ammonia, formaldehyde, and the like. With the proper market, the private sector will move forward to shift towards what they call the mid-inferred regime, which can measure all sorts of other more heavy toxic pollutants.

The biggest thing is the supply is there. And our academic community, in the private sector, but the demand is where EPA creates it through encouraging permits to be using it. And the environmental communities. But that's the gist of it.

MS. YEAMPIERRE: Okay. Hilton.

MR. KELLEY: Hi, you doing, Mr. Bosch.

MR. BOSCH: Hey, great.

MR. KELLEY: All right. Yeah, I had a great time talking with you yesterday concerning this technology. And just for the record, and for the public that's here today, I have three questions.

My first question is can this device pinpoint, if

there's a variety, a number of different sources in the area, like various refineries and chemical plants, can it pinpoint which facility is emitting what?

MR. BOSCH: The answer is -- before I answer that, first of all I am not proposing any device, model or company. Secondly, there are different kinds of technology that are used for different circumstances. One for pulp mills, one for refineries, one for landfills and one for waste water lagoons, one for CAFOs. So it depends on the technique you use.

But indeed they measure, through reflectors for example, all the stuff coming out of a waste water lagoon. All the stuff outside. And from inside to outside it measures how much is coming. So you do quantify it. Most importantly you quantify the fugitive losses, that which is caused by upsets, malfunctions, which in a refinery, for example, you got 25 million pieces, they're always going to be malfunctioning. And our environmental integrity group found that out in the 2004 report.

And so this has been confirmed, by the way, by the EPA conferences we've had, reports you can access via the web, it's no secret. And emission factors severely underestimate the emissions and that's no secret either.

So, if -- my thought is as you senior managers, for

your legacy, would be wonderful to bring clarity to the emissions of facilities. The clarity for others depend upon when actions are to be taken and clarity when they're innocent and are not guilty.

We found one heat exchange at a refinery was cushing VOCs for years, years. It was non-regulated and non-monitored. LDAR did not touch it. And that meant that all the backyard bar-b-ques were regulated the devil, beat the band, to no effect, because of this poor, poor thing.

And so, maintenance and housekeeping are the fundamental basis of the Compliance Assurance Monitoring Rule and I think we need to build it up. That was my proposal.

MR. KELLEY: And the other question is, is it portable and who reads the data. I mean because many times when I go out, I do air monitoring samples with the UV Hound, the question comes up, well, are you qualified, have you been certified, where did you go to college, all this kind of information, when the information and the technology we have is pretty simplistic. But who reads the data from this information?

MR. BOSCH: Right. I -- I selected this particular company, invited them to attend because their's was portable, they brought it, FedEx it up, they loaded it on a rental van, and drove around. It's a cavity ring down device newly --

newly institutionalized technology. WMO has put -- they made it their primary calibration for gases in 500 of their stations worldwide. So it's legitimized. It's backed by 100 Stanford Ph.D.s, so -- but it requires no maintenance and no calibration on the part of the individual. You put it in your car, drive it around, and you get the results shown.

And this was just -- this was just one example. I mean -- this can be done and is being done elsewhere, Canada, Europe and Region II, Cananga just issued a 114 Letter to an iron and steel operation just a few months ago to do -- use this technique for their iron and steel.

MS. YEAMPIERRE: Thank you, Mr. Bosch. The next presenter is Monique Harden. Where is she? Do you see her?

MS. ROBINSON: Is Monique here? All right.

MS. YEAMPIERRE: Okay.

MS. ROBINSON: The next person is Carl Wassilie. And after that would be Sharon Gauthé and Sylvia Betancourt, if all three could come to the table to speed up the process.

MS. WHITNEY: I am speaking in place of Ms. Gauthé. I have asked to be the first one from our organization. She is one of the --

MS. ROBINSON: Can't hear, please. Are you Patricia Whitney?

MS. WHITNEY: Yes.

MS. ROBINSON: Okay.

MS. WHITNEY: Any place in particular?

MS. YEAMPIERRE: Wherever there is a mike that works. Just push and let it go.

Comments

by Patricia Whitney, Executive Assistant

Bayou Interfaith Shared Community Organizing

MS. WHITNEY: Okay. Thank you. Good afternoon. My name is Patricia Whitney. I am an executive assistant for BISCO, Bayou Interfaith Shared Community Organizing. We are a non-profit community organizing agency, a group -- corporation, in the Bayou regions, southwest of here, sixty miles southwest of New Orleans. The Wetlands of America.

We're living in the area of America that has the fastest rate of land loss in the world. We lose one football field of land every 36 to 40 minutes. This is not a natural phenomena. This is a manmade phenomena. And it is going across the region of the Gulf Coast. And we submit that the entire coastal region of the Louisiana, indeed the Gulf Coast is an EJ community. And it's an EJ community for something that needs to be addressed pro-actively in the definition of EJ.

EJ tends to currently, when people speak of EJ, speak generally mostly about contamination and pollution.

The definition needs to pro-actively address the destruction of the environmental. The complete annihilation of the environment. The loss of the environment. The basic human rights of people to their life, their livelihoods, their community and their property are being denied because the land under them is being washed away.

And I was very thrilled attending the EPA conference earlier and with Mr. Omega, to hear the concept and then start to understand the concept of Goods Movements. And when I heard the definition of Goods Movement it was like -- the little bell went off. Everything in the work that we have been doing on advocacy for Environmental Justice on coastal land loss and what it's doing to our communities, is right there in the definition of environmental damages from Goods Movement.

We have port situations that have caused destruction to the Wetlands. We have maritime situations that have caused destructions to the Wetlands. We have energy and mining situations that have caused destruction to our Wetlands. We've fitting in all of these categories. And I was just really thrilled to get some clarity of like this defines the whole process of what we've been arguing about and arguing for, for -- since -- all these years when we see our land washing away from underneath us.

So, I would really like to see, first of all, the definition, whenever people speak of Environmental Justice, to not just include pollution but to also include destruction. Because it is -- we need to be protected and this is a human rights issue.

So, two action steps I'd like to see. One is the definition change. But if community involvement in addressing the issues of coastal land loss and the Goods Movement problem environmental damage, from what I understood is only addressed in funding through the air program. That needs to change to a multi-media, to include land and soil. Because what's happening to us and the destruction is a water program, it's a soil program. We cannot get funding to address these issues if we have to deal with just air. We're dealing with ships and ports and levies that protect the commerce of America.

So, those are the two action steps that I would strongly urge. And this is a very, very time sensitive and critical issue that needs to be one of, and I submit, the most important environmental protection issue in this country. Thank you.

MS. YEAMPIERRE: Thank you.

MS. WHITNEY: I did good.

MS. YEAMPIERRE: Yeah, I think you did. Thank you,

Patricia. I just want to say a few things. One is that I believe that your group did a presentation for an annual Environmental Justice Conference that's organized by John Rosenthal. And that's how I became familiar with the group. And they did a power point presentation that actually showed the projected land loss, which I thought was really compelling. And if you can provide us with a copy of that, that would be really helpful because it really is a powerful Power Point and I don't like Power Point, but that one was --

MS. WHITNEY: Thank you.

MS. YEAMPIERRE: -- excellent in really graphically showing what you're talking about today.

The other thing is, I think what you're presenting is a template for how we're going to be dealing with what is going to be happening to waterfronts throughout the country. So addressing it in a way that is holistic in the way that you're suggesting really makes a lot of sense. And so I think that how we address the coastal erosion and a lot of the issues that you're raised, are going to serve us in terms of how we're going to deal with adaptation and community resilience. So thank you for sharing that with us.

MS. WHITNEY: Thank you.

MS. YEAMPIERRE: We start -- Wynecta, next.

MS. FISHER: Hi. I actually thought about what you

said about defining -- I am sorry, expending the definition of Environmental Justice. And on one of the breaks and I was also speaking with a colleague, we were chatting briefly about the need to help other federal agencies and people in general to understand what Environmental Justice is.

So, what is Environmental Justice. You have a definition, you have a definition of what Environmental Justice is. You can Google it, you can see things that have been done in the past. But if I work for Department of Transportation, if I work for Department of Commerce, if I work for the State Department of Natural Resources, how do I know, one, how to apply that EJ definition, and two, if I am violating it.

Because, you know, it's a lot of words but really no real examples. And I think starting to do some expansion or ease -- working with EPA and coming up with a white paper or fax sheet that other agencies can use to let them know that these are examples of Environmental Justice, would be critical.

And also planners. You know, everything starts at the planning level, which is zoning. So how do we -- I don't know what you're doing in your parish, but are you working with your local zoning?

MS. WHITNEY: We're actually in Terrebonne and

Lafourche Parishes, particularly Terrebonne, the entire parish has been declared a FEMA flood zone. It is particularly difficult, and it has created a -- and we're talking with a parish with a population of over 100,000 people, in 2000. We've grown since then. We've inherited a lot of our friends from New Orleans.

But it is a very difficult situation to say we're doing zoning after the fact. We're doing zoning in a regular flood zone, and FEMA flood zones according to the defirm* maps. And a huge -- portions of those parishes are actually V-Zone flood zones. So these people -- so essentially the zoning policy that comes down is death by permit and relocation by design and that's one of our Environmental Justice issues that is that we should have the right to remain in the communities where our ancestors have been. We're the least transient population in the United States. Seconded only by Alaska.

We like where we are. We don't want to go -- we've been here for hundreds of years. We were here first. We're being forced out by commerce. And the destruction caused by Goods Movement and commerce.

And so to address zoning, it depends on whose zoning regulations you use. And we're trying. But we're fighting -- FEMA overrides everything. And so we need to get

FEMA to the table. And the Department of Homeland Security, of course, who controls FEMA, to the table to mitigate the sort of defacto policy that -- and if you look at the oil and gas industries' maps of their pipelines and oil wells in Louisiana, it is so magnificently larger then anywhere else in the whole country. If you look under Louisiana there is just huge amounts of oil and gas structures.

But they have a map that shows a human buffer zone. And that roughly parallels I-10, and the I-10 corridor and that includes essentially a huge population in Louisiana and that is considered expendable. We are considered expendable and the general defacto policy is, if it is too difficult to fix, you move. That's about two and a half million people. And this is a huge problem that is going to seriously impact America in not so many years.

MS. YEAMPIERRE: I would like to speak on what Environmental Justice is, but before that, I just want to say, Patricia, I really respect the longevity and the years that you spent in the community but for those of us of American indigenous ancestry, when we hear -- I was here first, it just says, you know, no, you weren't. But so I just, you know -- and I am speaking --

MS. WHITNEY: Well, the we for a community and actually the -- most of the Native American populations who

were the first people here.

MS. YEAMPIERRE: Right.

MS. WHITNEY: Were mobile. And --

MS. YEAMPIERRE: So you're the longest standing there.

MS. WHITNEY: Some of -- well --

MS. YEAMPIERRE: In that community.

MS. WHITNEY: And the various heritage populations who came, have been here in a stable community. You know, in situated communities --

MS. YEAMPIERRE: I get it. Thank you.

MS. WHITNEY: -- from about the same time.

MS. YEAMPIERRE: Thank you so --

MS. WHITNEY: Definitely the Native Americans, and they're actually the ones who are at most --

MS. YEAMPIERRE: Right.

MS. WHITNEY: -- at risk, because they live closer to the coast.

MS. YEAMPIERRE: Thank you for sharing that, because that's really what I was getting at.

So, our definition from an Environmental Justice movement prospective is that Environmental Justice is the desperate impact of the environmental burdens in communities and low income communities. And often times, we say

communities of color first because we know that regardless of income, if you are a person of color, chances are that you are living next to an environmental burden.

We also -- the definition also speaks to the lack of environmental amenities that exist in privileged communities. And then the third thing that it speaks to is the fact that we speak for ourselves, in that Environmental Justice is about people, indigenous communities, and by indigenous I mean anyone who is from the neighborhood impacted, has a right to represent themselves, to speak for themselves, to propose recommendations and solutions.

Often times people are really creative with the definition because it's not in their interest to follow the principals of Environmental Justice. Jolene.

Comments

by Jolene M. Catron Executive Director, Wind River Alliance

MS. CATRON: Thank you for your comments. I just wanted to kind of reiterate something that you said that stuck with me. And this is one of the things that I've been learning as a community organizer, is that the terms that the EPA uses like Goods Movements and Environmental Justice, and you know, they're acronyms like a grant that we're working on right now, the Community Action for Renewed Environment, the CARE grant, you know, these words are just thrown around.

And it's a whole different language.

And as a community organizer, as a grass roots person, you really have to learn how to speak that language so that you can speak in EPA-ize. So it's like where do you go to learn that language. There is no one school that will -- you know, this isn't -- like --

MS. YEAMPIERRE: That's -- you're right.

MS. CATRON: -- a CD you can buy and plug in or something. So it is really difficult and it really does lead to a lot of time spent on the internet, if you have that opportunity to just kind of look into EPA web sites and start learning the lingo. But it takes a long time. And then to be able to translate that back to your own community.

Like we had a training in our community and we asked our community what is it that, you know, what can we do to kind of help out the situation that we're looking at. And everybody said, we need anger management control. So I said okay. Let's talk about dispute resolutions and collaborative problem solving. I mean that's that translation going on, right.

So, it's difficult and I definitely hear where you're coming from because I've gone through that myself and having to do a lot of that translation.

I can't speak to any of the coastal issues that

you're dealing with, but I've also heard from other tribal people in that area and know that they're really facing some huge issues, especially because they're not federally recognized.

MS. WHITNEY: Absolutely.

MS. CATRON: And so a lot of the resources that go to tribes go to the federally recognized tribes. And so that's another issue that I think needs to be addressed.

MS. WHITNEY: And I am working -- we actually work with all of the five tribes in the coastal region of our area. I am the capacity liaison to the Isle de Jean Charles tribe of the Biloxi-Chitimacha, who are a little island community of about 100 families, who are actually the Canary, in the coal mine, for Inter-Coastal land lost in America. And they're actually seeking, because their island has been so wasted, environmentally, that they are actually seeking tribal protection by relocation.

Because as soon as they're disbursed individually they lose their tribal identity. And so we're trying to help them build their capacity to access funding, which is difficult because they're only state recognized and not federally recognized. So -- I know exactly what you're saying.

MS. YEAMPIERRE: Jodi.

MS. HENNEKE: Thank you. This is -- this is an issue that I am working very closely with right now, in my professional responsibility. And I will tell most -- many of you in this room and around the table as well, don't realize that Gulf Coast of this county is disappearing, not just by the footfall field, but Texas has areas along the Gulf Coast that is eroding at 15 to 20 foot, linear foot, a year.

It is -- this is an area that produces somewhere between 70 and 80 percent of the refined gasoline in this county, and 60 to 70 percent of the plastics and chemicals manufactured in this country.

Those facilities, not just homes, but those facilities are eroding rapidly, rapidly. You can't re-nourish the shore as quickly as it is disappearing underneath us. And it's not just oil and gas that started this. The actual issue started back with, oh, my gosh, we decided we needed to control flooding on the Mississippi back in the twenties.

And once you create the first dam you slow down the sediments moving down the river. You slow down the sediments moving down the river, you don't have any sand to move along the coast. And it goes on and on.

One of the things that I do want to caution about is in our definition of Environmental Justice one of the

things that -- unfortunately has happened along the Gulf Coast, is while this area has a lot of indigenous populations that have been there since the beginning of time. It has also become a -- resort area. It has become a retirement community. And much like some of the discussions that we -- some of us around this table have had about vulnerability and those over the age 65. Just because you're over 65 doesn't mean that you don't have the financial resources to decrease that vulnerability and have many more medical resources available to you.

The same thing is true along the Gulf Coast. We have some areas that are -- communities of color that have a very low income. We have some areas, many areas, that have a very high income. We have some areas that are 98 percent rental. So I agree with you wholeheartedly on the issues at hand. Louisiana is losing wetlands. Texas is losing shore. Mississippi is losing mainly wetlands. Alabama is losing wetlands and shores. Florida is losing wetlands.

It is incredible and you should -- if you have the chance and even for those of us, and I agree with you, Elisabeth, I hate Power Point, but to see of the disappearing shore lands factored over time, and it is amazing.

I do a good bit of work with the America's Energy Coast, which is a group that has both industry regulatory

community groups and government. And if you're not in touch with them, I'll be glad to get you in touch with them.

MS. ROBINSON: We know who they are. Thank you.

MS. YEAMPIERRE: We have about 30 more people signed up to a --

MS. ROBINSON: At a minimum.

MS. YEAMPIERRE: At a minimum. There may be more. So we are going to ask the NEJAC members to please -- just ask clarifying questions so that we can move on and give everyone an opportunity to participate, because people have been here for a while. So there are three more. Hilton.

MR. KELLEY: Hi, hello.

MS. YEAMPIERRE: Hi.

MR. KELLEY: Yes, I am very much aware of what you're saying about the coastal erosion. There was a road that led from Port Arthur through Sabine Pass that would go to the beach. And I remember this back in the seventies. Now, that road is gone. We had least, I would say about 50 yards of sand and we have the dunes. They're all gone, the road is gone. So we have to 30 miles out of the way just to go to Galveston now.

But I was curious to find out, what is it that you believe is creating the problem in your community. Maybe it's different. But what we believe is Global Warming, the

water levels are rising throughout. Is it something different that is happening in your community?

MS. WHITNEY: Yes. The Mississippi River was levied off, which stopped the annual inundation, which provided nutrient soil to our area. We are a Delta region. That started it. The forest industry came in and decimated the overall cypress forest, which were our protection from hurricanes and coastal land loss which allowed the soil to wash away. The oil and gas industry came in by extracting the minerals they've extracted, it's allowed the land to sink proportionate to the amount of fossil fuels that have been removed from under the soil. And also they dredged -- just terrible dredging and permitting regulations through fragile wetlands. And then marine industries with the wave wash and all, the places where there were oil and gas pipeline canals, ten feet apart, now there is no land between those ten feet. So everything is just open water and it's a domino effect.

So it is just -- and then the barrier islands are gone. And so it's just compounded exponentially. It's a complex -- group of causes.

And we're actually on 7,000 years old. We're a Delta, we're a very young land. We're not old.

MS. YEAMPIERRE: John.

MR. RIDGWAY: Thank you. Just a clarifying

question in the context of our role to advise EPA here, has anybody from EPA suggested that your circumstances are not Environmental Justice? I am just --

MS. WHITNEY: On the contrary. They're -- we started suggested it at a NEJAC conferences a few years ago and I think it is becoming embraced and understood.

MS. YEAMPIERRE: Thank you, Patricia.

MS. WHITNEY: Thank you.

MS. YEAMPIERRE: Thank you for that.

MS. WHITNEY: Thank you very much.

MS. YEAMPIERRE: And try and get us that Power Point, that would be great.

MS. WHITNEY: Yes.

MS. YEAMPIERRE: Okay. The next presenter is Silvia Bentancourt. She here.

MS. ROBINSON: Sylvia Bentancourt.

VOICE: She's gone.

MS. ROBINSON: Okay. Chelsea Albucher. Okay. There is a written statement that she submitted to the members of the NEJAC, that's in each binder for everybody in the audience. And that record -- that statement will be incorporated into the transcript in full.

MS. YEAMPIERRE: Okay. Emily Enderle, with Earth Justice. Okay. No. We're moving.

MS. ROBINSON: Angelo Logan is here.

MS. YEAMPIERRE: Angelo Logan. Um -- okay. No. Okay. Great.

MS. ROBINSON: After Angelo will be Robert Bullard.

Comments

by Angelo Logan, Executive Director

East Yard Communities for Environmental Justice

MR. LOGAN: Hello, my name is Angelo Logan. I am with East Yard Communities for Environmental Justice. And we're in Los Angeles, California. Actually in the east side of Los Angeles.

I am here today to comment on the Goods Movement recommendations. I actually participated on the working group, the tail end, to help to develop some of the recommendations.

Our organization was founded because of the saturation of diesel exhaust and other negative impacts on our community from Goods Movements.

I wanted to -- I wanted to come here today to impress upon you the urgency of this issue. Our communities are dying from diesel exhaust because of the expansion of Goods Movement and Goods Movement industry.

To give you an example of the impacts in Los Angeles, the projections for 2035 in Los Angeles, and

other parts of L.A. and Long Beach, they expect 43,000 TEUs will come through that port, those two ports a year. If you were to put those containers, these are containers that come off the ships, if you were to put them back to back they would circle the earth six and a half times.

Those contains are associated with trucks, trains, and ships, cargo handling equipment. At this time most of that equipment is powered by diesel exhaust. So --

My comments are in relation to the recommendations that EPA should require that, A, decision making process that empowers impacted communities, in other words implement community facilitated strategy to be implemented when federal funding is provided for any and all Goods Movement projects. The EPA must ensure that financial resources are provided and are available to communities and tribes to conduct these CFSSs.

The second recommendation in terms of the collaboration in government, that this must be a multi-agency collaborative, that there must be multi-agencies to work towards a consensus program conducted by an independent facilitator and neutral facilitator.

This kind of goes to the fact that we need multiple agencies at the table to discuss multiple problems. It must include a full spectrum of agencies. I was disappointed to

see that DOT was not here during this conference earlier this week. We must have one hand speaking to the other. Left hand speaking to the right. We're trying to meet the protections of the communities, so DOT and other transportation agencies are continuing to have a negative impact on our communities.

Again, the trigger to initiate both the CFS and the multi-agency collaborative must be at minimum when federal funding is provided to these particular Goods Movement projects.

Moving on to the health research data, I feel that the EPA needs to direct each region to develop a plan to prioritize the Goods Movement facilities that have EJ impacts. These plans must result in health and quality of life improvements.

Related to diesel, the research is in. I think everyone knows diesel is killing our communities. EPA needs to recognize this and to adopt a unit risk value for diesel exhaust and consider it a hazardous air pollutant. Let's see here. This will help to direct policy with improvements to the communities' health.

In terms of regulatory and enforcement mechanisms, as a national agency, charged with protecting the public's health, and ensuring Environmental Justice, the EPA needs to

lead the charge in elevating the Environmental Justice as it relates to Goods Movement and initiate additional regulatory and enforceable strategies.

Building on new strategies, we also believe in the document that EPA should analyze it's legal authority to influence land use decisions on siting new and expanding projects related to Goods Movement. Thank you.

MS. YEAMPIERRE: Thank you for those recommendations. I just have a quick question. When you're talking about -- often times when we're talking about Goods Movement and we're talking bout diesel people, always thinks of trucks.

MR. LOGAN: Right.

MS. YEAMPIERRE: And you did mention the TEUs, and often times people don't know that the equivalent of one is the equivalent of 20 maybe more trucks. Did you actually -- did you raise any recommendations on what to do with the barges and ships that come in to our ports and sit there and idle.

MR. LOGAN: Yes.

MS. YEAMPIERRE: I don't remember if you did. I may have --

MR. LOGAN: Not in my comments. I guess I should say that I also want to support the recommendations that were

developed in the document. But these are the ones that I wanted to pull out and highlight. I wanted to make sure that the core we have -- you know, the essence of Environmental Justice, south determination, where we have a community process. And that EPA and other agencies help to fund that. So that's at the core.

And then the other basic other elements that need to be put in place to protect the public when those communities don't have the capacity to drive that community process. Thank you.

MS. YEAMPIERRE: Thank you. Robert Bullard.
Doctor Bullard.

Comments

by Robert Bullard, Professor/Director

Environmental Justice Resources Center/Clark Atlanta University

DR. BULLARD: Good afternoon. My name is Robert Bullard and I direct Environmental Justice Resources Center at Clark Atlanta University in Atlanta, Georgia.

For the past three decades I've worked on Environmental Justice. And Environmental Justice issues. I was a member of the first NEJAC, I think it was 1995. And I chaired the health and research community. I noticed in the notebook that the members of the NEJAC was listed, and I understand from my limited understanding of NEJAC and how

it's operated for the last eight years, that there is -- there is no listing of committee members. Other people who were not members of NEJAC but who work on issues as it relates to this body.

I think it would be helpful if all the people who are, not necessarily members of NEJAC but who are working on committee work or issues as part of the body -- would have been listed in the affiliation, which would give some sense of what the breath of this body is doing.

I have a question in terms of the Charter. I saw the Charter listed in NEJAC and you may not be able to answer this question, somebody might be able to answer it, is this the original Charter that was set up when the -- set up with the original NEJAC was set up or is this the revised Charter that my understanding was changed under the previous director, of the Office of Environmental Justice, Barry Hill. I think it was changed under the Bush Administration.

I read the paper -- the Environmental Justice paper that was part of the week of priorities, priorities for targeting enforcement. I am concerned that there appears to be -- I assume that -- that somebody wrote that from the Office of Environmental Justice. I am concerned that there is no mention of an Executive Order. The terms used, language used such as disadvantaged communities, under-served

populations, vulnerable populations, Executive Order 12898, and President's Council of Environmental Quality, Environmental Justice Guidance, Executive Order Guidance, and EPA Guidance.

The definition and the terms are low income, which is defined. I think OMB has a definition. And minority community, or minority population is defined. It would be helpful if under-served community if -- if there's a definition of under-served community or if there's a definition of disadvantaged community.

Most of the research shows -- research that I've done and research that's been done, conducted by some of the eminent scholars on this body, shows that it's -- that Environmental Justice and Environmental Racism is not limited to "income". And that some of the most potent predictors of Environmental Racism and Environmental Injustice is race. And to somehow erase that by calling it something else, in my mind is to defeat the purpose of the Executive Order and to defeat the purpose of this body.

My last point is how are nominations, what's the process, made for selecting members to this NEJAC. Where do those names come from. Are they nominations from the region or are they nominations that come from anywhere and they're open and submitted to the Administrator, or is somehow a

closed system that somehow somebody is hand picking people for an agenda.

Those are questions that I have. And -- I would hope that something -- some of those could be answered in writing or at some point.

MS. YEAMPIERRE: Doctor Bullard, thank you for raising those languages -- a very powerful thing, right. Which is why I never say minority, and I always say people of color. It does say a lot more.

And I agree on a number of points. Particularly, you know, one of my rants is about how diversity has taken the place of Affirmative Action. So there is no longer a mandate to address the effects of past discrimination in this country. And that's a discussion for another day.

So, I do think that -- I think Victoria and Charles should answer these questions. I think they would be best prepared to address them. I certainly do not know anything about the original Charter. But I think they would be able to answer your questions.

DR. BULLARD: Thank you.

MS. YEAMPIERRE: So, Victoria.

MS. ROBINSON: Yes. Yes, thanks, thanks Doctor Bullard. Regarding your first comment about the listing of non-executive council members who have contributed

to a lot of the work, that this council at large has done. You will see that in the binders we have a list of the members up front in the administrative section. But we also include, whenever we have a work product produced by a work group, those members are also listed.

So you will see in the section dealing with community actions there are the list of members of every work group who's currently doing work for the committee. So we have two outstanding work groups right now. One on SCLAR* topics monitoring, and one on nationally consistent screening, EJ screening approaches. And those list of members are in your binders.

Regarding the Charter, the Charter is renewed every two years. This is not the original Charter. But the language and the intent, that has not changed. There was a -- fine tuning of the scope of the work of the NEJAC, of the council in times of work they're providing advice around. There was a sense that the scope was very vague and did not reflect current agency work. And so that's the reason why that section of the Charter had been revised. That was revised two years ago, yeah, a year and a half ago.

Regarding the process for selecting members. We -- it's an open process. We solicit members through our Environmental Justice ListServe. The word of mouth, asking

people to submit. And indicated in serving on the NEJAC or one of it's work group.

We then take the list and then given that we have to maintain a diverse prospective, meaning we bring in the combination of academic and business and industry, community basis, tribal and indigenous, all the different categories we have and try and balance those needs -- those perspectives and also get a sense of maybe for the next two years we might be working on some air issues, maybe bringing in a community based person who has air.

We take a look at some of the topics that we're actually going to be examining as well as the need for a specific category of prospective. And from that then a slate is put together, and it is forwarded to the Administrator.

We get recommendations from the regions, we get recommendations from existing members of the council as well as former members of the council. And it's right now -- I think I have about maybe 40 people who have indicated that they are interested on serving on the NEJAC or one of it's work groups.

DR. BULLARD: I have a follow up question, if I may.

MS. ROBINSON: Okay.

DR. BULLARD: You said that there's solicitation

and there's a ListServe going out for requesting -- names. When did that list go out?

MS. ROBINSON: That list went out twice. The notice went out twice last year. Once I think in -- I think March or April. Once again it was late summer that I sent out on the EPA's ListServe on that.

DR. BULLARD: Oh.

MR. LEE: Let me amplify some of these and then get to some of these other issues.

So, the first thing is Bob, I really appreciate these issues and that, you know, some of these questions we should really have a candid and robust dialogue about. And some of these are not that simple issues.

Going back to this issue about the committee members. I think the real issue that -- in terms of listing them is a -- is the evolving -- the real issue in terms of members is their evolving nature of the NEJAC. And I just want to explain that, you know, when the NEJAC was first formed as far as -- there was a -- the structure was a parent executive council and then a number of sub-committees. Each of which were affiliated to different offices.

One reason why that was done was to use as an instrument to get the, I guess, I to create more engagement with these different offices. So there was one that the --

that Bob chaired, which was the -- sponsored by the Office of Research and Development, or Health and Research. And then there was one that was sponsored by the Office of Water and Air, called the Air and Water Sub-Committee. And I think the first one that, in the beginning I chaired the waste sub-committee. So on and so forth.

You know the NEJAC did with the members of the NEJAC and I think in 2001 began to look at how best to make the process work on terms of advice and recommendations. And -- and it was -- the one thing that was concludes was in order in order for the NEJAC to provide really effective targeted point of advice and recommendations, having standing sub-committees was probably not the best way to go. We looked at different models for doing this.

I don't know -- we're going to talk about this later. But one model that -- for the advisory committees was the one that is used by the National Advisory Committee for Environmental Policy and Technology. Otherwise known as the NACEPT Committee. And what they do is that they have a parent committee and they convene committees on an as-needed basis around specific issues. With specific charges. And then that leads to the recommendations. And then the committees -- sunset.

And in the present NEJAC structure, those are what

we call work groups. The ins and outs of the technicalities of what is the difference between that -- those two designations, we don't need to get into. But that's the way it's been operating.

And you ask whether that's a better system to go then standing sub-committees, we should have a discussion about it. And I think that's a -- you know, there's a lot to be talked through.

The one thing I think that is pretty -- I think is pretty clear, when those workers actually work and I think in a number of cases like the Cumulative Risk Report, like the -- the Goods Movement Report, like the School Air Toxic Report, like the one around EJ Screening, it's been pretty effective. I am not saying it's been perfect or it could not be done better. But, you know, the hallmark of that is the ability to bring together the right group of people -- with the people with the expertise, interest, experience on a particular issue, to provide really targeted effective advice and recommendations. So that's one thing.

The second issue as far as the Charter. The Charter effectively has not been changed. The key thing about the Charter is that -- that the NEJAC provides advice and recommendations to the EPA Administrator. I think that in terms of what's happening now and one of the things that

we're really working on is to -- and there has been a lot of engagement with Lisa Garcia and the Administrator's office and we're going to hear about this, is the -- on Friday we're going to talk about this in more detail -- is there really -- have better stronger -- the nexus or the connection between this advisory committee and the Administrator -- you know, we want to work on. And a lot of things that flow from that.

So, it's not exactly the Charter in terms of the -- in terms of the language, but in terms of how it's being implemented.

The language around the use of race and the Executive Order are really important issues to be talked through. I don't think we want to get into that but I just right now -- but I do want to say --

DR. BULLARD: Well, I think we do want to get into it.

MR. LEE: No, no, no, no.

DR. BULLARD: Because if --

MR. LEE: No, no --

DR. BULLARD: It's all the policy, this is my point.

MR. LEE: Bob, can you let me finish.

DR. BULLARD: Okay.

MR. LEE: Because -- what I said I don't want to get into that right now. But we do need to put it on the table. And I think that, you know, this issue about the -- what's been raised about the lack of focus, minority and low income populations with respect to Environmental Justice is a very serious issue.

The -- the concept of Environmental Justice for all is not one that we subscribe to. And so -- I think, Bob -- I think there's a lot of agreement with what you're saying. And I think we need to set up a process where we're talking that completely through. Okay. So that's what I -- no, that's okay.

So, you know, I think -- I hope that you appreciate the fact that with respect to that issue, what I am saying is that we need to put it on the table and really have engagement around that.

DR. BULLARD: Yes, I agree. Because it's been off the table for eight years. And it seems to me that that when I read that document that was produced January 2010, that's up on the EPA's web site, that was written by the Office of Environmental Justice, that document could have been written under the Bush Administration.

And all I am saying is if we're going to run away from race and run away from the fact that there is -- the

strongest evidence around environmental injustice and environmental disparities, is around race. And if you are going to run from it, then I think this -- this NEJAC could have been the same NEJAC that was under George Bush.

So, let's start afresh and let's deal with the fact that it's a new day and this NEJAC needs to be -- as I say it, a new day and I am -- I am thinking -- that's my thinking. I am not calling anybody out. But what I am saying is that when I read documents.

I am looking at this stuff and I am seeing press releases go out on disadvantaged communities and vulnerable communities and under-served populations and not talking about the Executive Order and how we're going to enforce the Executive Order, all these studies showing that it has not been enforced, GAO studies, Inspector General studies, that to me says that, let's get busy with this NEJAC and get back on track.

MR. LEE: I just want to say, I agree, Bob. And this is a conversation that we need to put, you know, all the people that were here -- the Assistant Administrators and others, on the table in terms of a full discussion with them.

MS. YEAMPIERRE: Thanks. I really feel like I have to respond to some of that stuff because I am chairing this

meeting. And so let's bring this new school in, all right. And so I am going to bring it new school.

And new school for me means that Environmental Justice has to be inter-generational. My organization is. There isn't a single young person on this -- on this NEJAC. New school for me means that we are organizers and responsible base, so that we can't even be talking about Environmental Justice unless we have a base that we're accountable to.

And for me, a lot of the people that serve on this NEJAC who aren't the traditional EJ people that go way back 20 years, really are representing communities of color. They're working extremely hard. People like Omega and Hilton and Wynecta, the people that I've gotten to know, that really represent a base. And they may not be grounded, and I really shouldn't be speaking for them, because they can speak for themselves, and the principals of Environmental Justice, the way the movement is, historically because there are new people coming to the table. And these new people are really essential voices. And so we really need to be able to embrace them and embrace their analysis because they're representing a particular prospective that is having an impact on communities of color.

I said earlier, I said earlier and I am thinking

this moment of being the Chair for a second, I said earlier that I talk about communities of color and low income communities because regardless of income, if you are a person of color, chances are that you're living next to an environmental burden. If you're living in L.A. and you live in Black Hollywood, then you've got those oil rigs in your backyard.

So, even if you're a millionaire and you're a person of color and your black, chances are you're living next to environmental burden.

But there are issues of ethnicity, and I am the only Latina here. And you know, I may be of African and Indigenous Ancestry, but I am the only Latina here. And we've got communities in the southwest and California, I mean California, you know, New Mexico, those states were not named that for any reason. I mean we're talking about the fact that, you know, it's a huge population in the United States, and growing. And we didn't just show up. We've been here for a long time.

And so we need to make sure that all of our communities are working and united to advance an agenda that's going to effect our communities. Because in my community, where I am at in Brooklyn, your name could be Sheniqua Garcia.

(Audience Laughter)

MS. YEAMPIERRE: So you know we need to -- we need to make sure that -- and that the people on this NEJAC are respected, because frankly, you know, I have deep respect for them. They work really, really hard. And they're all volunteers.

Now, I agree with you that committee members should be listed because they're volunteers as well and we need to recognize what they bring to the table. So like Omega over here, I am talking about him like he's not in the room, really busted his butt on this Goods Movement and he brought the question. He's been working really hard. He's been fighting the good fight. And I don't know if he started calling it Environmental Justice. He just knew he was in a community that was being bombarded and was being killed. And that -- and my feeling this Brother is a member of the Environmental Justice movement.

So, let's try to make sure that we talk in a way that brings in new partners. Because, honestly, this is hard what we're doing on the ground. It's hard what we're doing here in this room and we need to -- so I am -- you know, I have deep respect for people who are the founders of the Environmental Justice movement. And you all know that. But if we're going to do new school, let's do new school.

And let's also make sure that we are inter-generational and inclusive in a way that is really meaningful for our people. So gracias. That's all I have to say.

DR. BULLARD: I agree. Thank you.

MS. YEAMPIERRE: Yes. I am sorry.

MS. ROBINSON: Sue.

MS. BRIGGUM: Bob and I are old school. As is well -- and I was just hoping that if you around on Friday, what you were saying was very much the focus of the National Screening Tools discussions where we said no matter how you do this evaluation, the core has to be to assure that you're providing the focus to communities of color and low income communities, redressing the legacy of racism.

And so we really focused our efforts, I think in the spirit of the Executive Order. So I hope -- so you see we have still been working in that -- in that thing.

MS. YEAMPIERRE: Okay. So thank you, Bob, Doctor Bullard. So the next speaker is Emily Enderle from Earthjustice. Is she here? Okay.

Comments

by Emily Enderle, Legislative Assistant Earthjustice

MS. ENDERLE: Hi, there. Thank you guys all for having us here to comment publically on a number of issues that are -- that our organizations and as individuals, we're

working on.

My name is Emily Enderle. I work for Earthjustice, which is a non-profit environmental law firm in New York or in D.C., we have eight offices across the country. I work on our policy team.

This is a little bit far away from where Doctor Bullard was at in terms of distance from the problem but we do a lot of administrative procedure a lot. And in looking at the existing statutory authority of EPA to actually move forward in a number of concerns and issues that effect Environmental Justice communities.

There are a number of things that we've identified as possible routes for change and absolute routes for providing relief to communities across the country. These are communities that are disproportionally people of color and low income communities. So, I just wanted to take this opportunity to bring up a couple of those issues and to get those potentially on the floor for you guys to consider as you move forward with potential initiatives.

The first one I wanted to bring up is something that has been brought to the attention of the NEJAC before, which is the definition of Solid Waste Rule. Which is a Rule under the Research Conservation and Recovery Act. This is a Rule that was essentially kind of grenaded into the Obama

Administration and the EPA had the opportunity basically to reverse this Rule or at the very least to stay this Rule.

And there has been definitely been precedence in the past that has shown a lot of neglect on behalf of hazzard waste recyclers. Yet the Bush Administration basically moved forward this, and what it essentially will do is put a lot of people in jeopardy. And then we're talking about 1.5 million tons of hazzard waste that are essentially being used or being recycled.

But what means and has meant in the past is damage cases across the country. Most of those located in communities of color, most of those in low income communities. However, essentially asking EPA to stay that Rule while they consider the Environmental Justice analysis, we're really encouraged that they're doing that, we're thrilled that they're getting communities and stake holders involved in coming up with the methodology for that.

But what it says is it is going to take a long time to conduct that analysis. This the first time that an analysis has been done for a Rule. It's going to take a long time to do that. While that's being done we should stay that Rule. You have the authority to do it. Let's move forward. And we'll be talking a lot more about that tomorrow and I think the OSWER will be talking specifically on the issue in

the morning. And then there's a public comment sections. So for folks who are interested in learning more about this issue, this is something a number of us can talk to you about.

The second one is the definition of non-hazardous solid waste. And this is something that I don't know how much is on your radar, but within the Resource Conservation and Recovery Act, RCRA, there is an interaction with the Clean Air Act, which essentially it says there has never really been a definition for non-hazardous solid waste.

And another grenade from the Bush Administration is that without any sort of solid waste definition, this stuff can be burned as fuel. This stuff meaning tires, spent solvents, spent oils. And if it's burned as a fuel it's exempt from any sort of clean air emission standards.

So, these things, this is hundreds of thousands of facilities, we're talking about, can continue to burn these types of fuels and continue to basically poison the air in communities across the country. You think about where these incinerators are, we all know that they're located disproportionately in communities of color and low income communities.

And this is something that we can absolutely move forward with changing. This is an advance notice of proposed

Rule making that happened early January last year. We can basically reverse this. And so we are asking essentially OSWER to go ahead and reverse that Rule and not to put our communities continually at risk. And what it essentially does, is it just protects people from air emissions, and these are toxic air emissions.

Another issue I wanted to bring up, the idea of pesticides. These are issues that basically impact farm workers and Latino communities across the country. Organic phosphates, carbonates, these are two new -- two classes of pesticides, about 50 pesticides used across the country. These pesticides are known nerve toxin pesticides. These are things that were derived during World War II, for human warfare, and they're not basically in our pesticides stream.

So, just thinking about those types of issues. You guys have this statutory authority to put short term buffers and long term under the Food Quality Protection Act to move forward with actually constructing a proper risk analysis for exposing children and farm worker communities.

Quickly, as I have a minute left, one other issue, coal combustion waste. This is the bi-product of burning coal, second largest industrial waste stream in the country. You look at where this stuff is disposed of, and how it's disposed. There are no federally enforceable baselines

standards. Communities of color and low income communities are located disproportionately around these facilities.

You have catastrophic potential, so things like the Kingston spill, but you also have the possibility for leaching. And these are heavy metals. You also get cadmium, you get mercury, lead, arsenic and it's been found, EPA's own studies that they essentially have been poisoning water in and around those areas. In some cases it's up to one in 50 in terms of possibility for cancer.

So, this is certainly an issue that has been impacting Environmental Justice communities and I think that hopefully that is something that can be on your radar.

And then finally, one thing, I was encouraged certainly by air toxins, under OECA, they said that they're looking at identifying hot spots and providing relief. That's terrific. We have the potential to do that under all of the rest of the statutes as well. And if we can think about ways to do it using the Clean Air Act, using the Research Conservation Recovery Act, and other acts, to basically look at cumulative -- total risk and provide release -- relief in those areas, we have the potential to do it. And we can do it under existing statutory authority. So, if that sort of thing can be prioritized we can move forward without much in the way.

So, I want to thank you all for the time to make comments and happy to follow up however appropriate.

MS. YEAMPIERRE: Thank you, Emily. Must have been really hard to follow that discussion.

MS. ENDERLE: I am so sorry -- you guys got --

MS. YEAMPIERRE: No, no. But it's totally cool. But I just want to say something about that one before I move on to you, that you know we have tremendous appreciation and respect for Doctor Bullard. And it actually is the right thing to elevate the conversation about race, because we're living in this time that people are calling post-racial, which is really scary. And it's really important that we do that and we address those issues. And I don't know if I got to getting amped up, got to articulate that a minute ago.

But in terms of your presentation, I really wish that you had an opportunity to present with Charlotte Mooney. I think that your prospective and I know that you and Vernice have worked really hard on this. That that prospective is extremely important and it is an opportunity to really partner with folks that are doing this work on the ground, and it adds value to the discussion for the NEJAC. But -- thank you for that, that presentation.

Does anyone have any questions -- Hilton. Thank

you.

MR. KELLEY: Yes. Good evening. The question that I have is -- I just wanted to get some clarification. You're saying that there are companies out there that use solid waste for a field to operate?

MS. ENDERLE: Yes. And these are things like spent oils, so you -- basically can use an oil and then you can use the byproduct and you can burn it, as a fuel. And there are no emission control technologies that are put on top of that smoke stack.

MR. KELLEY: That was my next question. Wow. Interesting.

MS. ENDERLE: All over the country and these are tires as well.

MR. KELLEY: Thank you.

MS. ENDERLE: And they are basically right now exempt from the Clean Air Act emission standards.

MS. YEAMPIERRE: Oh, anyone else. Omega.

MR. WILSON: Yes, I have a question. I don't know whether this falls in or -- I asked the question the last NEJAC meeting relative to solid waste and clarification on this classification.

We have -- new "technology" developing in North Carolina and I assume in other places in the country,

where waste, animal waste, chicken manure, is being as a source for fuel. So some "Green Energy" companies are rapidly doing this and these companies plant themselves again in Environmental Justice communities or make communities that may not be Environmental Justice communities and buy a plant -- these brand new facilities, with funding and support by the Governor's office. Okay.

Can you help clarify the question of where -- megatons of animal waste from CAFO's, chickens, hogs, and possibly human waste, is being used to create fuel. And is this under your definition. Or if it's not, tell us where it is.

MS. ENDERLE: I would love to be able to answer that question. Unfortunately I am not a RCRA expert. I can certainly get you an answer to that question. But I mean, CAFOs are one serious Environmental Justice concern. It isn't my particular area of expertise, but it's definitely to be thinking about and one that I can get you an answer to.

MS. YEAMPIERRE: Okay.

MS. ENDERLE: And thank you. I just want to apologize to everybody in the audience for wanking out. Five minutes is pretty short.

MS. YEAMPIERRE: You know, our rights are lost and gained in wank, so wank is important. Thank you.

MS. ENDERLE: Yes. Thank you.

MS. YEAMPIERRE: Thank you. The next speaker is Albertha Hasten.

Comments

by Albertha Hasten, Director

Louisiana Environmental Justice Community Organization Coalition

MS. HASTEN: Thank you for being here. My name is Albertha Hasten. I am the active advocacy of Louisiana Environmental Justice Community Organization Coalition, better known as LEJCOC.

I have the recognized, I call them Obama, but it is Omega Wilson because he learned me something. He actually called me, he surprised me, because ain't nobody know me, I talk a lot. And I am always fussing. And he said, Albertha, we want you to be on this Goods Movement track. I said and what kind of track is this. And what is Goods Movement.

So when he told me what it was I said well, we don't thin, but we want to get out. We want to learn more about relocation. And that's a touchy subject when you're talking, when you're sitting at the table with industry and you talking about relocation. You can't blame -- if you blame them, they won't talk to you. So you talk and you learn something about each other. We learned to listen. We learned to communicate. And we had to learn how to forgive

each other. And we had to trust. And I started trusting.

And Omega said, do you want to be on this panel. I said little old small town like White Castle, we have a little small organization, going to be on a Goods Movement. This is a national thing. He said yes. And who would listen to me. But Omega surprised me, they listened.

And we talk about the same problems that I am hearing now. You know, the ships, the trucks, the freight cargos and industry and what they said is a Goods Movement. But the people who are on the community fence line are the ones that are being effected.

So, we just ordinary people. And we had a chance to say what we wanted. And I thank Omega for having the Goods Movement because we had a voice. And was able to express our concerns, that I didn't have to get up there and talk about him. Because I always talk about people on NEJAC. When I had to tell you, I had to be honest, I had to take all that back what I said about you all.

(Laughter)

MS. HASTEN: So, doing that, because he -- he told me, he said, now I don't know what I was saying -- or what -- is it that you all are going to do. You know you can't do nothing. The President will stop you from doing anything. So how you going to do something for me. And it wasn't me.

It was a whole bunch of people that I learned that had the same comments that I had. And the first time in my life I was shut-up. I couldn't express nothing. And that shocked me, because I like to talk.

And we came out with two important things. Reviewed -- and we would like for the Federal Government to look at relocation. And to help the small communities that live on the fence line to be educated. Because you have to be careful what you ask for because you may not want it.

So, when we look at relocation and the Federal Government give us the education because we know in 1973 they had an Act of Relocation, but we never heard about it and we knew that the people -- we are not researchers, we're not scientists, we're just ordinary people. And the people needs to get out. We're very sick. Some of us are -- I am one, have respiratory problems. We are dying. And we are having our children dying.

I am a grandmother now. And to see me being a grandmother, I am blessed. And I look at the community, the people who was on that track, I really enjoyed them, and I really liked it because they learned me something. Of all that you do, you still have joy, and you're grateful because we are highly favored and we are royalty. So I am not so worried about me, now that I says I have so many people like

me dying too, I am concerned about -- we live in America and we can express ourselves. And we can talk. Even though you may not like what I am saying, but you're listening now, you're communicating.

And before I leave my seat, I said communication, but I have to learn to have expectation and go for the high. I learned that from John Rosenthal. Where you at? Oh. Anyway, I learned that from him. He said when you're struggle, you're not tired of just struggling. I said no, I want to win the war. But you have to win the war that you're struggling about. So when we say LEJCOC is always in the struggle. We're now saying to win the war.

And we're going to win this war and we will get relocation for the people on the community fence line because we ask you to make that recommendation. And I want to thank you for allowing Omega to be with us. That's it. Zero. I am finished.

(Applause)

MS. HASTEN: Any of you have any questions?

MS. YEAMPIERRE: Don't go just yet. Because you just did a whole lot of healing and I got to tell you that you represent for me the heart of Environmental Justice because it is folks like you in our communities that are struggling every single day with little or no resources, with

their own health on the line, fighting for other people. And if it was not for what you call ordinary people like you, we wouldn't be in this room right now.

MS. HASTEN: That's right.

MS. YEAMPIERRE: Because there would have been no Civil Rights Movement, there would have been nothing that would have made it possible for some of us to even have access to an education. So, Sister, you are fierce, and I want to thank you. Any questions or comments from the NEJAC? Hilton?

MS. HASTEN: Who?

MR. KELLEY: I would like to commend you to keep up the fight, keep up what you're doing, and eventually you'll prevail. Just keep moving.

MS. HASTEN: That's right. I thank you all. And Charles Lee, I got a question for you.

(Laughter)

MS. HASTEN: You shouldn't have walked out on me. You should have stayed right there. No, I am finished with you. Thank you all.

MS. YEAMPIERRE: Thank you. Thank you.

(Applause)

MS. YEAMPIERRE: Okay. Dothula Hall. Dothula. She coming. Okay.

Comments

by Dothula Baron-Hall, Executive Director

Rural Empowerment Association for Community Help (REACH)

MS. BARON-HALL: Hello. I am Dothula Baron-Hall. I am from North Carolina. I am with the Rural Empowerment Association for Community Help, that's REACH, our acronym. And we're located in Eastern North Carolina, where there are huge numbers, millions, of hogs, turkeys and chickens that are in CAFOs, that are really effecting our health. And I spoke about that at the NEJAC meeting when I came to you back in the summer.

And one of the things I want to emphasize now is, of course as several other people have said, people forget that when we're talking about the CAFO issues, we are also talking about Goods Movement. And when I was here -- well, with you back in July, that was the first time I heard the term Goods Movement, and I had no idea what it was. And I had to keep asking, what is that, what does that mean. And so I got educated.

And then back in September our agency paid someone to just sit on a corner in front of a church, a primarily African-American community and just count the times that the trucks went through that community carrying goods. And actually what they are carrying in our community is -- they

carry dead animals, they're carrying them to the rendering plant so that they can be processed to be fed back to the other animals that are living and also some of the products made into byproducts, such as glue.

In addition, there are live animals that are transported. The live animals are -- people have complained for years about these animals, and we don't really know -- I mean often, you know, we live in ignorance and don't really think anything about it, but when the trucks, whether they're dead or alive, pass by, people have to stop often, or cover their noses or complain about the fact that the urine and the waste is coming from the trucks with the live animals.

In addition, you know, they are often carrying guts or, you know, the internal organs on some trucks. You know, and that's falling off the trucks and it's -- I mean it's a really -- I want you to get a vivid picture of what I am talking about. Because you know up until about five years ago or more, the people who complained were often intimidated or harassed, so people were very reluctant to say anything about the problem. And even now there are so many instances -- people don't understand the depth or the breath of the problem in our community. So, if people live with it every day don't actually get it, then, you know, we're not surprised that people that don't live with it don't get it.

But, you know, we're really stepping up. What we do to educate more people in our community, one of the major problems that we've had has been actually getting government, whether it be state or local, to understand, you know, we got some major issues. And part of the reason that we have a hard time getting them to understand is because the industry is so wealthy and so powerful and they're major lobbyists so whenever, you know, any legislation comes up, locally or on the statewide level, you know, it's usually defeated or it's put on hold and nothing happens with it.

So, I am really here to just ask that -- because I know you all considered this in the air quality recommendations, but the community really needs to be considered as a major player in this whole process. And when industry goes into communities with their goal being a CAFO or other similar toxic kinds of industries, then the people need to be informed of that, the people really need to be consulted about that, there needs to be collaborative communication, facilitated communication, between the industries, the community, government, everybody who is going to be effected by this.

The burden of proof so far has been on the people to prove that their health has been effected, when actually we want to make sure the burden of proof and the financial

responsibility is placed on the industry.

You all have a lot of insight, a lot of information, a lot of resources on this committee and we really want to make sure that we support you and you continue to support us in this whole effort. Thank you.

MS. YEAMPIERRE: Thank you. Hilton.

MR. KELLEY: Yes. Good evening. I was curious to know, you're saying that when these companies came into your community there was no public notice posted whatsoever and there was no notice from the State, no community meetings to discuss this. That's what you're saying?

MS. BARON-HALL: That's exactly what I am saying. And this started approximately 20 years ago. I didn't live in this community back then. But from talking to various other people who did live there, they had no idea until it became a problem and that's when they realized oh, my, God, what are we living with.

MR. KELLEY: Well, from my understanding, I mean, if there's going to be a -- well, a bar or something put into most communities around this nation, there has to be a public notice put up of there's going to be a dump site. And I think by right you guys should have had a right -- and opportunity to weigh in on that, actually.

And I remember you from last year, also. And I

think I made a recommendation concerning the cesspools that you mentioned last year, concerning the waste and the methane gas that was coming off of that. I made some recommendations about possibly creating some storage tanks in which the methane gas could possibly be burned off like we have in Southeast Texas here with the oil. And the tanks have these vents on them. But yet, was anything done about that or was there any talked generated concerning that?

MS. BARON-HALL: Yes, a General Assembly did get -- pass some legislation stating that the methane gas could be captured and then sold to power companies for energy. And so, you know, that's actually, I guess, in the works or in progress.

Also, one of the pluses in addition, is many -- these contract farmers, they contract with the industry to raise the animals and the CAFOs and also to -- they operate the cesspools and the spray fields, where the waste is sprayed, supposedly as fertilizer.

And so many of the farmers are realizing now, hey, we're caught in the middle of this whole thing. And they've come to our organization, some of the people who are our collaborators and said, okay, we want to work with you because we realize it's a problem. We do realize that we want to be good neighbors, we want to be sensitive to the

needs of the community. So that's a real plus.

You know, of course for them it's a monetary thing. These contract farmers are not wealthy. They're working and contracting with the industry, which we know is very wealthy, but the contract farmers are really caught between a rock and a hard place. They don't have the money to initiate new technology, which is very expensive for them.

MR. KELLEY: Well, I would like to encourage you to continue your fight and get with your EPA office regionally. And push that issue. Because there are laws in place, from what I understand, that can help protect that community and serve public notice to inform you when more industries are coming into the area, or what are your rights and the do's and don'ts of these industries.

And I think it's important to get more education for yourself and your organization and that way you'll be better informed on how to fight.

MS. YEAMPIERRE: Thank you.

VOICE: You have a comment over here on your right.

MS. YEAMPIERRE: Oh, I am sorry. Sue.

MS. BRIGGUM: I am wondering, there have been some NEJAC projects in the past where they did like a Citizen Guide to Hazardous Waste Facilities Sighting and things like that where you have some useful information about what you're

rights are and when under federal environmental programs you have the right to public notice and hearing.

It might be helpful to think about whether or not, you know, people who have come here often mentioning the same topic, and it's still seems that we need this kind of explanatory document. So it's easier to know your rights in order to make your voice heard. Perhaps that might be something the NEJAC might think about.

MS. YEAMPIERRE: Wynecta.

MS. FISHER: Oh, that actually is a really good document that she mentioned. But one thing that I think that -- and this is kind of the elephant in the room, is zoning. And that's the issue we have here. When something is zoned as heavy industrial and it's zoned that way, your Planning Commission will look at that document and say well, this is what they want to operate. Based on the zoning, it's legal for them to operate it. And that's when you are going to have to try to make your public comment during that zoning hearing and show your opposition to it. But it's very difficult to change zoning.

I think a lot of the problems that, you know, communities of color face has to do with zoning laws that are on the books. So what I would suggest to you is that you find out who your -- who the head of your Planning

Commission is, and ask them to send you notices, so you'll know when someone wants to take an area and maybe sub-divide it. That's generally a trigger for people putting in more businesses because it's already zoned for that particular use.

MS. BARON-HALL: And remember in rural communities, in the country, you know, that's -- the lines are not as clear, because all of it is agricultural. You know, there are not just clear lines of division there. So that makes it a little bit more difficult.

MS. YEAMPIERRE: Omega. Okay.

MR. WILSON: This question is not directed to Dothula, but to NEJAC, federal officers and Charles. Last time we met the question came up and it kind of bumped around and rolled around and it still hasn't been clearly answered here, that NEJAC was going to set up a work group specifically to deal with this growing problem of CAFOs and animal problems that we heard some tremendous and painful comments from throughout the country.

And a teleconference meeting last September. And we've heard it from Dothula and her husband, Devon, last year, we heard a huge number of people raise the same kind of questions on -- at that meeting where we had dozens of people call in. We've heard it again today. And I am not sure

whether it was neglecting the issue or avoiding the issue, and Dothula has been back for the second time. And it's beginning to feel like, to me, it's a level of irresponsibility or continuously dropping the ball on purpose.

So, I think -- I am making a point that that be addressed and it be addressed immediately.

MR. LEE: First of all I think that this issue has been taken very seriously and on different levels. I think the, by EPA, and is reflected in -- in things like the discussion around what kind of focuses that enforcement -- what it used to be called enforcement priorities -- is reflected in some of the enforcement goals that Cynthia has talked through and developed.

And so there's that -- I mean --and I couldn't tell you all the different ways in which EPA is looking at this issue. So I do agree that this is something that needs to be there and we haven't forgotten about it.

With respect to the NEJAC -- how the NEJAC wants to handle it in terms of a work group, I believe this should be folded into that discussion on Friday.

The question of what -- when you say a NEJAC work group, that should -- that -- a lot of things go into that, not the least of which is we have to make you have to make

choices when we have to make choices about what particular issues you want to really focus on. And there are a lot of them out there. A lot of them which have come up through these public comments, a lot of them with you -- members have raised, and a lot of which -- a lot of which are the result of different priorities that the agency is working on.

So, I think we need to figure on that -- figure on that out. You know, if you are going to establish a work group you need to do -- you need to do it in a way that really results in solid advice that EPA can act upon.

MS. YEAMPIERRE: The issue of food, by the way, has become a major Environmental Justice issue, not just the way that you framed it, which of course is really impactful, but also the issue of pesticides and the use of pesticides, just the reissue of food in urban areas. And so when I made a request, because I did make a request to have a number of agencies here, I also asked for the Department of Agriculture to be here because we have to start including them in these conversations about Environmental Justice.

So, hopefully we will move further on the issues that you've raised and put in a request, maybe a formal request, so that those agencies can be represented at the next NEJAC. But the issues you are raising are being raised all over the country and they're really important. So, thank

you.

MS. BARON-HALL: Thank you.

MS. YEAMPIERRE: The next speaker is -- I would call him, Rhode Island's hardest working lawyer, Steve Fischbach. I say that because Rhode Island is such a small state that it often doesn't get the attention that it deserves and there are a lot of Environmental Justice communities in Rhode Island. Steve.

Comments

by Steven Fischbach, Rhode Island Legal Services

MR. FISCHBACH: Well, thank you, Ms. Yeampierre. I'll say that Rhode Island after Washington, D.C. has more lawyers per capita than anywhere else in the country. I really that statement as a fine compliment.

MS. YEAMPIERRE: That's kind of scary.

MR. FISCHBACH: Yes. Thank you. I've come to speak to NEJAC today about a very important Environmental Justice issue. And that's related to policies and laws regarding the siting of school facilities. I want to explain why it's an Environmental Justice issue and why it's important for NEJAC to be paying attention to the issue.

The average age of a school facility is now is about 50 years old. And I think that most people are aware that enrollments of public schools -- and it's more acute in

some areas then others -- but if they're at record high levels. And that also funding for public schools has not kept up with enrollment levels. And consequently many school districts around the country are looking for inexpensive places to build new schools. And frequently those are on sites that are impacted by pollution or are contaminated themselves.

In my home community, Providence, Rhode Island, we have two schools that were very recently built on contaminated sites. One on our former city dump which operated in the 1960s and 1970s, receiving the city's trash. And another on the site of what was the largest silver manufacturing facility in the world at the turn of the last century. This problem is not just in Providence, sadly, it exists throughout the country.

Very close to me in a community called New Bedford, Massachusetts, there's a school that EPA recently approved the construction on, on top of a toxic ash burn site. And the reason EPA had restriction over this site was that the levels of PCPs were so high that the site was jurisdictional under TSCA.

The poster child for poorly sited schools is probably the Belmont Learning Center in Los Angeles. Which was built on an earthquake fault and an abandoned oil field.

In Houston, Texas there's the Caesar Chavez High School, which is built within a mile of a huge oil refinery. And it was ranked in the top one percentile of the USA today's stories, and that is subject to some of the air toxic monitoring that you're doing.

And here in New Orleans, although this school is a little older, you have Moton Elementary School, which many of us saw two days ago, which was built on top of a land field created from the debris of Hurricane Betsy.

In 2002 my program was the recipient of an EJ Small Grant and we used that grant to study school siting laws around the nation. And what we found was that there's a lack of state policies and laws relating to the siting of schools relative to sources of pollution. We found that 20 states had absolutely nothing that addressed the subject. We found also that 24 states had no laws requiring environmental assessment of school sites. We found that only five states prohibited or restricted the construction of schools on top of toxic waste sites. And that most of the states had no requirements for public participation in the school siting process. In fact only 12 states had any type of requirements around public participation.

With that information advocates on the national level pressed Congress to enact legislation directing EPA to

develop voluntary school siting guidelines. And the agency is in the process of doing that. And in that same legislation the agency was also directed EPA to develop school health programs which include taking into account the special vulnerability of children living in low income and minority communities.

So, that's why this is an Environmental Justice issue. And all the communities that I mention, those school serve low income children and children of color and were all built within the last ten years, with the exception of Moton Elementary School.

There is another FACA that is working on this issue. And Ms. Yeampierre will be addressing the NEJAC later in this meeting, not tonight, but on Friday, about this issue. And it's important that whatever guidelines get developed that they severely restrict the ability of school districts to site schools on contaminated sites or near sources of pollution. Probably not site them there at all. And require that schools under go a very thorough transparent and intensive environmental review process, that also provides for public participation, meaningful public participation at key points in the decision making process, and also providing for effective and thorough clean up measures when there is no choice but to build a school on a

site that is impacted by environmental pollution.

So, thank you very much for listening to me. And I'll also try to be present on Friday when Ms. Yeampierre briefs the rest of the NEJAC on the work of the CHPAC.

MS. YEAMPIERRE: Thank you, Mr. Fischbach. Now, I feel compelled to call you Mr. Fischbach. John.

MR. RIDGWAY: I think you just answered my question but for the audience, what is the name, the full name of the other FACA addressing this issue, please.

MR. FISCHBACH: That's Children's Health Protection Advisory Committee, the CHPAC.

MS. YEAMPIERRE: Right.

MR. RIDGWAY: And are they advising EPA?

MR. FISCHBACH: Yes. The CHPAC has a work group, the School Siting Task Force, and it has reviewed a draft of guidelines that EPA circulated to the CHPAC last July. And within the next few weeks the work group will be reporting back to the CHPAC and the CHPAC will be hopefully approving the recommendations of the work group.

So, just make sure that you're aware of all that. And again, Ms. Yeampierre will tell you all about how the process has been going on.

MS. ROBINSON: On Friday, Elizabeth, who serves as our liaison to that task force, will be reporting back on

that. So if you have any questions, I think that will be a good time to have a question told to them.

MR. LEE: There's an interesting history here. I think in 2006 or -- there is an interesting history here. In 2006 Congress passed an energy bill, High Performing Something Energy Bill, and there was one clause in there that talked about schools. And it asked that EPA provide -- develop guidelines on school siting. And that gave rise to a whole set of activities which is development of these guidelines, that the committee, the Children's Health Advisory Committee subgroup is working on as well as a lot of other parts of the agency.

So, this is a, I think, a pretty significant thing. And is a very significant issue, as Steve points out. So I wanted to give everybody that background to this.

MR. FISCHBACH: In addition to the siting there is this whole other set of guidance that EPA will be developing around school health programs as well, it's another part of the same energy bill that Mr. Lee referenced.

MR. RIDGWAY: Thank you. Are there any questions from the council members? Paul.

MR. MOHAI: Thank you. I just wanted to say that I am really happy that you've done all this work. I've also started a study in the State of Michigan and we're definitely

finding that not only are new schools tend to be located in more polluted parts of the districts, but that there's definitely disparities based on race and socioeconomic status

And we've -- something -- there are close to 4,000 schools in Michigan and all of those schools are in our study. And I think that the patterns that you have mentioned bare out very well in the State of Michigan.

And so I am very happy to see that there's increasing attention given to this particular issue because not only are children more vulnerable because they have small bodies and they're growing, but they have no say as to where they live or where to go to school. And I think there's a real moral imperative that we as adults take responsibility for their safety and their health.

And -- in the last couple of years it's been very encouraging to see this particular kind of attention on this issue.

MR. FISCHBACH: Thank you. And I completely agree.

MR. RIDGWAY: Thank you very much. And just a quick check in. We're going to have -- oh, I am sorry, Jolene, can we have you back just for a moment. Steve, Jolene, did you have a question for him?

MS. CATRON: Yes, I did. I just have a quick question about risk assessment and how that is playing into

this -- the information that you gave to us.

I am always curious about how risk is assessed and whether the formulas used are based on children's ages or if it takes into -- or if it's more of a health impact assessment that's being used in some of this information?

MR. FISCHBACH: Do you -- is your question what is the CHPAC work group looking at or --

MS. CATRON: Yes.

MR. FISCHBACH: -- or is like what you think I think.

MS. CATRON: Well, I mean both. It would be good to know, you know, what the FACA is looking at and what you think, too.

MR. RIDGWAY: I am sorry, before we get into that answer I just want to remind us that we will be hearing about that on Friday from Elizabeth who is on that committee.

MS. CATRON: Okay. Yes, I will withdraw that --

MR. RIDGWAY: So, is it okay if we can postpone that. And if you want to talk with her to give her some more insights later, but -- in respect to the many other people waiting to speak, I'd like to ask if we can get into that in greater detail on Friday.

MR. FISCHBACH: Sure. And I'll be back on Friday. Thank you.

MR. RIDGWAY: Thank you. And on that theme here, respecting all the folks that are patiently waiting for this, I want to ask that we try to keep our clarifying questions as brief as possible. And also to provide time to accommodate others that are waiting, we were scheduled to take a break for dinner. And I am asking the council here, we have an option to bring food in and not even break, for having a working dinner for the members so that we can continue to hear from the people who have been very patiently waiting for us.

Is anybody opposed to that idea from the council to have food brought in? I don't know what that will be, if it's sandwiches or something light, but -- maybe you can explain a little bit more for us, Victoria.

MS. ROBINSON: Kind of what we did for the working lunch is we have a little form that you can fill out, indicate, chose from a limited menu. And then it will be brought here. And then that will allow the folks in the audience to, you know, continue going through and maybe we get out of here in four more hours, as opposed to in eight kind of thing. Because we have about 22 more people left to go. We've done 11 speakers in two hours.

MR. RIDGWAY: So, next on our list here is Margaret Gordon and I want to ask her to ask her to come up if she's

here. There we are. Right. And after Margaret, next up, cued up is Joseph Foti. Just to let you know, if you can come on up and be ready to speak when Margaret's done. That would be great. Thank you.

Comments

by Margaret Gordon, West Oakland Environmental Indicators Project

MS. GORDON: Okay. Hello, my name is Margaret Gordon. I am the Co-Founder and the Co-Director of the West Oakland Environmental Indicators Project in Oakland, California. I am also a Commissioner for the Port of Oakland and I am not here in my capacity as the Commission for the Port of Oakland.

So, there's a couple of things that I -- a couple of comments that I have that I feel as though around Goods Movement and -- regional, national and local issues that have not been address, need to be re-thought about, and relationships to the broad issues of Environmental Justice.

But the first thing I want to say is I am kind of appalled and pissed off that nobody on the staff took Ms. Dothula's information about the dead animals and the things that she's doing through her community. I don't see no staff wanting to take a report and write it up to either -- something to her City Council or to the Planning Commission, to the State Public Health Department or

anything. I am very upset that nobody seems to even want to take that time to do that.

And I feel as though, she shouldn't have to come here two times in one year to explain her plight to this body. And I would like to see somebody get up and do something. Some action. You know, but right now. Okay. I am really upset about that.

But I want to also talk about the international trade and logistics companies that do work around ports have no communication with the impact of communities that where a port is situated, and also rail yards, airports and trucking companies. We don't have a dialogue with them. And seeing as those that is an international staff person with the EPA has never, from my information, has never come to us in the community and had the dialogue or discussion with us about international trade, and being able to take the back -- the impact -- the information of the impacts back to their particular companies or the industry.

I also call them the "Unseen Stake Holders." And we do not have, we do not have a relationship with them. Our relationship is mostly, when coming down the ports is either terminal operators, the shipping companies, and the logistic centers. And I feel as though as that part of that -- who is not -- who is not supporting for us not to be harmed is those

companies. They are not paying their way for improvement. They are not paying their way to take care of us.

And I think that part of the recommendations that should be here, how you make the polluter pay when he pollutes our community.

The next thing is that, there's no coordination from the federal government on any level, I don't care what it is, on the Association of Port Authorities. And that -- the American Association of Port Authorities, that's the Canada down to Chile. There's no communication about ports operate in any of these communities, nationally or internationally.

There is a lack of authority. Where is Public Health at? On a local level, our state level, our CDC, and dealing reports. And there's no participation on an ongoing regular process and looking at these remedies.

I am also -- not understanding based on my involvement for the last five years, on Goods Movement, because I was on the Governor Schwarzenegger's Goods Movement Action Plan five years ago. Some of our communities are just catching up, EJ communities are just catching up on the issue of Goods Movement.

And that we don't have a national -- there's no national policy on Goods Movement. In relationship to ports,

transportation, land use, public health, with anything, or EJ, at all.

And one of the things that I also see that is on a local level is that when we have Smart Growth in my neighborhood, that's gentrification.

VOICE: Amen.

MS. GORDON: All right. Let's call it like I see it. It's gentrification. Because you change, you change one set of people for a new set of people. Then I also see that when we also -- we know that these facilities are growing around transportation or ports, there's no buffer areas. There is no -- nothing inside the planning for zoning, for zoning areas or buffer areas that protect the communities. And nothing -- and the federal government needs to have some kind of regulatory process in saying that you can't expand a port if you can't clean up what you're doing already.

So you know, that's -- that also that needs to be a comprehensive plan to support, educating the EJ community around. What are the Civil Rights Laws, what is the Title VI around, just dealing with a complaint.

And I would like to also put in something around the research. Please stop talking about risk assessment. That's one item. We want to talk about multiple layers of exposure. I am exposed from diesel, land use, air quality,

water, soil, contamination, so traffic, esthetics, all those things. So I don't need to be talking about the science of risk assessment. I want to talk about the whole cumulative effect.

And lastly, I think that some of these things are marching orders for everybody here to get off -- get off the pot. Thank you.

MS. YEAMPIERRE: Where are you going? Where you going? Come back here.

MS. GORDON: You said I had five minutes.

MS. YEAMPIERRE: Yeah, yeah, yeah. But you know I got this.

MS. GORDON: Tell him put up a sign here, okay.

MS. YEAMPIERRE: So -- you know I had to step out and missed some of what, you know, I know what you're bringing. So -- did you mention in your testimony that you're a Commission?

MS. GORDON: Yes, I am the first Commission for my community --

MS. YEAMPIERRE: Because that's really --

MS. GORDON: -- in 80 years --

MS. YEAMPIERRE: Right.

MS. GORDON: -- of the institution of a port.

MS. YEAMPIERRE: Because I don't really know of

Port Authorities anywhere in the United States where there are people like you serving as Commissioners. And I think that is pretty amazing --

MS. GORDON: Oh, well, I am.

MS. YEAMPIERRE: Yeah. And applause is in order. So the issues you raised, I think, you know, the community that my organization is located in, has a redevelopment plan for the waterfront. And they are working different Port Authorities, the Port of New York and the Port of New Jersey are working with each other. And what they do is they literally bring us in after they've basically laid out the agenda and lay out all of the issues. And so what you're saying I think is really important Because it speaks to all those issues that you're talking about.

But again, I keep talking about climate adaptation and community resilience because we're not just talking about Environmental Justice. And all of those things are going to happen at the same time. You know, we have to think about all of those different things.

There is no communication between the ports. You're absolutely right. When we were talking about creating a Green Port we asked the people in New York City to talk to the people in L.A. about what they were doing there. There was no communication between then.

So, I want to thank you for providing that comprehensive overview and for giving us a lot to think about because it's huge and the populations are growing and they're growing along the water. And the deals that are cut with industry. So the issues of these are with these industrial developments and they don't really talk to the communities that are actually the host communities to a lot of that infrastructure.

MS. GORDON: Can I also add --

MS. YEAMPIERRE: Yes.

MS. GORDON: SEQUE, NEPA and all those things --

MS. YEAMPIERRE: Absolutely.

MS. GORDON: The ERRs really do not lend to the --

MS. YEAMPIERRE: Absolutely --

MS. GORDON: -- issues when it comes down to ports.

Ports --

MS. YEAMPIERRE: Absolutely.

MS. GORDON: -- have their own autonomy, they have their own self interest, they have their own everything. And that they -- when it comes down to maritime operations a lot is about how the money is being moved.

MS. YEAMPIERRE: Right.

MS. GORDON: And who is going to get the deal at the end of the day. And United States, as long as we have

these international trades and international laws, we -- the communities will be impacted.

MS. YEAMPIERRE: The other thing that their doing, Marsha, is that they're bringing --

MS. GORDON: Margaret.

MS. YEAMPIERRE: Margaret. You know I have a friend named Marsha Gordon. That's why. Margaret Gordon. The other thing that they're doing is bringing in green technologies to the waterfront and trying to create the waterfront into places where the people who are created those technologies, where they can live. So in the process of their redevelopment, they're also displacing our communities. Anyway, thank you.

MS. GORDON: All right. Thank you.

(Applause)

MS. YEAMPIERRE: Whose next? Joseph Foti.

Comments

by Joseph Foti, Research Associate World Resources Institute

MR. FOTI: Hi, I am Joe Foti. I am from the World Resources Institute. And I work for a program called the Access Initiative.

One of the things we're looking at is climate change adaptation and what room there is in current policy and future policy for public participation, and specifically

from the most vulnerable communities, communities of color and low income communities.

So, I want to thank you all for listening to me today. And we're in New Orleans, so I don't think that we need to remind anyone of what the impacts of climate change are or how they're disproportionate and how the people that least cause the problem are often going to bear the burden of adapting to climate change.

So, people need to be able to protect themselves, to grow, to live, to work, to play in a safe and clean environmental.

I think NEJAC can play a critical role in influencing EPA in upcoming processes and ongoing processes. Specifically some of these processes are led by EPA, some of them are led by the National Oceanic and Atmospheric Administration, or the President's Office on Science and Technology Policy or the Council on Environmental Quality.

I hope NEJAC can make recommendations to make these processes that are ongoing inclusive.

The three recommendations I have are to ensure that human beings and vulnerable populations especially are in any large scale vulnerability and impact assessments that are ongoing at the national and state levels. Two, to make sure that we maintain focus as we move from assessment to planning

and prioritization of issues. And three, to incorporate principals to mainstream civil society and especially vulnerable communities into all the planning processes at various levels.

So where are we getting our ideas from. Is we've analyzed a lot of the existing bills that are sitting in Congress right now and what's likely to come out. And right now the focus on communities is a little bit less relative to say natural resources and conservation. Or it's been delegated to the states or other agencies. And we want to make sure that that language stays.

There is nothing prohibiting special enhanced participation and access information for communities. But there's no explicit about it yet.

So, so far the EPA has led adaptation plans for forests. They have looked at this contributed to the --- transportation Gulf Coast adaptations study. But there is no study on adaptation and the needs of vulnerable communities or where those vulnerabilities exist. We hope that EPA is able to do that even if the statutory authority doesn't yet exist.

Next we want to make sure that people are able -- people are integrated in the planning and priority -- prioritization phases. That there is a national framework to

-- or national platform for public participation. And that there are principals and requirements for consultation of communities who will be most effected by climate change.

It will be essential that states and local governments are engaged. And that EPA can provide input to and capacity building for states and local governments about how to engage Environmental Justice communities and vulnerable communities.

Right now only 10 states have adaptation plans and six claim that there's some on the way or that there are recommendations to make some, but that's probably not enough. And that's not -- and there is no -- no guarantee that they're focused on communities, within those.

So, finally we hope that some principals that be integrated into whatever climate change rule making comes out of EPA in dealing with adaptation and communities. Specifically integrating Environmental Justice concerns into national environmental policy acts procedures and administrative procedures acts. Procedures that guarantee that, one, that it's comprehensive and science based. But things are transparent and participatory. And understandable by effected communities. And that there's capacity building in place. And that they're enforceable both by members of the government and by the public. Thank you.

And we're happy to talk off line with any of you about some of our ideas, which are much more detailed --

MS. YEAMPIERRE: Thank you.

MR. FOTI: -- recommendations.

MS. YEAMPIERRE: Charles.

MR. LEE: Thank you for that. I just wanted to share a bit of information. There is this effort going on that is pretty -- very, very significant, that the EPA is part of and NOAA is part of, that is headed up by the Council of Environmental Quality or the White House, and it's on national ocean policy and coastal management.

And this has a lot of -- there has been a real effort to reach out to EJ groups. We've been contacted. And I think if you've been contacted by them, we gave lots and lots of names. They've had three public hearings thus far. One that was in Alaska, San Francisco and New Orleans. And I think there a number of forthcoming. So, wanted to make sure that you knew that.

The other is that one of the long range -- long running issues that have surfaced in terms of your -- you know, you're talking about what kind of concerns or issues we should be looking at, particularly from the NEJAC prospective is climate. And clearly issues around climate adaptation. This should be part of the discussion on Friday. Looking

forward in terms of particular areas of focus for NEJAC over the next couple of years.

MR. MARSH: Thank you very much, Joe, for the presentation. I just wonder if you can make it and some of the other materials you referenced available to at least those of us who are interested by e-mail or something because it seems like very relevant to our future discussions we'll have.

MR. FOTI: Absolutely. I am happy to make those relevant. We have a number of publications.

MS. ROBINSON: Joe, if you send it to me as the DFO, over here, Victoria Robinson, you'll find in the list of attendees, robinson.victoria@EPA.gov, and I'll get it distributed to the members then. Okay.

MR. FOTI: Great. Thank you.

MS. YEAMPIERRE: Thank you. Denny Larson.

Comments

by Denny Larson, Executive Director, Global Community Monitor

MR. LARSON: Good evening, members of the committee. My name is Denny Larson. I am the Executive Director of the Global Community Monitor based in the Bay Area of California. I am a former FACA member on the Refinery Subcommittee in the past.

I would like to build on some of the previous

comments of your commenters, Mr. Bosch, the former EPA employee who talked about the need to upgrade the monitoring, air monitoring, that's going around, facilities. And also Mr. Fischbach about the need around school, specifically schools, too. Not just ones that are being sited. And I provided you with some copies, hopefully you got some copies of my remarks there.

The two concerns I am bringing to NEJAC tonight is number one, the lack of appropriate and comprehensive air monitoring that's being used by USEPA. And the delegated agencies to identify toxic hot spots such as those that were used in USA Today study, in order to get the agencies and the companies to reduce emissions that are crossing the fence line from those industrial sources, and to reduce exposures in the community.

This is especially true around stationary sources throughout the United States that are permitted and regulated by the EPA and their delegated agencies. The reason why is because the technologies they're using now are from the Stone Age. And they're so far behind the times and the technologies, it's really embarrassing.

I shared a story and was shared with me from Region VI who toured to Durban, South Africa a number of years ago to see a comprehensive monitoring program there.

So we're falling behind not only our European colleagues but even developing nations.

My second point, there's an urgent need to really empower, not just to inform or provide accessible data to communities who are breathing this stuff. Empower them in the actual monitoring programs through the design, through the hands on monitoring, through the interpretation of the data and the what to do about it. And that was not what happened, for example, following the USA Today study. And while we appreciate EPA's rapid action and the Administrator's rapid action to go in and take a look at what was going on, it didn't involve the people, the students, the people who were impacted.

And that's what our group does. The Global Community Monitor has worked with Hilton Kelley and many other communities and dozens of states and countries to train them how to do monitoring. We've developed a whole tool kit for particulates, for anything that's out there so that they can be hands on be involved in their monitoring and also so their information and knowledge can be respected and incorporated in the design and carrying on of programs.

But across the board right now there's a real lack of appropriate monitoring. The delegated agencies usually, too, are only throwing up these fixed stationary sources.

They're looking for six criteria pollutants. Not the whole fence line of the facility. They're taking a toxic test once every six or 12 days. And then the equipment, which was referenced earlier, the TCEQ and other used, for example, at the Port Arthur spill is not even appropriate for that type of monitoring. It's an occupational handheld exposure that has -- it's like sending a radar gun out that can catch somebody at 1,000 miles an hour, in a 60 mile an hour speed limit. Hilton deployed some technology that we worked with and found out the real numbers.

So, we need to focus this on these EJ hot spots that have been identified, the schools, the USA Today report, Paul is working on a study in Southwest Detroit. There's been plenty of EJ communities through the years that have brought information to NEJAC. We know where these priority sources are.

And so the outcomes that I am hoping will come out of this -- just let me mention secondly on the need to empower communities, you know, that's going to build a working relationship if the communities are involved in the monitoring with the agencies themselves. And it's going to, you know, make sure that the program is better.

It's going to also be the most cost effective. When you look at the number of places we need to monitor, if

you don't involve the communities in that and they're willing to volunteer and come in and they want to know, you're not going to be able to afford to do it. We've done recent studies in communities with government grant partners in the past for as low as \$25,000.00 to \$50,000.00 that have generated a year's worth of data because it's sweat equity and community labor that they're putting in because it's their health. So we can't -- if we want to do this right, we can't cut them out.

So, specifically, I am making some recommendations that NEJAC take action to get EPA to develop a comprehensive plan with a time table to target priority hot spots such as the USA Today areas, other studies that EJ and NEJAC people are working on for testing. To have that design and the conducting of the test done in a hands on partnership with the impacted communities. To start using the state of the art technologies. Some of the things that Mr. Bosch talked about and that we've researched and others in that strategy. As well as to get EPA and their delegated agencies to do that.

And they're not doing that. I mean they're literally sending inspectors out using their noses. In 2010. Or carrying a handheld thing that can't detect anything below a part per million. Which is going to tell you when

something is going to kill you, not whether it's a threat to your health.

And if these delegated agencies, like TCEQ and LDEQ are not going to do that, then they're delegated authority and money should require them to do that. Because if you're going to delegate authority to an agency and expect that they carry that out, and know that they're not doing their job, then why should they get that money. There should be responsibility that comes with that.

So, our organization and our dozens of partners around the country who have successfully done community partners monitoring programs are very happy to work with NEJAC, EPA and anybody to see if we can get this off the ground and going, because there is a very urgent need for it to happen as soon as possible. Thank you very much.

MS. YEAMPIERRE: Thank you. This is really important information. In New York City the Department -- the Office of the Mayor asked the Department of Health to do an air quality study that is really -- that was really pushed by a congestion mitigation agenda. What that means is that all the air monitors were put in the business district instead of in our communities and when they're placed in our communities they're put in places that, you know, are not where we walk. Right.

We have at our organization some mobile air monitors that were made in England that we make available to our young people so that our young people measure the levels of Nox/Sox and carbon monoxide and test the quality of water.

The reason I am raising that is I think that you also need to reach out to the Department of Education. I think that because we're trying to encourage young people of color specifically who are really discouraged by math and science to really have access to the math and science. To actually be the ones that are getting the data and making the connection between that analysis and the health disparities in their communities.

It not only generates jobs but it gets our young people really excited and it's not hard to do. It's something that basically anybody can do.

So, I think that -- you know, because we are trying to get out young people to become environmental stewards and to understand the connections between what they're learning in the classroom and what we're doing on the ground. And they need to access that technology.

So, I would urge you to reach out to the Department of Education. And certainly in communities where we're impacted, because we found that our young people -- we have

one that just went to the South Pole, another one who just got a full scholarship and wants to be an Environmental Engineer. And these are young people who walked in with like a 50 average. But just having access to the stuff, this is -- you know, they like this, it's like video games for them, right.

MR. LARSON: It's hands on.

MS. YEAMPIERRE: It's hands on.

MR. LARSON: That's right.

MS. YEAMPIERRE: And it's cool. And it's tangible and they can see the impact in their community immediately.

So, I would urge you to think about not just through EPA although I think that these are resources that should be available in all our communities, but to think about other agencies that can make use of it. And also obviously the Department of Health. Jolene.

MS. CATRON: Thank you for your comments. I just wanted to also add to the NEJAC who may not have attended the previous conference, one of the things that was mentioned that there's going to be 40 new monitors placed out in communities that are most adversely affected. I wrote this down.

MR. LEE: That's 40 per region.

MS. CATRON: 40 per region. And so I think your

comments are very timely and -- and that's something that we all should be paying attention to.

MR. LARSON: Definitely. I mean it's very important, what kind of monitors, what kind of data they going to generate, how transparent is it going to be because my fear when I hear that and I've heard it before, is that we get six criteria pollutant monitoring stations up on the hill, and we get a grab sample on every 12 days.

And you know what, that's not good enough. That doesn't tell us -- that doesn't help up identify the sources from which the health threatening air pollutants are coming from, so that we can work to reduce it. That's the type of monitoring we need. We need it at the fence line, we need it in the hot spots, and we need to connect the dots. Then we get -- because you know the reason that we monitor? We want clean air. We don't really want data. Just for data sake. We want clean air.

So, we want a path from the monitors to the data to the community involvement that cleans up our air. And we can't do that just by throwing monitors at the problem.

MS. YEAMPIERRE: Hilton.

MR. KELLEY: Yes, hello, Mr. Larson. How you doing?

MR. LARSON: Pretty good, Mr. Kelley.

MR. KELLEY: All right. I worked Denny Larson, Global Community Monitoring, for a number of years. And he came to our community and started the Bucket Brigade, helped to educate me on how to take air monitoring samples, so I owe a great bit of gratitude to Mr. Larson for spending a lot of hours, days and months, in Port Arthur working with out group and our community.

My question is this, the technology that Mr. Bosch brought forward earlier, he has come up on some new air monitoring technology, which I find very fascinating. I was wondering what are your thoughts on that and do you think this is something that can be, A, advantage, or a great assistance to communities that are living next to chemical plants, refineries, incinerating facilities and what have you?

And also what are the some of the ways that you feel that the government could help to protect people that are living on the fence line of huge industrial facilities like the Shell Oil Company and the big incinerator facilities and chemical plants.

And what are some of the problems that you see with the state run program in Southeast Texas or in Region VI?

MR. LARSON: Well, let me start with the first one. I mean they're not doing their job. You guys have delegated

authority to agencies across the board to issue permits, that aren't worth the paper that they're written on. You've given them money to do monitoring, to do enforcement, they don't do it. And then all we hear is talk about what we want to bring them along as partners. Well, you know, what. If you try that for a long time and somebody doesn't come as a partner, then I would submit that doesn't work.

And you need to take your responsibility at EPA seriously and come in and -- whether it's revoking their authority or whatever it is, you know, tying the money to specific achievements. It needs to be done. And we need to start in Louisiana and Texas and down in the South in some of these areas that have been previously identified, because there has been a long list of these problems going back to when, you know, Bob and Charles did all the research on it in the very beginning around the dump. So it's not like we don't know about it.

And we're hoping that under the Jackson Administration of the EPA that we're going to see that. But I just don't think the partnership model has worked.

The new technologies like Mr. Bosch brought up, there's a bunch of those. And I think it would be really good to get with the monitoring people, the NEJAC and Department of Health and others and just get a presentation

on that.

You know, the EPA monitoring folks are not very forward thinking, I am afraid to say, from dealing with them. Do you know how many new technologies they're researched and certified as EPA approved in the last 20 years. I don't think on. Even though -- there are new technologies every day coming out.

I mean when you look at the Homeland Security. The bomb sniffing, the chemical detection stuff that's out there, I mean -- and the chemical weapons incineration monitoring and all that, I mean there's all this related stuff where other areas have taken advantage of those advances and incorporated in what we do. When it comes to monitoring what we breath, at schools or at homes, we've done none of that. You know. And that's just -- just way behind the times and we really need to step that up traumatically.

And I think also not just again to send off the monitoring people to do it, but to do it in partnership with the community. Particularly because I don't think that it can be cost effectively done without doing that. There are just too much -- you know, too many places to do it and you would be throwing a lot money at something and again not respecting the knowledge of the community.

And I think the first thing the government can do

is we need to know what we're breathing. We need to know what's crossing the fence line. I saw the presentation from the Picarro guys where they drove around the fence lines of these refineries and you could see right there, using the wind direction. I mean there were huge plumes coming off the tank farm over at Murphy. And you know, if you had information like that you could send your inspectors in and see which tanks are leaking out there, you know. You could do something right now. That's the kind of stuff we need.

But right now the government can't tell us what we're breathing because they're relying on modeling, and risk assessments and that's bad science.

MS. YEAMPIERRE: Thank you.

MR. LARSON: Good science relies on measurements.

MS. YEAMPIERRE: Thank you, Mr. Larson.

MR. LARSON: Not modeling. Okay. Sorry. I got myself on my soapbox.

MS. YEAMPIERRE: No, sorry to cut you off, it's just that there are so many --

MR. LARSON: That's okay.

MS. YEAMPIERRE: -- people waiting and -- we just want --

MR. LARSON: Thank you.

MS. YEAMPIERRE: -- to make sure everybody has

their time. Thank you so much.

MR. LARSON: I appreciate it. Thank you.

MS. YEAMPIERRE: I am sorry. Sue.

MS. BRIGGUM: And I am sorry.

MS. YEAMPIERRE: Okay.

MS. BRIGGUM: I know we have to be really fast. I just wanted to support that comment and say the business community is equally interested in accuracy and new technologies. And I think that they could do a lot of the Air Office, at RTP in terms of accepting actual monitoring instead of default assumptions. And we would certainly support that.

MS. YEAMPIERRE: Mildred McClain. Doctor McClain. Doctor McClain. Anne Rolfes. Louisiana Bucket Brigade. She left. Okay. Vernice Miller-Travis. I've got you here, I've got you, Vernice. I don't know, you're being summoned. Okay. You sure.

MS. MILLER-TRAVIS: I am positive.

MS. YEAMPIERRE: Oh, okay. Okay. So who's next. No, no.

MS. ROBINSON: Delma Bennet. From MEAN.

Comments

by Delma Bennet, Mossville Environmental Action Now

MR. BENNET: Good evening. I am Delma Bennet. I

am a member of the organization called MEAN in Mossville, Louisiana. And -- I am really afraid to bring my little message from the last comments that was made by the speaker.

We're a little small so -- in the Lake Charles area. We came last year and told you about the problems that we're having.

We had about 10 deaths this year. And you know you can't really link it to the industrial areas in our area because the status that we have are not accepted by the plants or EPA because people die all the time, you know, in different places.

The city that we're in is surrounded by several other cities. And we seem to be the only one that's complaining because the industrial area supply life to that area and without that area the only real life that they would have would be the casinos. And the people live very well with the money that they get from the plants. And there's sickness amongst them also but they're blessed to be able to have doctors to represent them if anything happens.

And they will actually tell you that they don't mind working at the plant whether they will die or not, because it affords a good life for them. And in that, feeling they have, you know, they'll go in and they live a good life.

And I think the plants keep a record of what happened to them when they die, or what have you. Or the sickness that they occur while they are at the plant, but we don't know what it is. And I asked them, not -- about a week ago, about a month ago, about this and they said once they leave the plant then they're not concerned about them anymore, they don't keep any records on them.

I want to truly than you guys for being here. And what I am afraid of now is the fact that EPA did come to our community, and I want to thank you for that. And they are setting up time to test our community. But from the last statement that was about the different guns and the air monitors and stuff that they used that don't show any accuracy at all, you know, it's just a scary thing that you have to concentrate on.

And I don't know if you know our story that we are an African-American community that is surrounded by 14 different plants. And I brought up the issue of what happens when these 14 different plants releases mixed with each other, what happens.

We had a chance to talk to one of the plant managers at Conoco-Phillips, the plant manager at Conoco-Phillips, and he said that we don't have a problem at all because nothing that they release from their plant caused

any problems at all. And I asked him, I said well, you know we have different problems some times. Sometimes we have explosions from different plants. And there is a large release that come from these plants. And when these large release come from the plant, we have a lot of lawyers that jump in on it. And you know, a lot of people get paid when the releases occur.

I told him, I said, well, I think it's kind of foolish to pay people millions of dollars for something that don't have any hard on them at all. You know, I just can't understand it. How can you sit there and say something like this.

And so -- our study showed that we had three times the amount of dioxin. And believe me, you guys, you have them, too. You have it, too. You have dioxin in your blood, too. We have three times the amount of dioxin in our blood compared to the -- other areas. And so he said that his scientists can't find anything. Our scientists find this. Their scientists find this. The EPA is going to come and find something, too. You know, I just want to know if it's possible for the people, all of them to be able to get together and to be able to examine at the same time.

Plus I have a solution for our problems. I have a solution for our problems with the refineries. The President

has to live in the White House, right. He can't just say I am going to live anywhere in the country, once he becomes the President, he can't live anywhere he wants to in the country. He has to live in that White House, right?

All the plant managers that runs refineries they should build a home for them in the middle of the plant that they can raise their family in that home.

I got a zero over there. I don't know if it mean I got to quit now or when the zero go down. Is it when the zero go down I quit or not? Okay. That's where I am at.

MS. YEAMPIERRE: Thank you. It is always a tragedy when our people have to chose between living and making a living. And when you came before us last time we heard you. And I think that a lot of us delivered your message to a lot of different places. And so -- thank you for reminding us about why we're here.

I know that -- let's see how many members want to ask any questions or have comments. Okay. Hilton.

MR. KELLEY: Yes. Hello, Mr. Bennet, how you doing?

MR. BENNET: Fine, sir.

MR. KELLEY: I was curious to know what you -- you said that the Environmental Protection Agency came to your community. Region VI, EPA, correct?

MR. BENNET: Yes, sir.

MR. KELLEY: Are they giving you any reprieve. I mean what is the process, what is taking place now and is there more that can be done?

MR. BENNET: Okay. What is going to happen in April they supposed to come down and start their research. Now, they brought a map of our area and they put out forms for us to fill out. And the only way that they can inspect anything in our community, they have to have permission from the homeowners to be able to go in their property to be able to test their water, their land or whatever they want to test, or the dust and what have you in the attic.

And you know, and then after that they'll come back in the summer and give us the results of what they find. You know, and it's just so scary, you know, because when they tested and whatever they say, whether is real or not, that's what we're going to have to stand by. And okay.

MR. KELLEY: Will there be any air monitoring going on, I mean like real time, continuous air monitoring going on?

MR. BENNET: I had mentioned, you know, your expertise and they just say that the material -- the unit that you have isn't the type of unit that they need for the data, you know. I don't know if you have updated yours or

not but I had mentioned for you to come in and be able to test it. And I would really appreciate it if that could happen.

MR. KELLEY: We'll follow up on that. Thank you.

MR. BENNET: Okay.

MS. YEAMPIERRE: Thank you. Wynecta.

MS. FISHER: Mr. Bennet.

MR. BENNET: Hi, ma'am.

MS. FISHER: If this was a perfect world, what would you like for this council to assist you with?

MR. BENNET: If this was a perfect world we really wouldn't need any assistance, you know, if it was a perfect -- I am not trying to be facetious, you know.

But what I am saying is this, if an individual can run a plant and after he runs the plant leave and go into Forest Hills and live, you know, and then the next day he can come back and what have you, I mean, it's sounds -- facetious, you know, to say that the plant manager should live inside the plant.

But my first thought was, years ago when I got into this, that they should actually put a dome over the plant and everything that they release, then they would have to eat themselves. But when I mentioned that they say that that wouldn't be feasible because everybody in the plant would

have to wear a certain type of uniforms and they would have to be covered all day long, you know, to be able to endure what they produce.

So, years later, I come with the idea if we can put the plant manager in the center of that plant, I mean in a nice home. I am not talking about any kind of home. I am talking about a mansion with everything that he could ever imagine and want, and just raise his family amongst that, and see the difference. You would actually see the difference. Because they're going to say I am not going to breath it. I am sorry.

MS. YEAMPIERRE: No, thank you. Thank you, Mr. Bennet. So we're going to go on to the next speaker. It's Jacqueline Patterson. Jacqueline Patterson, NAACP. She here?

MS. PATTERSON: I am here but I am not going to speak.

MS. YEAMPIERRE: Oh, you're not. Is anyone speaking for your organization? Okay. Lisa Oliver-King.

VOICE: Not here.

MS. YEAMPIERRE: Okay. Kirin Kennedy.

VOICE: Not here.

MS. YEAMPIERRE: John Sullivan. John Sullivan. Okay. Mariana Chew. Everybody is probably eating. Darryl

Malek-Wiley. Helen Reddout. Okay.

Comments

by Helen Reddout, Socially Responsible Agriculture Project

MS. REDDOUT: Good evening. My name is Helen Reddout. I am a consultant for Socially Responsible Agriculture Project, which is a national grassroots organization. My testimony though is going to be based on my own particular organization in Washington State, CARE, Community Association for Restoration of the Environment. We were established in 1997 as a not-for-profit organization.

CARE works not only the dairy problems on the Anglo side of the river, but we are now over in the Yakima Nation and we work in alliance with three different grassroots organizations there.

What we are finding is a tragic amount of -- of -- lack of information. When we started looking at the Yakima Nation, we went into the Planning and Zoning and we asked if we could get a list of all the dairies that had permits to be on the reservation. And, of course, we were astonished to find out they did not have that information. There was no information as to how many dairies had been permitted to be there. Several of the dairies we found were there but had no permits.

It's a tremendous -- it's a tremendous and tragic

mixup that we've got going there in Yakima County. The Commissioners, the County Commissioners, can permit a dairy to go onto the reservation but they have no responsibility for enforcement. EPA out of Seattle has the responsibility for enforcement, that's a three hour drive away. So we've got a real problem going on out there.

What I am wanting to talk about, we're one of your 10 Showcase communities and you're dealing with our well water. We have well water that is -- I have well water that is so polluted that I can't drink it. I have to use a reverse osmosis machine in order to even take water from my own well. We have reservation wells what have been tested 47 times higher than the 10 parts per million that is allowed by EPA.

The problem, I hope, is going to be taken care of with this Showcase. They're out now setting up their testing procedures. But what I am concerned about is something that I have detected over the last 20 years. I can go back and give you reports going clear back to 1972 that -- reports from the Department of Oncology, reports from EPA, stating, based on tests, and so forth, stating what was going to happen in the valley if these dairies were allowed to continue as they were. And they were allowed to continue. There was just no enforcement.

And that's my concern about this Showcase 10. If there is, after we do the studies, after we do the well testing, after all of this information is put together in a report, if we do not have enforcement, we have nothing. Nothing.

And it's a scary proposition because I've seen this happen over and over again. We have people come in from out of state, or out of the county, they come in, they run the reports, they do the studies, they run the reports, everybody feels good about what's happened, but we're still standing knee deep in shit over there and we can't do anything about it.

In our community we produce on a daily basis five times the amount of raw sewage and it's dumped onto our fields. Five times the amount of raw sewage as the entire population of Seattle. One dairy cow will produce 20 pounds of waste to every one pound of waste that a human produces. So when a small dairy of 1,000 head move in next door, this is like a community of 20,000 moving in and no septic systems, no sewage systems. And you can imagine, if you were living next door to a community that large what it would be like to live there.

We actually barricade ourselves in our home. There are times when you can't even go out to garden. I am in an

agricultural area and I cannot even go outside sometimes because it is so -- the stench is so bad. Driving down to Sunny Side to go get groceries, you'll pass by one of these dairy facilities, and the ammonia content is so high you actually have dry heaves.

Now, this is not anecdotal information I am giving you because our organization has access to Serix* Hound, which is a laser reader. And we have actually have documentation as to even inside the homes of these people that we are -- we are getting readings that are way, way beyond what any national organization, any government organization allows. Am I to zero yet.

What I want to say is that laws have been put on the books in order to protect the people. But without the funding and without the enforcement, these laws mean nothing. And people, I don't think this is a fair thing to happen to people in a rural area. We really believe that the government is there to help protect us. And we want to see this happen in the next few years. Thank you.

MS. YEAMPIERRE: John.

MR. RIDGWAY: Helen, thank you for coming. In our own mind, the NEJAC, and this gets to comments we heard earlier tonight, first of all back when we had our NEJAC conference call and Jane Whitefoot testified, who works with

you, to us as council members, asking that this be an enforcement issue. And Omega and I and others have said, we agree. We want EPA to make this a high priority enforcement issue.

Second, we've heard that EPA has made this a Showcase community and they're just starting. And to that point, I want to encourage the NEJAC to be looking for real results from these Showcase communities and not just the Yakima Valley one but all ten.

And -- I will continue to work with this council to be sure that we make that point clear to EPA this is -- so that you don't have to come back every time and remind us what's going on. We are hearing this and we are passing this on to EPA and we'll continue to do that until we know more clearly how they're going to address this. Whether it be in a work group or other things, but that this is definitely on our radar screen. And I thank you for your time very much.

MS. REDDOUT: Thank you.

MS. YEAMPIERRE: Thank you. John.

MR. ROSENTHALL: Ma'am, what is the source of the contamination for your well?

MS. REDDOUT: The source of the contamination is the waste from the dairy cows and from washing down the barns. So, we have a -- 10 acre, five to 10 acre lagoons

that are sitting there with fermented feces, urine, antibiotics, hormones, pesticides and any of the other feed waste that has been washed out into these lagoons.

They're unlined lagoons so this means that we've got -- areas -- like on the reservation where we've have a high water table, it's like a direct funnel going into the ground water. We have -- we have this manure and feces and sludge and dry manure, it's sprinkled, it's dredged out, it's carried out with spray rigs, it's carried out with honey wagons.

MR. ROSENTHALL: Okay, I got it.

MS. REDDOUT: It's all over the place.

MR. ROSENTHALL: I get the picture, thanks.

MS. YEAMPIERRE: Jolene.

MS. CATRON: I just wanted to excuse myself real quick. I was listening to your comments and I am just sitting outside the door, taking care of the baby real quick.

But I have a couple of questions. Number one, from what I understand that's a very check boarded area between tribal jurisdiction and Fee Land, is that correct?

MS. REDDOUT: It is.

MS. CATRON: So the areas that you're speaking specifically where these dairies are located, are they located on Fee Land?

MS. REDDOUT: Well, the majority of the dairies are actually located on the eastside of the river, which is non-reservation areas. What's scary to us now is these dairies have polluted our side of the river so much that they're now eyeing the reservation side of the river and they are trying to -- they're trying to move their feed lots over into that area.

In fact we just last year prevented a 6,000 head dairy locating on a hillside just above one of the major steel head runs there on the reservation. And this was done by woman who were very, very concerned about that. Went to the council and we imposed a moratorium so that they couldn't do that.

MS. CATRON: Does the tribe have treatment estate for either water quality standards or air quality standards?

MS. REDDOUT: Pardon?

MS. CATRON: Does the tribal environmental agency or the tribal council, do they have a treatment estate designation from EPA for water quality standards or air quality standards.

MS. REDDOUT: They're supposed to. But I will -- okay, let me give you an example. We were at a meeting. And the person that's in charge of water quality made the statement that he had tasted the wells and there was negative

nitrates in them. And I thought, what. And then he went on in a separate part of the meeting, he then said, we have found a few wells with nitrates in them but we purged them with Clorox.

Now, I taught seventh grade science, and I know you can't purge nitrates out of well water with Clorox. I also know that there is no such thing as negative nitrates. So I am very, very suspicious of what's going on out there as far as the testing and so forth.

MS. CATRON: well, the reason why I ask is, you know, you said it comes down to enforcement and you can have all of these, you know, data gathering and planning and all of this kind of stuff, but unless you have enforcement then -- then is really kind of null and void.

So, so my question about the TAS for the tribes and whether they're able to enforce a certain standard of quality, environmental quality on their lands and how they work with the surrounding community or with the State agency that governs well water and ground water quality and drinking water quality. And how those are -- how they work together or they don't work together is --

MS. REDDOUT: Well, when I went out to talk to the grassroots groups, it was there consensus that we would be better off going directly to the Council and trying to deal

with the government agency there as opposed to dealing with the agencies because the people what found so much frustration in trying to deal with the agencies in the past. So that's how we worked it, went directly to the Council.

MS. CATRON: Well, I think you bring up a really important part in that tribes, a lot of times, don't have the actual regulatory -- the actual authority for enforcement. And so -- that goes through EPA, if it's on tribal land. And so a lot of times that's a big issue that we -- that as community groups we all face is now do we get enforcement on tribal lands if the tribes don't actually have a treatment estate designation.

MS. REDDOUT: Well, I know we we're so grateful that we've been designated as a Showcase, because the Yakima Nation lies within Yakima County, so we've made sure that the reservation has -- is going to have the water testing and everything. We had a little dispute about that early on. But we read EPA's guidelines, and said no, no, no. That will be a part of Yakima County testing. And so it now has become a part.

MS. YEAMPIERRE: Katie.

MS. BROWN: You may have just answered my question. But as a Showcase 10 community, have you all been involved in the development of what this program is going to be, either

the research that's going to be done and the work plan, has your community been involved.

MS. REDDOUT: We have been involved. But I think the grassroots organizers or activists would think -- would say that we have been involved but we have been ignored. And I tell you a little incident that happened in Granger. That all the agencies were there and all the agencies had a whole wall full of things that they felt they should do. And then over on the right-hand side of the wall, there was a little small list of what the activists had asked for. And enforcement was not on that list.

So, my friend, Eric Anderson, took out a red felt marker from his briefcase and he wrote "Enforcement." Now, the name of the game was during the break, we were supposed to take our four little stickies and we were supposed to put those on. Well, you should have been surprised because all of us were standing there in that line taking all four of those stickies and putting them on enforcement, because that's what we need.

We have the testing, we have the education of the people. I mean, my God, we live with this on a day to day basis. We know what's happening. We know we got more asthma in Yakima County and more diarrhea in Yakima County than the entire rest of Washington State put together. We know that.

I know that I see -- I've lived there for over 55 years. I know I am seeing a tremendous surge in cancer and heart problems in that community. I am not seeing it in other communities like that.

So, I know that this is happening. And it's scary to me, what a beautiful valley we at one time had, and how it's been turned into a disaster area.

MS. YEAMPIERRE: Thank you. Thank you. We're going to ask that the presenters come and be sensitive to -- in their responses to the fact that there are a number of people waiting. So if you could, in your responses to the questions raised by the NEJAC members try to be a little bit more brief. That would be really helpful.

Brendolyn Jenkins. No. Brendolyn Jenkins. Okay. Sacoby Wilson. Sacoby Wilson. Sacoby, that sounds better.

Comments

by Sacoby Wilson, Research Assistant Professor, University of South Carolina

DR. WILSON: So, my name is Doctor Sacoby Wilson. I've been here before so I'll probably say some of the same comments before.

I am a research assistant professor at the University of South Carolina. I am also the -- I work at the Institute for Family Society in the Department of EPA --- statistics in South Carolina. I am also the chair of the

environmental section of American Public Health Association.

I am going to talk about a few things tonight. First, I just want to kind of talk about the importance of recognizing the value of contextual expertise of community groups, community members, who are impacted by Environmental Justice issues.

So we have some of our community partners, Omega Wilson's group, where -- working on --- infrastructure in North Carolina. We have REACH, Devon and Dothula Hall -- Baron-Hall working on --- hog farms in North Carolina. We have LAMSE working on the issues of the Port of Charleston revitalization, in North Charleston. And we also have Rina, who is not here, working on landfill issues.

And the reason why I mention these groups is, these groups have all been doing community driven monitoring in ---. So the importance of that is they've actually received funding, I think just about all the groups received funding, either for the EPA or from NHS to do their own research.

And so in this process of doing their own research they have been able to build a capacity and empower their neighbors and residence to actually collect data that is leading to real solutions to the actual problems. Also that empowerment has actually educating the residence and creating

this ground swell and the social movements in those communities. So, that makes their work more sustainable.

So, my point is the EPA, as I said before, should really expand the CARE Grant Program. The CARE Grant Program should be expanded. There needs to be some work done to make sure the answer is more involved. Not just environmental research, more involved in funding Environmental Justice research.

There also needs to be work done, I think Denny Larson talked about providing resources for more community based monitoring. Actually creating grant programs where community groups will get monies to buy their own equipment and then the money can be also used to train them and use the equipment. So what it will do is allow -- as Omega always says to do their own ground-truthing, which I think will be really important as they try to get -- redress for those issues in those communities.

Another approach would be to work with NIHS. Work with NIOSH, work with OCEA, work with the Office of Mental Health, the institute -- the National Institute for Mental Health and Health Disparities. To actually come up with reasonable grant programs where community based organizations, historically black colleges and universities, and --- from unrepresented groups actually get training to do

more of this community driven, community oriented, community engaged research.

Because I think it is more important to have the folks who are impacted by the issues actually doing the work. Because that lived experience, the contextual expertise, is very valuable. As I told some of our community partners yesterday, you know, I bring a lot of -- bring science to the community organizing, that they're doing, but I think what's important is, as an academic, I am really doing secondary data analysis.

When I go and collect data on a particular matter, 2.5 PM 10, when I collect data on heavy metals, I am not getting the full picture. I am not there living with the stress. I am not there living with harassment. I am not there experiencing that. So I am missing part of the picture. So what I am collecting is not the full picture. So the people who are experiencing the full story, who are getting all that, can really, because of their expertise and experience, know what's the best approach to solve the problem.

So, I think that's -- for me, the take home message for NEJAC and for the EPA is work -- from an agency standpoint -- to get more of these researchers to community groups.

The second thing I want to talk about, we're working on right now related to that idea is actually creating a Southeast Basic Amenities Collaborative Training and Research Institute. So, we're going to help train groups, using groups that have been very successful. The groups that I mentioned, to train other groups to build this capacity across the Southeast. This is a model that could potentially, if it's funded through NHS, that could be replicated. And actually I think the EPAs work with the CARE Grant Program, with the NEJAC Small Grant Program and CPS Program. Glad to say, please bring the CPS back. Bring the Collaborative --- Model Grant Program back.

That program needs to be brought back as the folks from Georgia said you -- CARE Grant should have a Level III component. The money that you have in those grant programs should be comparable, because Omega always says equity and funding, so if you are getting \$25,000.00 for EJ small grant and --- money is a million dollars, increase the money in those programs to a million dollars. Increase the money in those programs to a million dollars.

Increase the money in those programs, at least make it a tiered process so those groups can get more funding because they're the ones who know what the best ways to solve those local problems.

And this is a -- we talked about before about, you know, this permitting process and cumulative impacts. We've taken more of an air shared management approach to address this on the air pollution issues and do more of the joint permitting. And bringing up a crossed air principle a little bit more. Phase out the grand-fathering. Will be another big step to take.

And I have some other things to say but I am going to end there. And also green jobs. We need to do some work on green jobs, because right now, we need to make sure that those green jobs, those resources actually get into the communities that need it. So, I'll end there. Thank you. My time is up. Any questions. I talk fast, I am sorry.

MR. KELLEY: Yes, I would just like to make a comment. I think you hit the nail on the head when you said get more resources down to the ground level, to the people that is actually doing the work, that's living there, that's breathing and drinking contaminated material every day. These are the people that can be the greatest resource I believe to our federal government. And it would also help to expedite a solute to that problem. So, keep up the good work.

DR. WILSON: Yes, sir.

MS. YEAMPIERRE: Sue.

MS. BRIGGUM: Just one quick note. You might remember that the CARE Program came out of concepts that were developed by the Cumulative Risk and Impact Analysis of NEJAC. And so I just wanted to put that historical footnote in there. It's a great interaction between recommendations of NEJAC and a program. And we're glad to hear that it's working out well and needs to be expanded.

DR. WILSON: Yes, ma'am.

MS. YEAMPIERRE: You know there are times that we don't say anything because when you finish it's like enough said, you know. And that's kind of how I felt after you finished, you know, it was brilliant. And you may think it's because we're tired, which we are, hungry, which we are, all of those things. But it really was enough said. That's kind of how I felt. It's was just well said. Thank you.

DR. WILSON: Okay. Thank you.

(Applause)

MS. YEAMPIERRE: Susana Almanza, PODER. Susana. Susana. Okay.

Comments

by Susana Almanza, Co-Director, P.O.D.E.R.

MS. ALMANZA: Good afternoon members of the National Environmental Justice Advisory Council, NEJAC. My name is Susana Almanza, and I am Co-Director of PODER, People

Organize in Defense of Earth and Her Resources in East Austin, Texas, and PODER is affiliate member of the Southwest Network for Environmental and Economic Justice, NEEJ, and we're also part of Coming Clean.

I am here today to present a copy of a report entitled, and this report, gotten a copy, the Health Case for Reforming the Toxic Substance Control Act, TSCA.

The U.S. has the opportunity to present rising rates of chronic disease and reduce health -- to prevent rising rates of chronic disease and reduce health care costs by overhauling the federal chemical policy. Evidence is strong and growing that chemical exposures contribute significantly to the rise of many chronic disease according to this new report, synthesizing peer review science.

By reforming the Toxic Substance Control Act of 1976 we have a potential to reduce American's exposures to toxic chemicals, improve health and lower health care costs. In the three decades since TSCA became law, it has become clear that the American people's exposure to these and other cancer causing chemicals is not limited to occupational settings. For example, formaldehyde, a known human carcinogen, encountered in the workplace, is also a common indoor air contaminate because of it's use in furniture, cabinets, counter parts, insulation, wallpaper, paints and

paneling. It's also found in a wide variety of consumer products. And of course it was found in the housing here in Katrina.

In the last 30 years of science, linking human health and the environmental made clear that TSCA reform presents another opportunity to dramatically improve public health. The new science on cancer shows why TSCA reform should require chemical manufacturers to provide basic information on the health hazards associated with their chemicals. How they are used and the ways that the public or workers could be exposed.

Chemical manufacturers need to be made responsible for demonstrating the safety of their products. The law should be designed to protect the health of Americans by ensuring EPA has ample authority to take action on dangerous chemicals. Communities of colors are disproportionately impacted by chemicals and TSCA reform is needed to protect this communities and other communities.

We urge NEJAC to work with EPA in making sure that the 1976 Toxic Substance Control Act, TSCA is reformed.

And I just want to make a couple of brief comments on a couple of other issues. We talked about the whole new school siting, but I think what also needs to take priorities are the schools that are already on toxic locations.

In East Austin right now we're challenged a peer casting facility of foundry that is directly across the street from Sulval Elementary and a residential area. And there are many of these places in our communities where we have our schools already, not future sightings, but present sightings. And we really need to make sure that we address not just the future sighting but the current sighting of schools that are around industries and communities that are around industries.

And the other thing, too, about Smart Growth, you know, in East Austin, you know what that means? The acronym, what the people in our community say, Smart Growth stands for "Send Mexicans Across the River Today". Because that's what the people in the community say because it is another form of gentrification.

And I agree, that when we look at Smart Growth, it isn't really smart for us, it's smart for the new people who are going to be coming into our community. So we really need to look at -- when we look at the growth and urban planning, and all the new buzz words that are out there, sustainability, is really sustainable for us or sustainable for the next group of people that are coming into our communities.

And so we really need to look at the issue of race

and income and how these new urban growth and buzz words are just pass words for, you know, urban blight, for urban revitalization, which is urban removal. So now we have new terminology, Smart Growth, sustainability, but really it's gone back to the past and when we look at language, it comes out the same. It's about relocating communities of color and the struggle that we will now have to have, when we had sustainable communities all the time.

When because of racism, we shopped, we created our own stores, we created our own businesses because we couldn't go across the other side of town. And so we really need to remember that. Thank you so much.

MS. YEAMPIERRE: Thank you Susana. I think that -
- we are not finished. Gracias. You know at the heart of what you're saying is also the concern of community based planning. We find for example that the new cyclists who roll through our neighborhoods with cultural arrogance because they're environmentalists, literally roll over us as they're going through the neighborhood. And that green ways are being planned along the waterfront. And that those green ways, which are necessary, open space in our community, are now displacing our community and making way for luxury housing.

So, you're absolutely right about looking at Smart

Growth within a context that doesn't displace our people. And making sure that are communities are at the table to make sure that any planning integrates the set of displaces.

It is a real problem. And it's happening on every level including the small businesses that are the backbone of our communities. And so we find EJ activists all over the country worried that their successes are going to result in displacement. And that's a real concern.

Does anyone have any questions of Susana? Oh, that's it. Thank you.

MS. ALMANZA: Thank you.

MS. YEAMPIERRE: Okay. Peggy Shepard, WHEA. Peggy. She's on her way. She almost here. Around the corner.

MS. ROBINSON: You want to go to the next person.

MS. YEAMPIERRE: I am going to go to the next person. Cecil. Cecil Corbin Mark.

Comments

by Cecil Corbin Mark, Deputy Director, WE ACT for Environmental Justice

MR. MARK: High five. I want to thank you, Elizabeth as chair of the NEJAC.

MS. ROBINSON: Cecil, can you go ahead and introduce yourself and your organization.

MR. MARK: Oh, I can do that. I am Cecil Corbin

Mark. I was actually going to do that in the testimony. It's Cecil Corbin Mark, I am the Deputy Director of WE ACT for Environmental Justice. And I want to thank Elizabeth for her leadership of this NEJAC and for the other members for their hard work and efforts.

In addition to being the Deputy Director of WE ACT of Environmental Justice, I am also the Co-Chair of the --- Partnership, a coalition of more than 50 organizations in New York State working on policy reform. I also serve as a director of the Board of Center for Environmental Health based in Oakland, California. And WE ACT is an active member of the Safer Chemicals Healthy Families Campaign.

In all of these capacities I've devoted signifiation amount of time to working with my neighbors in Harlem and Washington Heights in New York City and colleagues across the country on building awareness about the harms of toxic chemicals as well as developing policies that focus on protecting the health and well being of both people and the environmental. Our chemical policy infrastructure is broken and it places our communities at risk for harm that is often preventable.

I want to thank you for the opportunity to comment on the US Environmental Protection Agency's proposal to seek disclosure of inert ingredients in chemicals which we

strongly support.

To be clear, the pesticides that are pedaled by the real predator pests, the corporate pesticide manufacturers, are pure poison and not of the Christian Dior kind. Be reminded that the English suffix cide, which is added to the end of words like patricide, matricide, paracide, pesticide, insecticide and so on, comes from the Latin verb *cida*, which means to cut or strike down.

And for me that linguistic was hammered home when the results of our community based participatory research project that examined the use of pesticides in residential settings in northern Manhattan amongst African-American and Latino women during pregnancy came to light.

Our research was conducted in concert with our research partners at the Columbia University Center for Children's Environmental Health. So what did we find. We find that prenatal exposure to household pesticides, chlorophyllous and diazinon which transfer easily from the mother to her fetus reduced birth weight by an average of 6.6 ounces. The equivalent of weight reduction seen in babies born to woman who smoked. And that came from a study from Wyatt, Robin Wyatt, and others in 2004.

Children prenatally exposed to high levels of chlorophyllous were significantly more likely then children

exposed to low levels to experience delay in both psychomotor and cognitive development and to show symptoms of attentional disorder.

Although the EPA banned residential use of use of chlorophyllous in 2001, this pesticide is still widely used in agriculture. And that comes from a study by Virginia Rowe and others in 2006.

We have to really look at some of the pesticides, especially the legal ones, that are in our neighborhoods. Three commonly used products in this category are Tiempo*, a pyrethide insecticide and Tres Spotitos* and the Chinese or cockroach chalk that is very prevalent in many of our communities. These products are unregulated and may increase the risk of exposure and adverse effects due to high levels of pesticides.

Ingredients that increase the toxicity of pesticides, inappropriate application methods, and/or the inclusion of restricted and highly toxic pesticides.

Many of us feel that the proposal that the EPA is putting forth to require that pesticide product labels identify inert ingredients that have already been -- have already been classified as hazardous by the EPA is something worth our support. And we want to encourage the NEJAC to push them further in this direction.

We support the use of list identified in the 2006 petitions concerning this issue to identify these hazardous inerts. We support this action now and as a relatively quick interim step while the EPA moves toward -- forward with a more complete disclosure. Ultimately that's what we need to protect the communities that we all organize, work, live and play in.

We also support EPA's proposal to require complete or almost complete disclosure of inert ingredients in pesticides, product labels, and we request that the EPA begin this process now and move forward with it as soon as possible.

Identifying inert ingredients on the label will help those of us who have allergies or sensitivities or who need to avoid a particular chemicals. It will also help paramedics, doctors and other health professionals who need to make treatment decisions quickly for a patient.

Finally, it will help those who purchase pesticides because they will be able to easily identify the products with less hazardous ingredients. We know that some of the names of the inert ingredients are complicated, chemical names, that most of us will not recognize. However, we know that we can ask non-profit organization, physicians, and scientific researchers for help in understanding the

toxicology and environmental impacts of these chemicals.

Just because things are difficult doesn't mean that we shouldn't be doing them. Thanks for the opportunity to comment on this important issue.

MS. YEAMPIERRE: Thank you, Cecil. Well done as always. Any comments? Questions? Omega.

MR. WILSON: Cecil, thanks for being here. We know you have been doing a whole lot of work, you and Peggy for a long, long time.

MR. MARK: Thank you.

MR. WILSON: You are to be recognized and honored for a lot of the work you've been doing and will continue to do.

The question I have is how are you -- how do you expect to approach the process of resolution of the issues you raised based on what you just talked about? I mean, do you have already a working plan, at least the NEJAC and --

MR. MARK: Well, I think what I am saying -- first of all the agency, EPA, is in the process of sort of moving forth with these particular decisions that I cited. So they've put out a proposal, they're inviting public comment.

I think it's important in terms of the process for the NEJAC to actually weigh in. I will submit what I have as written testimony and certainly help that will be helpful to

the NEJAC. But I think as a body you all have to raise your voices on these issues.

Whether we are looking at urban communities or whether we're looking at rural communities, pesticides are something that sort of unites our communities in terms of the kinds of exposures that we see. In urban setting, what you have is people are self-applying pesticides or their homes are being dosed by these killer agents by exterminators.

In the fields where we get our food from -- and so that sort of connects us to sort of the rural communities as well, farmers are often, you know, applying pesticides, in my view, sometimes inappropriately thinking that that's the way to grow healthy crops.

It is, for me, in terms of a plan and moving forward important that the NEJAC actually step up and say something about the impacts on our communities around these issues. In terms of the rest of the process, the agency, it clearly has a process outlined for moving forward to coming to resolution on the proposal that they're put forth. They are accepting comments now. Those comments will obviously be reviewed. And then there will be some final decision. And that decision will be announced and posted.

MR. WILSON: This is a quick followup for clarification, we know some of these chemicals or some of

them -- classified -- exactly as pesticides, in your information is there clear definition of products that contain these chemicals that are classified as pesticides and products that may be containing these chemicals that are not classified as pesticides, they may both include harmful effects.

MR. MARK: Yes. Well, there are lots of chemicals everywhere in our environment. I mean they are ubiquitous, they're everywhere. I mean just go into your drug store and reach out onto the shelf and you're picking up some chemical of some sort. All of them have inert ingredients. Those are the ingredients, just so that I am clear, that are not fully described or listed as to what they are.

So you could be picking up, up here a bottle of hand lotion and there will be inert ingredients in that. You could be picking up pesticides to kill roaches and they'll be inert ingredients in that. It's those ingredients, and that's why this rule is so important, it's about disclosure of what those things are so that we can adequately as citizens take better care of what we're choosing for the products that we're bringing in our home.

I will also say that I think ultimately just as Susana before me spoke, the real resolution of this problem and the real process moving forward is that the Congress has

to reform TSCA. And it in some ways has to make sure that we're not -- that when we deal with chemicals in this country we're dealing with it in a single sort of unified policy frame work. So that you're not dealing with pesticides here and you're not dealing with things that are applied to cosmetics over here and the two don't talk to one another.

Is a problem -- all of these things have the same root evil, and they're pesticides and they're chemicals, sorry not pesticides, but chemicals. And they have to be addressed uniformly.

MS. YEAMPIERRE: Thank you.

MR. MARK: No other questions?

MS. YEAMPIERRE: Oh, Wynecta.

MR. MARK: Oh, I am sorry.

MS. FISHER: Thank you very much for your presentation. I actually have two questions. You mentioned that the document is currently available and we can make comments, public comments.

MR. MARK: The proposal --

MS. FISHER: The proposal --

MR. MARK: -- is currently available for public comment, yes.

MS. FISHER: Okay. And I -- when you're talking about the different chemicals the first thing that came to

mind and you basically covered it, is you know I currently reside in an apartment. I don't have any control of what they put in there, but you know twice a month they come in and exterminate. I don't know what's in it. I can't tell them not to do it. That's part of my lease. And you know so you do kind of feel helpless and it's -- you really want to know what's in it. And of course, they don't know what it's in it and they just show you the bottle, the box.

But then the other thing I thought about are just things that we use every day as a consumer.

MR. MARK: That's right.

MS. FISHER: Saran Wrap. I am sorry, plastic wrap. Plastic forks. Foil wrap. Things that we keep our food in. And what concerned me the -- you mentioned this and I am thinking about previous presenter is that there's one thing that we do at least once a day and that's eat. And you know we don't -- you don't necessarily eliminate everything that you eat.

And so I am starting to think like -- I am just thinking about my day today. I went through the drive-through and I know that's bad. But I purchasing some that was wrapped in paper that was colored that had a different color writing. And I am starting to think like, what have I put in my body. I mean that's probably not even regulated.

I don't even know, you know, how deep you're going with these chemicals.

But as a consumer I assume and I am stopped -- and I am trying to stop assuming it -- but I do assume that if it's sold, if it's allowed to be sold, it is okay. Because things that are bad for me are not sold.

MR. MARK: Ms. Fisher, you're not unlike most Americans. I mean we think of the things in terms of products that we see on our shelves, and our grocery stores, or drug stores, or wherever we buy the products that we need to sort of run our lives, as being something that the government has regulated.

In truth and in fact when it comes to chemicals these toxins are allowed to come into the marketplace and the manufacturers do not have any burden of proof to prove that they're not harmful to the public or to the environment.

It's only when something goes wrong that does this system get kicked into gear. And even then it's sometimes toothless. This is a broken system and it exposes us, as I said in my testimony, to harm that is quite preventable in many instances.

You know there is no reason for you in your home or for any of us in our home to not be able to turn away an exterminator because the chemicals that they might be

applying in our home could trigger an asthma attack.

Chemicals have steroids in them. Pesticides have steroids in them. And steroids are some things that trigger asthma attacks.

So, you know, that's -- why should you be subjected to that. Our chemical laws have to be fixed. There's no short answer to it. And it's a very tough and complicated and political issue, but we got to confront it because communities like Harlem and Washington Heights and you know, Sunset Park in Brooklyn, and across the country, low income communities are being dosed with some of these chemicals.

You spend, you now, about upwards of 60 percent I think -- 60 to 70 percent of your time indoors, was the EPA study at one point I think I remember. I mean so you're schools, hospitals, everywhere, these things are being applied. And we have got to fix this system.

I just wanted to say one quick -- two quick other things. One is that the NEJAC really does need to raise the issue of assistance to community groups on the front lines of climate change. There is money coming out of the EPA to help localities, plan for climate preparedness and climate readiness. But more often than not they're turning to communities and community based organizations like ours and saying, can you please help us. And there's a real need for

resources on that front line, if we're talking about being really seriously ready for coming up with climate readiness plans.

And then the second thing that I wanted to say is that, I want to echo the support that was issued earlier for the CARE programs. This is really by far and away one of the most effective things that the EPA has done. And it's not just the EPA saying that and it's not just us as advocates saying that, the National Academy of Public Administration has actually evaluated the program and given it some of the highest marks that it could.

And so it doesn't seem to me to be a really sensible direction to not figure out how we put more resources into something that is working in a time where, you know, we're all concerned about sort of efficacy in government.

MS. YEAMPIERRE: Thank you, Cecil.

MR. MARK: Thank you.

MS. YEAMPIERRE: Peggy Shepard. WE ACT.

Comments

Peggy Shepard, Executive Director

West Harlem Environmental Action, Inc., WE ACT

MS. SHEPARD: Good evening everyone.

MS. YEAMPIERRE: Good evening.

MS. SHEPARD: Good to see you. I am Peggy Shepard, Executive Director of WE ACT. Based on Harlem, New York. And I am a former chair of the NEJAC. And have served on the Enforcement and Health and Research Sub-Committees. And based on my experience as a NEJAC member and an EPA grantee, I want to make the following comments.

Some years ago pursuant to the Executive Order on Environmental Justice, an inter-agency task force was convened of 17 relevant federal agencies to address --- impact of pollution on the health and sustainability of our community, communities of color and low income. And I recommend that the NEJAC request a report from the EPA on the outcomes of that task force. I suggest that each federal agency of the task force should, with the participation of NEJAC members, identify an initiative that each agency will lead, develop outcome measures and through a logic model, evaluate those outcomes. An annual report should be submitted to the NEJAC.

And I must say that if there's any pretense that the Executive Order on Environmental Justice is still enforce, the inter-agency task force must be operationalized and effective. And clearly the NEJAC should be visited and reviewed the Executive Order to strengthen it and require and annual report to the President and the White House Counsel on

environmental quality.

Now, last year I have had the opportunity to become a CARE community. And I joined the 80 or so total groups nationally that been funded through this partnership with the EPA to identify and prioritize risk across all media, in Harlem with the support of a broad based group of stakeholders.

Now, after two years of significant work we're preparing to apply for a Level II grant and guess what, there's hardly any money left. And there's hardly any fund for the at least 20 or so Phase I groups that have gone through this process, who have completed their work and are now applying, they've identified, they prioritized, you know, risk and with the help of thousands community residence, they've done all this work. Yet there are very few funds, funds for only maybe six groups nationally.

And there are 235 groups applied for funds for Phase I, only nine were awarded. So we know that there's a need. And if the EPA really is going to make Environmental Justice and community partnerships a priority then we really got to -- they really got to put their money where they say their values are.

So, I hope that the NEJAC will review the May 2009 evaluation of the CARE program and really affirm the

evaluation by the National Association of Public Administration, that the model has been effective in serving communities. And recommends that the EPA really provides appropriate support.

We all know that an agency's budget is indicative of its values and its priorities. And if EJ community engagement and reduction of impacts is a priority then EPA must achieve that promise.

Now, I understand that there are ten Showcase communities that have been selected and that \$100,000.00 per project has been allocated. To my knowledge there's been no transparency of the process. I am not aware of what the criteria for this demonstration program really is. And I am troubled and amazed to learn that the community groups that have been selected will receive no funds to participate in this project that has the lofty goal of elevating environmental and human health challenges that these communities face. Now, how will these volunteers or staff of these small CBOs lead and participate in projects without funds that are supposed to elevate human health challenges.

So, this program will not be effective if the CBOs do not have the real capacity to fully engage. And this program should not go forward without funding to these groups.

And I must say when I walked into the room I was a little dismayed because I spent numbers of years on NEJAC just like you all are here until midnight, listening to hundreds of people who spent their own money to come all the way across country and I hope that the people I see back here represent all the ten regions of EPA. And that we are not just talking to my colleagues and friends sitting here. Because we know as you know that you are not the people who can truly address the hundreds of complaints and comments that you're hearing and are going to hear over the next couple of days. So, thank you.

MS. YEAMPIERRE: Thank you, Peggy. But it's really great to know that Region II is still here. Josh. Okay. Four, what else, all right, seven. All right. That's great.

Peggy, you raised a lot of really important points. And one of the things that you said had to do with the fact that the groups are not receiving funding, that there's no funding available for Phase II. And I think that --

MS. SHEPARD: Or very little.

MS. YEAMPIERRE: Very little. I think that there needs to be a cost analysis done because what we're going to hear and what we're hearing is that is that there is less money available for these programs. But the cost in terms of education, health, employment, insurance, that come with the

human costs, but the costs really in those areas for the federal government, one of Environmental Justice concerns, when you don't make that investment is staggering.

And so I think that we need to look at what the cost is when that investment isn't made. Because an organization can get \$100,000.00. And then the benefit, the cost benefit is going to be huge in terms of all those other areas that I just raised.

So, I would hope that we could figure out how we make that argument that it actually is a really heavy lift in terms of the cost, the human infrastructure and what that means in terms of all those different areas.

Thank you. I am sure that folks have questions and comments. Sue.

MS. BRIGGUM: Is there anything formal that NEJAC could do to look at the NAPA report Peggy mentioned and to make a recommendation with regard to expanding the coverage of the CARE program. I am really concerned because I see an enormous enthusiasm but this is a program that's been developed very carefully based in NEJAC recommendations and we know Peggy and her project and several others and they're extremely meaningful and well developed in terms of the guidance NEJAC has given over the years about how you develop this kind of program and how you assure that the resources go

to the community to participate.

And I sure would like to have us honor that earlier work by doing something now to try and support the position she just suggested.

MS. ROBINSON: I am going to go ahead and respond a little bit on that. On Friday we'll be talking about the -- developing future work plan for the NEJAC for the next year, year and a half. And I think it will be an ideal opportunity to discuss that among the choice from which we have to choose from. Going back to what Charles has said earlier. But again, you laid a very good ground work for a justification for something like that. Okay.

MR. KELLEY: Yes. I just wanted to get some clarification. You're saying that you have information that basically states that the Showcase -- community Showcase -- the Showcase communities, the 10 Showcase communities will not receive any money, the host organization.

MS. SHEPARD: I spoke to one host organization and they told me they would not be receiving any funds.

MR. KELLEY: I am wondering if that -- it may vary from state -- I mean from state to state or from region to region. I am not sure either, but I am going to look into that.

MS. YEAMPIERRE: John. I mean I am sorry -- yes,

John.

MR. ROSENTHALL: Thank you. Would you repeat your recommendation about NEJAC requesting a report from the federal agencies. I think I missed some of that.

MS. SHEPARD: Yes. I mentioned that there has been an interagency task force that EPA had been convening of other federal agencies to address Environmental Justice. And I have not heard any reporting from that task force in a number of years. Yet it was mandated, I believe, or it was an outcome of the federal -- of the Presidential Order on Environmental Justice.

So, I would suggest that if indeed this task force is meeting and it should be, that there should be an annual report that comes to the NEJAC about what the outcomes of these meetings are. And I further suggest that instead of simply meeting and talking that there are identified projects that perhaps the NEJAC could recommend to the 17 federal agencies, like Department of Transportation. I am sure we have, you know, issues of fine particles in diesel. Maybe there is a project -- one identified discrete project that DOT could work on and that NEJAC have some, you know, input into. As well as the other agencies like HUD and Healthy Homes and, you know, so on.

MS. YEAMPIERRE: Omega.

MR. WILSON: Peggy, I recall that we were at a conference, I can't remember what year it was, it's been a few years ago, in Rhode Island, I believe, at an ethics conference, research project relative to the ethics of colleges and universities addressing Environmental Justice communities and research. And both you and I shared some concerns about relationships with colleges and universities.

And of course, I've been raising the question for quite a while and other people have to, about universities doing research in Environmental Justice communities and the taking -- the major portion of the money.

Have you looked at the question based on resources to supplement grants from federal agencies, the amount of money from NIEHS and other federal agencies that go to universities and research our communities, that if that was split 50/50 at least with the community, how much resources and hundreds of millions of dollars would be produced for these communities, that possibly would totally supplant and make insignificant the total dollars coming from EPA.

MS. SHEPARD: Oh, boy. Let me tell you. There's only one grant that I know of that has a 50/50 split. And guess how much money it is, \$50,000.00.

So, let me just say that I was a reviewer on at least four stimulus challenge grants. And I was asked to

be a reviewer because these were community academic partnerships. And most of them had so little money going to -- we're talking about million dollar grants -- million a year. And some of these were either one or two year grants. And in some cases the community was doing all of this work and was barely getting \$40,000.00 or \$50,000.00. And I made that comment in my review, that I knew that the community group was not getting enough money to really do that work.

And we all know, many of us, that with some of these small grants, we're really subsidizing the project. And sometimes we take the smaller grants simply because we want to be able to do that work, or sometimes get into a certain new area of work that we haven't had an opportunity to perform in. And we know that we're subsidizing this project. And if you are an organization that has enough capacity you can subsidize a project. But some very small groups cannot do that. And they really can't effectively perform what is expected in that grant with what they're getting.

So, no, the stimulus and challenge grants, frankly gave bucket loads of money to academic institutions with very, very little, \$60,000.00 and less going to community groups.

MR. WILSON: I just want to just quickly -- I know

Cecil is giving you a note with -- I didn't know whether or not you and Cecil since we raised this issue some years ago with a lot of other people including Michael Lythcott, who was here before, he was in that group, too, whether or not you have made any assessment about how to address that and how to change it to make the flow of cash that's already out there, already appropriated by federal government grant funds, including EPA, to make that flow come directly to community organizations.

MS. SHEPARD: Well, first of all the RFA or the criteria for that funding agency simply has to say that there has to be -- could say there's a 50/50 split, it could say that the community organization gets the money directly and subcontracts to the academic institution. A community group can be a principal investigator of some grants.

And I should say that though NIEHS has really pioneered in this area they have really regressed to a certain degree. Community partners are now optional for many of the centers. The Children's Centers for instance that are co-funded by the EPA and NIHS, now community partners are optional. And there's a cap on the amount of money that the community group can get, \$100,000.00 to go to community outreach. There's a cap on that. And it's optional

So, it is no longer mandatory. And it was only by

having a mandatory partner that the whole field of CBPR has really grown. So you've got long-term partnerships and those will probably continue. Because in many cases the academics would be too embarrassed to drop their community partners simply because it was optional. But for new partnerships, if it's optional, many academics will never go down that road.

So, you know, the criteria for getting the grant has got to say, you've got to have an equal partnership. Or the community groups has got to get a certain percentage of those funds.

But more and more money is going to the NIH. And just tons of money are going to academic institution. I mean each institution probably was doing hundreds of these stimulus and challenge grants. And many of them got significant numbers of them.

MS. YEAMPIERRE: Thank you. I see that. I saw that happening just recently -- even under the area of green jobs because this is mandated now to work with EJ communities what we get is a call for a \$5,000.00 or \$10,000.00 grant and we do all the work, but they get to put EJ and get extra points on their proposal. So that's happening there.

And even recently, Nancy Sutley came to Queens to do a presentation to unions and there was a -- I am just

going to name names, Pratt Institute was there with Bedford -
- Bed-Sty Restoration and Pratt did all the talking. And then asked them to talk about community outreach. I thought that it was an insult to an organization that has been in Bed-Sty doing such great work for so long. They felt that they could speak for that community organization because they say that they do EJ.

And you know that we historically have felt that you do it at our request and we provide you with technical assistance which is what the Brownfield Opportunity Program does in the State of New York. So it's really important that the paradigm or the way that we look at this really is done differently because it means that you help build capacity on the ground in our communities. John.

MR. RIDGWAY: Peggy, thank you very much for your I think very constructive comments. I think you understand the potential of this group as well as it's limitations for passing comments on. Three very quick comments.

First, I want to remind the Council that we were given a presentation last July by Marva King on the assessment of the CARE program. We've already gotten that. So we don't need to ask for that again. If you look in your materials it's there, it's available on the web, it's available from Marva.

Second, to the comment or question that Sue Briggum brought up about, you know, what can we do. We can turn around letters pretty darn fast relative to what takes months or years from work groups. And I want to encourage us to discuss prioritizing that consideration before we leave this week, not tonight or here now at the expense of other people's time.

(Applause)

MR. RIDGWAY: And I'll leave it at that, thank you.

MS. SHEPARD: Well, that would be really important. And you know the NAPA Report, the executive summary is short, can read it, endorse it, support it, that would be really great. But we've got to get funding to these groups because if we're really going to have a wonderful program where you really want to work with communities to reduce risk, then you've made a huge investment in staffing.

I mean each one of these projects has a staff person whose working with you and who we're talking to, you know, at least once or twice a week. So the investment in staffing alone is worth moving ahead and assuring that the work that you've already invested in actually produces the outcomes of reducing risk.

MS. YEAMPIERRE: Thank you, Peggy.

MS. SHEPARD: Thank you.

MS. ROBINSON: And we'll like to go ahead and -- to the members the food is coming. So if you want to stand up and stretch, we'll also be hearing from Diane Takvorian. And then Charlotte Keys. So that -- so be prepared and if Diane wants to go ahead and come forward, go ahead and do that.

Diane, why don't you just go ahead and just wait -- Diane?

MS. TAKVORIAN: Yes.

MS. ROBINSON: Why don't you just go ahead and wait like five minutes. I think a few of the members kind of like stepped out for a second.

MS. TAKVORIAN: Okay.

MS. ROBINSON: So, go ahead and give us five minutes.

(Break)

Comments

by Diane Takvorian, Executive Director, Environmental Health Coalition

MS. TAKVORIAN: Thank you. Good evening. Bon appetito, right, is that it? I would say it in Armenian but a (Armenian word). Eat, please eat, while --

MS. YEAMPIERRE: You might have to talk a little louder to get over the din.

MS. TAKVORIAN: Okay. I can do that.

MS. YEAMPIERRE: And what you have to say is really important and we really want to hear it.

MS. TAKVORIAN: Thank you very much, Elizabeth. My name is -- am I -- are we starting? We good. Okay. So, my name is Diane Takvorian.

MS. YEAMPIERRE: Hello. Hi, back there. Can we give the Diane the floor, please. Thank you.

MS. TAKVORIAN: Good evening. My name is Diane Takvorian and I am the Executive Director of the Environmental Health Coalition in San Diego, Tijuana. I am also -- Environmental Health Coalition is also a member of the California Environmental Justice Alliance, which is comprised of community based Environmental Justice organizations throughout the regions of California.

Tonight, I want to thank you for being here and for being here so late, and for all of the incredible work that you and your predecessors have done for so many years with the NEJAC. I think that there's very important work that has been done here, been started here and I think has been finished here. I also want to acknowledge the many community representatives that have come before me today, and all of the incredible stories that they have told about the problems in their communities.

And I want to build on that by asking you to make,

as NEJAC, to make a recommendation to EPA to change the paradigm upon which we're approaching in Environmental Justice issues in our community. And the paradigm shift I would like to ask you to consider is to focus -- is to ask EPA to focus on creating healthy communities through a truly holistic approach. Lisa Garcia talked about that this morning at the -- or sometime, I think it was this morning, today, at this meeting and also during the previous conference.

I think we need to address the problem of what it takes to go to -- to go from impacted to healthy. And all of the -- all of the issues that you've heard about today and previously, all of those sectorial approaches need to be taken. But we also need to have a comprehensive approach in each of our communities. I don't know an Environmental Justice community that's dealing with one issue. I don't think there's one out there.

Every Environmental Justice community, and I'll use ours as an example, we're doing air pollution, we have very high rates of childhood asthma. We have water pollution. We're feeding our families from the fish that come from contaminated sediments. We have stationary and mobile sources of air pollution. We have port facilities that are driving trucks through our communities and having ships

idling our bays. We have aging housing with lead, mold, energy inefficiency. You know the list.

So, what are we going to do that's going to take us from all of those problems that we're addressing individually to a holistic comprehensive approach.

My recommendation is that instead of having a piecemeal approach, a project oriented approach, a problem oriented approach, that we really go from -- to those EJ communities that have a clear vision and a clear plan and assign an Environmental Protection Agency team to them along with other agencies on that team to make those communities healthy. There's lots that we can talk about in terms of what the specifics of that would be, but I think that there are a variety of options.

EPA, HUD, we think that EJ communities should be prioritized in terms of stimulus funds so that they can again go from impacted to healthy. We think that the CARE communities provide a baseline of the kinds of models that we need to go from. But those communities, and we're a CARE grantee as well, need action. We need EPA and the other agencies to be standing with us, to take the action, to make the change.

So, as an example we have a community plan which calls for relocation of polluting facilities in our

communities because it's the only way that we're going to get Environmental Justice. Those facilities are there legally. They're there because there's discriminatory land use practices going on in our community, which allow polluting facilities to be right next to homes and schools. The only way we'll get justice is for there to be relocation.

Where's the money. Where's the justice from both the community and for those businesses for those relocations to occur so that they can go into an industrial zone where they can be state of the art facilities. That's going to take a lot of money. And we need the resources and the team efforts of EPA and the other governmental agencies, again, to go from impacted to healthy.

That's my request. I would ask that you kick it off with a recommendation to EPA to take that kind of an approach so that we really start to solve the problems in our communities.

Environmental Health Coalition will be 30 years old this year. We're going to celebrate our anniversary in October. I invite you all to come celebrate with us. So, we've been doing this a very long time. We understand what the problems are. And while we've had some victories, like all of you have, in our communities, it's not good enough. We cannot have another generation grow up with these

conditions.

And I think all of us feel, who have been doing this for a very long time, that we need to shift it. We need to shift into action. And I think that this is the NEJAC and I think that is the administration to do it. Thank you.

MS. YEAMPIERRE: Thank you, Diane. Do any of the members have any questions or comments for Diane?

Diane, I feel like we should have opened with you so you could have set the tone. So, thank you very much.

MS. TAKVORIAN: Thank you.

MS. YEAMPIERRE: Charlotte Keys. Hi.

Comments

by Charlotte Keys, Founder/Director, Jesus People Against Pollution

MS. KEYS: I want to say bless all of you in the name of Jesus. I want to say that I am grateful that you all decided to --

MS. ROBINSON: I am sorry. Charlotte. Charlotte.

MS. KEYS: Yes. I am Charlotte Keys, Doctor Charlotte Keys from Columbia, Mississippi. Founder and Director of Jesus People Against Pollution. And also working with the Gulf South Advocacy Center and Southern Rural Health.

I wanted to come today and ask of you all to

deliver to our Honorable Director, Ms. Lisa Jackson, recently there were two meetings held in Mississippi that little to no information was given and it was pretty much last minute doing.

But I wanted to say that we, the concerned citizens of Mississippi, petitioned Ms. Lisa Jackson, USEPA Director, and the Congressional leadership that also was a part of that, to revisit our state based on the recent meetings that were held without full communities from around the State of Mississippi participation. Based on the many issues of the other 78 counties, and the communities environmental degradation problems related to the pre-post Katrina/Rita matters, because of the many communities and environmental problems that have not been addressed, we feel the need to compel you to revisit Mississippi and to adhere from the other 78 counties/communities in the state.

Let the record reflect and/or record that lack of knowledge, information and preparation was not shared with the other communities in time to attend the meetings, held by the USEPA and the Congressional leadership. And only the few areas. It appeared to the other concerned citizens in Mississippi that this was a last minute decision that was put forth by the National USEPA and the Congressional leadership with the few communities.

Therefore, we are requesting from the USEPA, the Congressional leadership, to revisit and/or retract their decision to not just focus on those four areas.

Also, let the record reflect that Jesus People Against Pollution was unable to attend that meeting because we were handling other business matters out of town. And we received the information at the last minute. We, the citizens, in the other 78 counties, would like very much for Ms. Lisa Jackson to reschedule another meeting with the people in Mississippi and we do not mind working at all with our Mississippi Department of Environmental Quality.

This meeting -- the meetings that happened to us and the way that it went forth, stating that only a few areas would be focused on and a few areas that we understand that would be focused on is Ridgerton, I think it was Crystal Spring, and Hattiesburg, and another area that they pointed out. Columbus. Columbia, Mississippi has been at the forefront of this Environmental Justice movement. Since it's concept.

And we feel that it was very disrespectful for our national USEPA Director to come in with the Congressional leadership and everybody not had full knowledge that they were coming in to do a listening session. Because all issues are very important and we've been working with other southern

parishes in Louisiana and the southern rural areas in Mississippi on the theme of formaldehyde issues. And some of those issues were not -- was able to be brought to the forefront, because there was lack of communication and information sharing that took place.

So, we ask for Ms. Lisa Jackson to reschedule this meeting ASAP. Through the Mississippi Department of Environmental Quality and with Jesus People Against Pollution, Go South Advocacy Group and Southern Rural Health. Thank you very much.

MS. YEAMPIERRE: Thank you. I think that of all the requests this evening, that is probably the easiest one for us in the sense that we could, if the NEJAC agrees, send a letter requesting that there be meeting with your community.

I can't say that I know anything about the Administrator's schedule or what the conflicts are or how this stuff plays out. But I can say that it is a waste of time and resources to be in a place where the community is not at. So, just wondering if anyone else has any comments or questions. Hilton.

MR. KELLEY: Yes, I was just wondering is there a host group, I know the Environmental Justice group that's in the area that brought Lisa Jackson in or how did you all not

have the opportunity to meet with her.

MS. KEYS: To be really honest I think that Sharon Jones, Yvonne Powell, and some others work with Doctor Bullard and a few others, to work on this particular meeting. And when they scheduled the meeting, they kept everything pretty much secretive and very few of the communities that have been working on a lot of these different issues was not aware. And at the last minute I get a call from our Mississippi DEQ office letting us know that the meeting was taking place. I was headed out of town on another business trip.

I do a lot of faith-based work and Jesus Against Pollution has always and will always be at the forefront of a lot of the ee activities that take place in the State of Mississippi. And it's because that we view not all of our help and hope in the agency, but our help comes from the Lord because the earth is the Lord and the fullness.

And so when you understand that partnership and collaboration is very important, but it's important how you come into other people's communities and respect the leadership that exists. And for me, I feel that the long standing history that Jesus People Against Pollution have in the EJ movement was very disrespected of those that came in.

MS. YEAMPIERRE: Okay. Thank you, Charlotte. Any

-- no one else. Okay. Oh, Omega. Lastly, I am sorry. I thought that Hilton had just spoken. Omega.

MR. WILSON: Yes, thank you. I do recall that we met a few years ago, Collaborative Solving Grant.

MS. KEYS: Yes.

MR. WILSON: Okay. Good to see you again.

MS. KEYS: Good to see you, too.

MR. WILSON: The question I have is, in areas -- I've done a lot of traveling over the last few years and this relates to our own areas, we found a great deal of difficulty getting church groups formally organized and openly involved in Environmental Justice and in environmental matters. This is not specifically related to your question but it may have something to do with a long term basis.

Have you found other organized church groups that are supportive and opening involved in Environmental Justice activities like you have been so faithfully been involved and diligently been involved and fully involved for so many years, so that it creates an opportunity for ground swell, of organized church activities that may be demand attention, maybe not the right word, but warrants a bigger level of attention to draw environmental experts and governmental experts to meet your needs and talk to you in a bigger formalized audience.

MS. KEYS: Well, in time past, and I'll reflect back in the nineties, 1992, Jesus People Against Pollution, formed in 1993. I was on stage with Al Gore dealing with these very issues. Doctor James Syndab* actually set up a meeting. I think it was a group of them. That was called the National Black Church Summit. After that meeting several other meeting were scheduled. And I am speaking on the national platform level, with the Methodist, Evangelic Lutheran, Presbyterian, Catholic, National Council of Churches, and a whole host of them. And if I had the portfolio I can actually show it to you that there is some concern ministers that is concerned about health and the environment and Environmental Justice.

But what has happened is I think that piece has slowly faded away because you have so much flesh on parade when you talk about Environmental Justice. Everybody now wants to be stars and lifted up and highlighted and all this kind of stuff and of this kind of stuff. And you see very little successes and/or accomplishments through the faith-based approach because most people do not want a whole lot of faith-based efforts or people at the table.

And one of the things that I can state profoundly is that when we started the name Jesus People Against Pollution the organization, I've had so many folks tell me

to change the name of the organization. But let me tell you this, and I'll say this to you, that no one is able to change Charlotte Keys' mind about Jesus. Because I know that Jesus is the reason for everything that exists. And without the Lord we are nothing and without Him we can do nothing.

And today we all sit here, and it's not on any goodness of our own, but it's through His grace and mercy that we all are here. And if people will realize that, the earth belongs to the Lord, and the fullness and all the people on the planet, and if we can learn to get along and collaborate and find ways of working together, regardless who -- you know the faith-based background and belief.

I think people are distancing themselves because -- they say you talk too much about Jesus, well, Jesus is all I know. That's the only hope and the only help that I can look into, that I can count on and say that He is the one that has made all things possible for every last one of us, whether we realize, recognize and/or respect that.

And many groups today exist from the faith-based angle and approach because the Lord has moved upon many to get involved. And because they're not here at the NEJAC meeting and at the table today, some of you are sitting around the, you know, on this council, is god fearing and know who owns it all.

But the key thing is we're not here to be able to solve every single one of these problems. But our job is to do the best we can with what the Lord give us to work with. And nobody has all of the answers to all of the problems. And that's why it's a little bit here and a little bit there and a little bit everywhere. And when a little bit come together it pieces together the puzzle and we're able to solve a whole lot of things without fussing, fighting and working and division, or creating this division. We create too many divisions among ourselves.

And I don't believe that the Lord is pleased with some of the things that we're doing. And if we can put flesh down low and humble ourselves and do a -- Second Chronicle 7 and 14 says, "If my people that are called by my name shall humble themselves, pray, seek my face and turn from your wicked ways, you can hear from God and he will forgive the sins that we all have committed."

Now, he's the one that healed the land, not us. He want us to do what we're supposed to do. That is humble ourselves in his presence and ask him for guidance.

MS. YEAMPIERRE: Thank you, Charlotte. Chuck.

MR. WILSON: I just got one -- one quick clarification based on what you said. Are you -- I just want not be clear you're saying or not saying it, you think

that you were omitted because of your religious connection to the environment. I don't want to -- that to be misunderstood.

MS. YEAMPIERRE: You know, let me interject here for a second. You know, the -- what happens at a community level I think gets negotiated on the community level. And I don't think it's our role as NEJAC members to be involved in that.

What I would say is that there is an important role for faith-based organizations in the Environmental Justice movement. And in our communities, it's well inter-denominational because there are multiple faiths in the community that I come from.

MS. KEYS: Right.

MS. YEAMPIERRE: But there is an important role. But in terms of the struggles that happen between groups that's for all of you to resolve. It really is not for us to resolve.

I am going to ask Chuck, because Chuck has been waiting for a comment and there are a few other people, and I think people want to see the State of -- they want to see the President on television. I hate to sound --

MS. KEYS: Okay. But let me comment.

MS. YEAMPIERRE: -- concerned. Okay. But let me

have Chuck and then you can respond to Chuck.

MR. BARLOW: Charlotte and I go way back. And I was just going to say we just need to let Ms. Jackson know that -- the way she comes in, it needs to be well publicized and there were a lot of us that were sort of cut off guard and maybe it was a quick decision and she was able to fit it in or something like that. But you know there are a community groups in Mississippi that do this work and they all need to be at the table, when we talk about it.

MS. YEAMPIERRE: Absolutely, which is why I think that --

MS. KEYS: Let me just --

MS. YEAMPIERRE: -- we should send a letter from this body asking that she consider visiting again. You know, I think that what -- we can do that.

MS. KEYS: But the protocol is if she do not mind, that's what the Mississippi Department of Environmental Quality has been able to do, work with community groups. And they have been working with us. And I understand protocol and I want to say to you, we don't have a conflict with anybody. And whatever conflict others may have with us, that's to their God, not to us.

MR. KELLEY: And I would like to say amen.

MS. YEAMPIERRE: Okay. Thank you.

MR. KELLEY: Yes, Lord.

MS. YEAMPIERRE: And I would say achay*. So I want to call up Michele Roberts. Achay* means peace, energy and blessings.

Comments

by Michele Roberts, Campaign and Policy Coordinator

Advocates for Environmental Human Rights

MS. ROBERTS: Good evening. My name is Michele Roberts. With Advocates for Environmental Human Rights. I am campaign and policy coordinator in our Washington, D.C. office. And we have an office here in New Orleans. I apologize for us not being able to be here earlier when you called. My co-director, Monique Harden -- but we were with your colleagues from the State Department. And on the Universal Periodic Review. How many of you knows what that is.

MS. YEAMPIERRE: Somebody back there definitely knows.

MS. ROBERTS: Great. So this is a good lead-in for me. And I come here with peace and blessings as you say, Elizabeth.

MS. YEAMPIERRE: That's right.

MS. ROBERTS: Because you know I have the privilege and the opportunity to be in Copenhagen back in December

where I heard profound statements that I am going to continue to ring out. I came to you in June talking about the fact that we need to really lift up the human rights framework into this process.

And I come here again, now, January, of the following year saying the same thing because all of these stories that you've heard here tonight is a classic indication of why we need the phrase that I heard in Copenhagen. And that is a systems change.

We cannot have holistic sustainable healthy communities unless we change the way we do business. And this process, while I respect the fact that we have an open process to be able to sit and share our grievances and our issues and our concerns, but you know what, this has got to stop. I mean really.

I received an e-mail from one of your NEJAC members, Hilton Kelley, about a spill. This is ridiculous. We need a systems change here. We need to stop going around and around talking about how we can use this grant to do that, and whatever, and putting people up against one another to all go after a pot of money that has so many strings tied to it that it's not funny.

I am working again, as I continue to say, with the community of Mossville, who has disparate health issues with

respect to dioxin. We all know that that the dioxin is directly correlated to the processes there. So let's get to the point, when are we going to address that, deal with it, and change the way we deal with our policies.

I am very grateful to the Administrator for her courageous efforts that she has recently made but I am asking you right now to put the envelope harder. We need a systems change. And that systems change means that we need to respect the fundamental human rights of all people. And that was clearly obvious in the statements and the testimonies that were made today to the State Department. With a room that was filled with over 150 people.

We need to -- for safer alternatives. We need the precautionary principle. We need human rights honored and upheld. It makes no sense to the community like Bayview Hunter's Point in that this issue has been going on for forever. And every time I talk to someone about the fact that that you know this community, Bayview Hunter's Point, where there's, you know, there are six schools surrounded by excavation project. All because of economic development. And the economic development that pushes their people out of their communities.

So we have several things that is actually leading into a mass genocide. And that mass genocide is being

permitted in our permitting process. How long, I ask you, must we come to this table and ask for you to protect our lives. How long must our lives be traded on the open market for someone's permit.

And I am coming to you to say that I thank you for being here. I am respectful of this process. But enough is enough. I am tired and I am coming here tonight on behalf of all the communities that I serve, and those who I don't even know, to demand, not to ask you, but to demand that you uphold the human rights of everyone.

We need our health protected. We need people to be able to have their land. Too much land loss going on. And what we do in this country is severely impacting folks in other countries. Putting them in further harm's way and in further poverty. And then that impacts our economic systems here.

My time is up. And I thank you very much. And welcome any questions, statements or promises that you have and commitments. I ask you to reach for your courage and push the envelope. We said this is about change, and we want to see it. Thank you.

MS. YEAMPIERRE: Michele, don't go. Oh, I am sorry. No, Michele, one of the hardest parts in serving on the NEJAC, coming as a person coming from struggle and

sitting here is listening to people talk about the devastation in their communities and in their families. And knowing that the only thing, and I can only speak for myself, the only thing that I can do is make a recommendation that might not be -- that may not go anywhere. Because that is what this body does, it makes recommendations to the EPA.

And maybe -- and you know, I was listening to Diane and I was listening to you, and you know, and I am listening to your spirit, maybe what that means is that the NEJAC itself has to change. Maybe what that means is that maybe we have to amend the Charter that maybe the NEJAC has to be congressionally created or presidentially created so that we can monitor, we can be a clearinghouse of information. Because people come here as sublimates, that's how it feels and it breaks my heart. And we don't know whether or not we can do anything to address those problems.

So they come with little or no resources with the hope that this body, because this body represents hopefully that Environmental Justice prospective, will give them something that they can take back. And we can't tell them what the status of the issue are in their community or what agencies are available to respond, and whether or not those agencies -- because those agencies aren't even here -- right. Because we wanted them to be here and they're not here.

So, one of the things that I've said is that, you know, there are all these advisory councils on different, in the EPA, that also address Environmental Justice issues, but we don't sit on those, we don't know what they're doing, we don't know what they're charges. And they don't have -- they're not reporting to the NEJAC so we actually don't have that coordination as a NEJAC. And I think that's necessary.

But there are also these advisory councils that are part of the Department of Health and other, you know, agencies. And so I think that the NEJAC, in order for the NEJAC to have teeth, and to actually have a different role and change this paradigm that Diane is talking about, so that we can look at things holistically or do what you call changing the --

MS. ROBERTS: Systems change.

MS. YEAMPIERRE: System change. That this may be a system that has to change. Because this is so essential in terms of -- it is a connection between the heart line between our people and the EPA.

And so I don't know whether that's possible, but I am putting it out there because they told me I was the Chair and I could do this, you know. And so I would urge you to work with us and to provide us with guidance, particularly those of you who have been around for a long time and have

some history, on the NEJAC, to school us, to provide us with some guidance, let us know what's been done and tried before, maybe it failed, let us know why, and how we can be more impactful because we did not give up being with our families to come here for a week because we didn't want to be impactful.

You know, for us -- because we give up a lot to do this work. We want to be here because we want to make sure that we can make a difference. We want our life to be purposeful. We're here. This is not a job, this is not a career, this is our life.

So, I would urge you to help us with that. I am sorry I took so long. But I just want you to know that I am hearing you. I am hearing everything including the spirit with which you have approached this.

Do any of the NEJAC members have any comments or questions. Hilton. Hilton hasn't put down his card. I am being playful.

MR. KELLEY: Yes, thank you very much for your comment and your passionate plea for our Environmental Protection Agency to do something and do it now. I hear you loud and clear because I am in that same position as you know. You received the e-mail concerning the barge that ran into this tanker and spilled all the oil. And we had to

evacuate people. I mean there was no EPA that came. There was no TCEQ that came. There was no other regulatory -- or Region VI did not respond at that particular time. But yet we have to keep fighting.

And I feel that as a member of NEJAC I was honored and I am honored to be a part of this body because I do believe that one day my voice will fall on the right ears. And the closer and closer we get to the -- that EPA body we just have to pushing and keep marching. So I would like to encourage you to do that.

MS. ROBERTS: I appreciate what you said. But you know it's disturbing to me to continue to hear saying, one day we'll get there. You know -- that's just disturbing. And so I just need to say that respectfully that's very disturbing to me.

As I see children dying and again going back to the 16 year old child in Mossville that went through a day long surgery. What are we going to tell this child when she's 25 years old. One day we'll get it figured it so that you may be able to live to 25.

MS. YEAMPIERRE: So Michele you raised the ante and we got to call the question.

MS. ROBERTS: Thank you.

MS. YEAMPIERRE: Okay. Peter.

MR. CAPTAIN: Thank you for your comments. I too is over in Copenhagen but I was the one on top that fence being beaten by the police, trying to get into the place. No, I was just kidding.

(Laughter)

MR. CAPTAIN: You know, it's an indigenous way to try to heal things the way you're suggesting. To get back to the basics, to honor the earth that you're living on instead of desecrating it like you say, you know, and it's -- I do this because -- not because of me, you know, but because of my children that's following behind me, and my grandchildren. So, you know, to me that's my gratification for doing this work. And also, you know, for helping out others.

So I -- you know, I really highly regard your suggestions that we, you know, we quit doing business as usual and get down back to the basics of trying to take care of the earth so that it will take care of us again.

MS. YEAMPIERRE: Okay. Jolene.

MS. CATRON: I don't have a whole lot to add after Mr. Captain's remarks other than I appreciate your comments and -- just I am sitting here feeling extremely frustrated, because we are all volunteers in this process. And so we, you know, it's already been said, we do this for a reason.

And we, you know, my perspective is seven generations out, and even further. And you know I am here with my baby. And just trying to make things work.

So, it's really, really difficult and I hear you. And we definitely -- I mean that's one of the conversation I think we as the NEJAC have to have, is how do we get teeth. You know, my son's got two that we can borrow right now.

MS. ROBERTS: And again, I just want to be clear to all of you, that again, I am being respectful and this is not about you. This is about the system. It doesn't work. It never worked. When it started it never worked. Right. And we know this. So, like it's time for a change.

MS. YEAMPIERRE: Thank you. We're not taking it personally.

MS. ROBERTS: I am sorry.

MS. YEAMPIERRE: We understand that. Wynecta.

MS. FISHER: Thank you for your comments. And I am going to agree with you and as a local government official everyone -- I shouldn't say everyone. Shouldn't make a general statement like that. But if it's not -- if it's not my job to deal with land use, I can say oh, wow, I really want to help you, but that's City Planning Commission. City Planning Commission says, oh, can't do anything about it. It's grand-fathered in.

Meanwhile, there is just want you just said, people sick, people dying. So at what point do we as a body say there are some things that we want to tackle that are impacting people everywhere.

Land use has come up several times today. Land use has come up several times today. So, maybe it is time for us to do some type of system change. I don't know what that will like. But thank you for bringing that to our attention.

MS. ROBERTS: Thank you.

MS. YEAMPIERRE: Thank you, Michele.

MS. ROBERTS: Thank you so much.

MS. YEAMPIERRE: Carl Wassilie. Okay. Sharon Gauthe, BISCO. Hi. Did you bring your Power Point.

MS. GAUTHE: Actually I think it's in the room. But we'll get it to you as soon as we can. Is this working?

MS. YEAMPIERRE: Yes.

MS. GAUTHE: Oh, okay.

Comments

by Sharon Gauthe, Executive Director

Bayou Interfaith Shared Community Organizing

MS. GAUTHE: Hi. My name is Sharon Gauthe, I am the Director of BISCO. You heard from Patty first in the day or night, I've lost track of where we are.

But I am glad that I am at the end, even though I had to wait and haven't had dinner. Because at least you heard about us in the beginning and now you -- with your head and hopefully your heart, and that you'll be hearing about us at the end.

BISCO, Bayou Interfaith Shared Community Organizing, is a faith-based community organization. And we represent 18 covenant congregations with 30,939 families in Terrebonne and Lafourche parishes in Louisiana. And we also have affiliated congregations with numerous other people.

And I am also -- and BISCO is involved with Equity and Inclusion which is a regional group that works along the three states of Mississippi, Louisiana and Alabama. We would love to a -- include Texas and Florida and hopefully in the near future we will along the whole coast.

We are a diverse organization and we believe that we -- our goal is to include all the people in our community. And our organization is -- includes African-American, Native Americans and Cajuns. We've of all faiths and ages, as well as incomes.

Our began as work as work for low income people of color, but has become, because of the issue that has been most pressing for us, which is costal land loss, has become an issue for the whole community. I guess that it started

with them, but at this point the people that are most involved are the Native Americans and the Cajuns that are located along the coast.

And as you stated before justice has been defined as justice for people of color, and in our area justice means that we have to have justice for all of our people. And to have -- to be able to have this justice to keep our land.

We're all joined together by the cries of our people along the coast who have been effected by natural disasters such as Hurricane Katrina, Rita, Gustav and Ike. As well as the manmade disasters spoken of by Patty Whitney earlier today. We've not recovered from Hurricane Katrina, much less the other hurricanes that have followed us.

Those of us who did plan ahead and were lucky enough to be able to leave for the hurricanes and afford homeowner's insurance, were not spared. My husband and I lost our home in Gustav and it took us a year fighting insurance companies to be covered and to be able to move back into our home. I believe I went through that experience so that I would be here today to speak for myself but also for the others who are still waiting to be able to be whole again.

One of the things that happened, that we were able to help people was because of donations, just as you're

seeing what's happening in Haiti today. The things that are happening, we received funds from people all over the world to help us non-profits to be able to help people. But where was the local government and the bureaucracy that prevented us from being able to be recovered.

Losing our land, as Patty spoke about earlier, is our first concern. But it is also followed by our concerns of contamination of our land because of the storm surge bring out onto the land the products and chemicals that's in the Gulf. And also bringing up the stuff from the drillings and the oil wells. Oil and gas industry has come by our water.

Bayou Lafourche which is the main water source for five -- two parishes and the offshore industry has been found by the Louisiana Department of Environmental Quality to be the most contaminated body of water in the state. All this helps us to believe that we are expendable and we're not.

We don't want Baton Rouge to be lakefront property. And as Elizabeth saw in that Power Point, she saw that if nothing is done now, it soon will be.

We began to make assumptions that the federal government doesn't care about us and that we start thinking that if the land does all wash away, who's going to be receiving the oil and gas revenues. When it's no longer land and it's water, who gets it. So we began to think, is there

a reason why they're trying to let us lose our land. We also know that oil and gas lobbying is a very strong lobby and they have a lot more money than us non-profits.

We met with Mr. Charles Lee two years ago and we asked that, west coastal land loss is considered an Environmental Justice issue. He told us then that it wasn't. But that if we spoke loud enough and if we kept coming and we got all the people behind that one day it probably could. That's why we've continued to come. And that's why we wait and wait and stay until the last because we feel like if you hear from us that somehow we can get that message across.

And I see my time is out. Just had one more -- I've been writing things on different pages just so I can put it all together. Anyhow, thank you for listening. And I pray that you have the courage to react to this as you heard it today.

MS. YEAMPIERRE: Thank you, Sharon. Any questions, comments. Okay. Thank you.

MS. FISHER: I have one.

MS. YEAMPIERRE: Okay.

MS. FISHER: I just thought about something and I've not been down to your area to look, but I am thinking about the tribe in Plaquemines Parish, that's actually located inside of the wetlands. And when you go through

their community you will see the abandoned oil platforms there. And the stench is unbelievable. But they live -- you know, their right there on the water and where Omega is, is right there to see. And so there has to be some health impacts. I don't know if that is something that you guys have ever looked into. But that might be a way to -- tie it together.

MS. GAUTHE: And that was the last comment I think that I didn't say is that it needs to be -- all of the departments working on it, I know it's an Environmental Justice issue, but it also have to be the Department of Public Health and you know there has to be some -- you talked about asking the people to come here, but all of the issues that we have can be covered by one of the agencies in the federal government. But it's like -- it's not happening. Thank you.

MS. YEAMPIERRE: Thank you very much.

MS. GAUTHE: I know that everybody is tired and wants to go but I appreciate you. Thank you.

MS. YEAMPIERRE: Yes, we're trying. We're trying. Because now we've got, you know, the "itis", right. We've just ate and it's --

MS. GAUTHE: Yes, we didn't eat, so that was another thing. I was walking around licking, your food

looked good.

MS. YEAMPIERRE: I am sorry about that.

MR. KELLEY: But we heard you. Believe me.

MS. YEAMPIERRE: Is there anyone here from MEAN? Okay. Jacqueline Patterson. Lisa Oliver King. Karen Kennedy. John Sullivan. Somebody here from Sierra Club.

Oh, it's getting really good. I shouldn't say that. That's so inappropriate, but I am so tired. I am sorry. I had a human moment. Brendolyn Jenkins from the Imani Group. I think we're done. I think we're done. Yes. I am sorry, there's someone all in the back there.

MS. ROBINSON: There's a guy in the back. Yes.

MS. YEAMPIERRE: Who's that?

MS. ROBINSON: John.

MR. LYNN: My name is John.

MS. ROBINSON: John.

MR. LYNN: --- today.

MS. YEAMPIERRE: Come up. Come up.

MS. ROBINSON: He's with the Vietnamese community in --

MS. YEAMPIERRE: Oh, absolutely. Then --

MS. ROBINSON: -- Brooklyn.

MS. YEAMPIERRE: -- you know, you would be the only youth group presenting today, and you are absolutely

essential.

MS. ROBINSON: We skipped over him.

MS. YEAMPIERRE: Yes, and it was missed when I was given the recall list. Great.

MR. LYNN: That's fine.

MS. YEAMPIERRE: Thank you so much.

MR. LYNN: I appreciate it.

Comments

by John Lynn, Vietnamese Young Leaders Association of New Orleans

MR. LYNN: So my name is John Lynn. I am with the Vietnamese Young Leaders Association of New Orleans. I am the Environmental Justice coordinator there. And we are a community based youth organizing, a youth development organization born out of Environmental Justice struggles, that empowers our youth to create progressive social change in Environmental Justice, social justice and educational equity.

We are based in New Orleans East, just 11 miles away from where we sit right now.

I am also representing a consortium of community members are addressing the environment health and safety concerns in a community. Oh, sorry, I am a little nervous right now. So, thank you NEJAC for allowing me to speak. I am very excited that I can voice the experience of my

community, because we have been struggling to find our voice, to have it recognized as well.

Also wanted to acknowledge Wynecta Fisher. We haven't had a meeting together yet, but it makes me feel better that we have a local NEJAC on this table right here, from New Orleans.

So, my question is on how local residents can access and interface with EPA on the local level. But first I would like to describe the context of my community.

Like those across the country communities in New Orleans East struggle with Environmental Justice, environmental injustices every day. Our communities wish to recover, rebuild and move on from Katrina but those of us in the east have to deal with over 23 illegal -- sorry, 23 illegal dump sites and two permitted landfills since Katrina. My neighbor lives only 1.5 miles away from the --- Landfill, which has been shut down through community organizing but still holds over 220,000 cubic yards of material and we are surrounded by 7,000 acres of polluted wetlands through illegal dumping.

My neighborhood is home to one community that represents four different ethnic backgrounds. It is a predominantly African-American community, with the highest of concentration of Vietnamese American population in the

country, --- Latino population and low income whites. For the Vietnamese all the other communities very traditionally fishers and farmers, however the dump sites are polluting our air, water and soil. We are catching fish that live in contaminated waters. We're growing on soil that is contaminated. And the stench from the landfills make it hard to breath sometimes.

Our livelihood and culture are at risk here. Also starting two months another dump site sprang out of nowhere on the corner in one of our neighborhoods in an empty lot adjacent to a house. We have kids who are playing on these dump sites because they don't see it as contaminated land, they see it as an open space with hills that they can run up and down over.

I am here to say that the Gulf Coast communities are a proud people. We have a strong connection to our home, our land and our environment. This is New Orleans. But our dignity is literally being dumped on. Businesses come into our area and see it as stepping grounds because there's nobody policing and regulating these activities in our area.

I, along with some community members, took a helicopter tour of these dump sites and landfills and it just pains me to see that our environment is environmented on such a wide scale level. We have a mile long tire dump estimated

to hold about a million tires behind the cemetery.

Louisiana Departments of Environmental Quality fail to protect us. The policies, regulations and enforcements of these illegal dump sites from the city level are failing to protect us. Many of our residents are organizing to gain power, resources and allies to combat these injustices. One of our allies is Father Vien* from the Mary Queen of Vietnam Church. Who is a planarly speaking at the Brown --- Conference this past November and called on Administrator, Lisa Jackson, and EPA Region VI, to do a summit on illegal dumping in New Orleans East with the LDQ.

I now want to follow up on this. I want to come back to my constituents and say I've talked to NEJAC today. We brought our concerns to EPA. We have action steps. And they will help us. I am personally offering my time and energy and my committee which I work with, to plan Region VI to ensure the summit will happen.

And I'll tell you what some of our goals will be from the summit. The summit will empower our community residents to do six things. One, to measure the contamination of our environment. Two, to clean it up. Three, to write environmental legislation and policy that will protect our lives. Four, to enforce these polices. Five, to serve on city planning committees, which have a

vacancy of about 137 seats. So our residents can have a sub-agency to determine what our quality of life and health is going to be. And six, we want to keep our public officials, especially the next Mayor and City Council, responsible to ensure that their visions align with our vision of an environmentally safe and healthy New Orleans.

And I know some city committees to work with. The City Master Plan, City Disaster Plan, Business Attraction Plan and Hazardous Mitigation Committees. Get a Planning Committee to create things on the local level.

Of course, this is ideal. The summit -- what happened to me one, two, three years down the line, but at the very least I want to get that discussion started.

So, finally the question is how can local community residents interface and work with EPA and access their information and technologies in our efforts to protect our environmental health and safety and what can we do to make illegal dump site summits a reality. Thank you.

MS. YEAMPIERRE: Thank you, John. I was waiting for you all day. Weren't you in Brooklyn in Uprose with the Funders Collaborative Youth Organization?

MR. LYNN: No, but we have representatives.

MS. YEAMPIERRE: Is that what it is.

MR. LYNN: My E.D. is there.

MS. YEAMPIERRE: Right.

MR. LYNN: And so from that summit we worked from -- organized our EJ stuff there.

MS. YEAMPIERRE: So regarding your nerves, your group is nationally recognized by the Funders Collaborative on Youth Organizing.

MR. LYNN: Right.

MS. YEAMPIERRE: So stop fronting.

MR. LYNN: Okay.

MS. YEAMPIERRE: You know you're good.

MR. LYNN: I mean I've just been waiting for like eight hours and it just feels pretty good to sit here.

MS. YEAMPIERRE: I know. I know. I know. But one of the things that I said when I started was how important it was to have young people engage with the NEJAC and even have a seat on the NEJAC.

MR. LYNN: Right.

MS. YEAMPIERRE: Which we think is extremely important. And at these meetings we have to mobilize young people because what we always say is that no one is going to be effected more then our young people by climate change and they really have to be at the table. And so -- so thank you so much for coming and making those recommendations.

There are a lot of ways that you can interact with

the NEJAC and with EPA. And I am going to open it up so that the members of the NEJAC can respond. But I just personally, because our organization is inter-generational just wanted to recognize how important your voice was in this space.

MR. LYNN: Thank you.

MS. YEAMPIERRE: So thank you. Omega.

MR. WILSON: John, it's a pleasure to see you here.

MR. LYNN: Thank you.

MR. WILSON: I have some young sons that are 30 now and they grew up in Environmental Justice and -- I see semblance of your enthusiasm.

MR. LYNN: Thank you. I appreciate it.

MR. WILSON: The same I see in them. I have a pre -- there is -- one of the Environmental Justice group awards from California, there's a poster outside. I don't know if you had a chance to look at it. Looked at contaminated fish.

MR. LYNN: Right.

MR. WILSON: Or this use of this --- as well as local marketing. And you mentioned that. And there is a question I have related to that is, the fish consumption -- have you been able to identify the source of the pollution as related to drainage or seepage or run off from the land fields or is it something else.

And the other part is, it struck me from a personal family point of view, if your families and people in the community are consuming the contaminated fish, the last thing that we would want, I don't think anybody would want, is consumption of that contamination having somebody with the level of enthusiasm and career opportunity that you have.

So, if that something that you've gotten a handle on --

MR. LYNN: Sure.

MR. WILSON: -- is it looking at it.

MR. LYNN: And so on a wide scale we don't have like actual like places where this pollution comes from. But with this helicopter tour, we were able to identify at least two spots where there is actually pipes where they would pump drainage of these landfills to dump it into the Intra-Coastal Waterways, which goes into the Mississippi River, which goes into --- which is like the largest wetlands reservation in the country. And so -- in some ways they do and some ways they don't.

In terms of the fish, the hard thing about the fish is that our fisher people they're just trying to make a living. Fish is -- their worth is going down. So you try and fish and fish and fish. And so it's really hard to figure out which fish is contaminated and which fish is

healthy.

We are trying to do what we can. Our families are going through a lot because we smell the landfills. And in our communities we've been -- it hurts because we are a Youth Center, we have kids who come into the center like every day after school, 5:00, 6:00 and all of them are sick. Didn't have a lot of access to local good food, social security is very low and so -- we're one of the most vulnerable populations in the country. As well as other communities as well, you know, but then a -- and a lot of our parents make their living off of fishing, too.

MR. WILSON: This is just a point of information. I can't tell you what to do with. I don't know whether you have a relationship or know about the award winning group in California. They may provide some resources, they're a step ahead, to help take a look at what they've already done, and maybe of use to you.

MR. LYNN: Do you know which part of California they're located in?

MR. WILSON: Can't remember exactly but it's on the poster, it's the five award winning posters out there, as you walk outside, just beyond those black curtains is just to your right.

MR. LYNN: Got you. I will. Thank you.

MS. YEAMPIERRE: Okay. Langdon.

MR. MARSH: Thank you very much for coming and being so patient. And you know for being who you are and really putting yourself on the line at such an early age.

MR. LYNN: Thank you.

MR. MARSH: I think that's very inspiring. I am kind of curious as to why this was allowed to happen. Is it a problem of lack of planning or enforcement or is there some policy problems. It seems to me --

MR. LYNN: Right.

MR. MARSH: -- that after Katrina there should have been a lot more thought given to where the dump sites should go and so forth and then enforcement of whatever happens. So where is the disconnect and what recommendation would you have us give to EPA?

MR. LYNN: Okay. One thing that happened after Katrina was that Mary Niggen* passed through an executive order to place landfill at the --- landfill just so close to our communities. And this is to expedite the cleaning process.

There is no city disaster plan that includes waste. There is a plan to evacuate the people but what are you going to do about the waste after a hurricanes or disasters. There's no -- nothing in place right now.

And so what -- one of the things our communities are working on is to create -- is to work with the disaster plan to implement that thing in so that next time people and the materials that come from disasters are being accountable for.

One recommendation that I can give is to really -- is to train community members first. They're the ones that live in the most effected communities. And those in planning communities -- tend to like live pretty far away from that. So if you can incorporate our community member's voice, envision and experience into these committees, that would be great.

Another thing is that the lack of policy and enforcement allows these dump sites to happen. New Orleans East is pretty know for business, two business as dumping grounds. We have NASA, Haliburton, a lot of -- we live right next to this thing called Industrial Park. And that's where most of these dump sites are located at. And it's in the east, it's next to disenfranchised, poor communities of color and low income white folks there. It's easy to dump there.

You want to dump in downtown area of New Orleans, you wouldn't dump there. But you can dump in the east where we're not really taken into account.

Actually one more thing, so when they're trying to plan the city on how to revitalize it, New Orleans East, at least our neighborhoods were off the map. Our map where -- the map where they were planning it just cuts off where we start. And so from the beginning we've been voiceless. And so right now we're trying to bring that voice back. And to be recognized by the city.

I know Wynecta Fisher is working very hard on that. And so hopefully, at least for us, we can work together on that. But that's what I got so far.

MS. YEAMPIERRE: Okay. Wynecta.

MS. FISHER: Well, John is actually touching on a couple of things and I know you -- I first want to apologize to John. I owe him a huge apology. I can't remember when we first met. But he has tons of energy and he says I really want to sit down and meet with you because we have some problems. And I promised him that we would meet. And it wasn't until he reminded me that we never met today, and I am like oh -- and so I really apologize and look forward to coming out there on February 10th.

MR. LYNN: Definitely.

MS. FISHER: There are, you know, after Katrina, you know, putting everything out there, we did not have a disaster plan. This, you know, it's interesting because

people never plan for the worse. And then when it happened we were trying to get a plan together and there were -- before the New Orleans East was really populated, it was all marsh land. And then it got filled in. And so there were landfills that were closed. And they reopened the landfill.

Sounds like a great idea but when they were permitted originally there weren't people there. But that whole -- so much of the area where he lives is zoned as heavy industrial. And lot of where the dumping takes place is near these -- they're like junk yards, salvage yards.

MR. LYNN: Right.

MS. FISHER: Right besides the -- I know exactly where you're talking about. But anyway, it's a zoning issue. I am going to have to work with them. They have -- you guys have a candidate that could possibly help with that. The enforcement out there, it's hard. We don't have a lot -- and I am not making an excuse, but we got code enforcement inspectors, and they have to -- they have to enforce the city code for everything, dumping included. And they go out there what -- a few times a year.

MR. LYNN: Our cabinet -- official says that they have a legal dump site task force which polices landfills one to three times a month. But that has not happened yet.

Another reason why this happens is because I think

since Katrina, City Hall staff has been cut in half. And also this year with budget cuts it's even worse. And so we're dealing with a city that is operating on half of it's capacity. And the 40 work week, so it's really hard.

MS. FISHER: We only work Monday through Thursday now, from 8:00 to 6:00. So your Monday is spend collecting all your phone calls from Friday.

MS. YEAMPIERRE: Hilton.

MR. KELLEY: Yes. First of all I would just like to commend you, young man, for stepping forward and speaking up for your community. I would like for you to encourage more of your comrades, your young people to come forward and assist you in this fight, but keep up the good fight.

MR. LYNN: Thank you.

MR. KELLEY: Also, I visited that particular community in 2006 during the Environmental Justice For All Tour.

MR. LYNN: Right.

MR. KELLEY: We rode into that community, see the dump sites right next to the homes, just over a little mound there, and it was appalling then and you mean all that debris, most of that debris is still there?

MR. LYNN: Right.

MR. KELLEY: Five years later.

MR. LYNN: Shifton* Landfill, it has been closed down, but it's stuff is still there. We want training for our residents to find jobs to work on that landfill to revitalize it. A lot of our youth are looking for jobs, they can't find jobs right now. There are a lot of reasons why but a lot -- it's not just then, but since Katrina new dump sites have been coming up. Just like the one I just said. It's on a corner just two streets down from my house. You see it. It was just a little one mound but it just came up to the entire empty lot. And that's right next to a house and kids play on that. They don't know what's going on there.

MR. KELLEY: Well, I think it's important that you all come together with the priest of that particular Catholic church in that area and try to devise a plan in which you all can present to the city in which you can start to move that debris out. It sounds to me like this is a good green job opportunity for a lot of the young people in the area as well. And I don't see a reason why you couldn't entertain a thought of putting together a proposal for the Environmental Protection Agency to consider.

MR. LYNN: Right. We are actually trying to make a presentation to the city in March. That's right around when the first elections are over. And so that's -- we plan to

have it on March 15th. So we thought about that, too. But thanks. And thank you very much.

MS. YEAMPIERRE: John, when your group came to visit our group with the Funders Collaborative on Youth Organizing, I thought that they talked about some mapping that you do. And I thought that it would, if you could show the demographics and how the decisions were made, you have all that included in your maps, that that may be something that you can share with us with the NEJAC.

MR. LYNN: Sure.

MS. YEAMPIERRE: Maybe you can e-mail it to Victoria and share it with us.

MR. LYNN: Okay. Definitely.

MS. YEAMPIERRE: The other thing I wanted to say is that yesterday we were talking about the next NEJAC. And at the next NEJAC we are going to have a reception for young people and hopefully bring in young people to the next meeting. It's -- I don't know how familiar members of the NEJAC are with the youth organizing that's happening around Environmental Justice all over the country. You know, but it's happening with YOCO* on the west coast and REAP in Boston, and UP RULES in Brooklyn. And Youth Ministry for Peace and Justice in the Bronx and there are -- and there are --- organizations, PREVAIL*, all of them have particulars

that are inter-generational.

I know yours is youth led but there is a substantial engagement by young people in our community in Environmental Justice issues. Everything from planning, policy, to organizing. So it is a depth of analysis and a breath of information that is really pretty daunting and very impressive.

And so I want to thank you for sharing that with us today and encourage you to do this again and again and to bring other folks with you.

MR. LYNN: Definitely I will.

MS. YEAMPIERRE: So thank you.

MR. LYNN: Thank you very much.

MS. YEAMPIERRE: So we are going to close and I want to thank everyone for their patience. For keeping up their energy level. I want to thank the NEJAC because I know that you're tired, I can see it in your body language. But you know you stayed on point and that's good. And we were able to hear from 22 communities in just under five hours, which is daunting in itself.

So, so I think you should just all give yourselves a hand of applause. I know that's not part of the protocol but -- I think you deserve that.

(Applause)

MS. YEAMPIERRE: And then we'll see you tomorrow morning at 8:45 a.m. Yes. Good night.

MS. ROBINSON: Members, if you would like to go ahead and leave, if you want to leave your binders on your chair, you can do that.

(Whereupon, the meeting was adjourned at 9:04 p.m.)

The following statements were provided for the public comment period, but the individuals were not present to speak during the meeting.

Written Comments by Chelsea Albucher, Sustainability Officer

City of Newark

I am writing to request that the NEJAC and EPA consider revisions to the Supplemental Environmental Project (SEP) policy and procedure toward facilitating community notification.

SEPs represent an opportunity for adversely impacted communities to carry out mitigating or beneficial activities. However, the process by which a SEP is initiated makes it unduly difficult to harness these opportunities.

If I understand correctly, the violator must initiate a SEP, and they are not, as a matter of process, always apprised of the SEP possibility, nor are they necessarily familiar enough with the community to articulate an appropriate SEP project. Currently, the community has to track notices of violations in order to identify SEP opportunities, and this can be unduly burdensome on impacted communities.

Hence, I would like to request that EPA and State environmental agencies notify the Mayor's Office and Environmental Commission (or other appropriate body) when significant violations occur and of any violations with SEP potential. I'm also requesting that the possibility of SEP settlements be included in violation

notices to the offenders. Doing so would greatly facilitate the ability of impacted communities to pursue SEPs.

Written Comments by Amanda Wilkes

Operation Paydirt and The Fundred Dollar Bill Project

ABOUT: OPERATION PAYDIRT & THE FUNDRED DOLLAR BILL PROJECT

The health of children across the nation is poisoned by the very ground they play on.

In New Orleans, 86,000 properties are estimated to have unsafe levels of lead in the soil and 30% of the inner city childhood population is affected by lead poisoning.

OPERATION PAYDIRT enlists the science to neutralize the lead in the soil.

OPERATION PAYDIRT is an art/science project with a critical mission: to support a solution to lead-contaminated soil in New Orleans and in cities across America, that will help end this source of childhood lead poisoning. If lead poisoning leads to poor performance in the schools, learning disabilities, and juvenile delinquency, as all studies indicate, this project has the potential to counteract one environmental factor that contributes to undermining the health of society.

OPERATION PAYDIRT has two parts: PAYDIRT and FUNDRED.

PAYDIRT will bring together the science to transform the lead so that it is no longer harmful and a plan with the potential of creating a model for all cities facing the threat of lead-contaminated soil. The Project has three test sites confirmed in New Orleans awaiting funding to demonstrate a scientifically verifiable process of mineral neutralization of lead found above tolerable thresholds. With these demonstration sites, ultimately Paydirt will develop and deliver a citywide implementation strategy.

FUNDRED is a nationwide project designed to raise awareness of this environmental threat and collect the funds necessary for citywide implementation. Students across the country and currently drawing FUNDRED DOLLAR BILLS - original, hand drawn interpretations of \$100 bills. The FUNDRED DOLLAR BILL "artworks" made by students will be collected by armored truck and delivered to Washington D.C. in the Summer of 2010, where an even exchange of the value of their art currency for actual funds and support will be requested.

The goal is to support the rebuilding of New Orleans as a lead safe city from "below the ground up." New Orleans can then become a model for dealing with lead contamination, an issue affecting almost every major city in the country.

The FUNDRED DOLLAR BILL PROJECT is a positive method to move

Congress to act. Together we can unlock the funds & solution to protect what is truly valuable.