

**National Environmental Justice
Advisory Council Meeting**

January 27-29, 2010

Thursday, January 28, 2010

National Environmental Justice Advisory Council

January 28, 2010

NEJAC Committee Members Present:

Elizabeth Yeampierre, Acting Chair
John Ridgway, Co-Chair

Chuck D. Barlow
Sue Briggum
M. Kathryn Brown
Peter Captain, Sr.
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Wynecta Fisher
Jodena Henneke
Hilton Kelley
J. Langdon Marsh
Paul Mohai
John A. Rosenthall
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 R. Holmes
Gregory J. Melanson
Richard Moore
Shankar Prasad
Patricia E. Salkin

National Environmental Justice Advisory Council

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

(9:04 a.m.)

*Welcome and Review of the Previous Day**by Victoria Robinson, Designated Federal Officer*

MS. ROBINSON: Welcome to the second day of the NEJAC meeting. Can everybody take their seats; speakers, NEJAC members, that would be great.

There is for tonight, for the NEJAC members, just to make you aware that in Shankar's stead we did make arrangements for dinner; and if you are interested in going out to dinner at 7:00 tonight, come and speak to Erin or give us a sense of how many people want to go to the restaurant that we have in mind for dinner tonight at 7:00 just next door. We need to get a count so we can confirm the reservation.

I am going to turn it over now to Elizabeth to kind of recap briefly, because we are already running about 20 minutes late, recap briefly last night.

And then we are going to then introduce Peter Silva the AA for the Office of Water, who was unable to be here yesterday but was able to be here today, to provide a few comments about the Office of Water.

And then we will turn it over to, I believe, Charles who will introduce the session on Incorporating EJ into Rulemaking.

Overview of Day One

by Elizabeth Yeampierre, NEJAC Acting Chair

MS. YEAMPIERRE: Good morning people; Buenos días. Yesterday was a long day and I want to thank all of you who are here, who are back, and who are ready to engage again.

I want to recap what happened yesterday but I also want to talk a little bit before I go through all of the issues.

Some of the things that I observed -- yesterday when we left, the President was giving the State of the Union Address and he talked about hope and we know that he really inherited a hot mess and that people are being impatient, they are being intolerant and he focused on one issue that he felt, in my view, resonated with people all over the United States. And yesterday in a very micro way, I felt the same in this room; I felt there was some intolerance and some impatience.

And I just want to remind folks that for eight years this NEJAC operated under the Bush Administration and that we now are in a position where there are different Administrative Assistants, where there is different leadership, where there are different initiatives, where there is a commitment to address environmental justice up and down throughout the agency and across different agencies in the United States. And that we are in a situation where we could really take advantage of that window and that we have to do it

collectively and that we have to put all of our resources, all of our skills, all of our spirit in making sure that that happens on behalf of our people.

In terms of issues of intolerance, I just want to say a little bit -- that we know how this country was created and we know this was Indian country and we know that 95 percent of all the slaves that came through the Mid-Atlantic, 95 percent are in countries that speak Spanish, Portuguese, and French and that many of us are members of that diaspora. And we also know that the first Civil Rights case in this country was Yick Wo and that the Asians have a long history in this country.

So I would urge people to work together in a way that is multicultural, intergenerational, and multiracial and use whatever expertise you have, whatever energy you have, positive energy, sending you (Spanish) so that we can use this NEJAC in a way that is going to serve all of our communities.

I also want to remind members of the NEJAC that we are here not to promote our organizations or our local struggles, but they can be used as examples of how we can make recommendations that are going to benefit communities that are similarly situated. You are here because you represent a particular issue that could have a regional impact. And so to really think beyond the scope of your backyard and try to make recommendations that are helpful to people in areas that are

in that situation.

So let me just go through the recommendations. I actually made a list last night and then Victoria passed one that was very similar to the one that I had.

First, there were 22 public commentators who presented their testimony. They came from all over the regions including Washington State, San Francisco, Oakland Bay area, Mississippi, and right here in Louisiana.

The common and overreaching themes included the importance of land use in zoning, the impact of goods movement on EJ communities, school siting, risk assessment and measurement versus actual action, and perception of smart growth as a means of gentrification.

A lot of talk about sustainability, not meaning justice and how sustainability is the new buzz word and how it is actually being used to displace communities all over the United States. The need to reform the Toxic Substances Control Act, TSCA. The importance of engaging disadvantaged or EJ communities in climate change adaptation, community resilience.

The lack of communication between ports and what the redevelopment of ports all over the country is going to mean in terms of not just climate adaptation and resilience but also in terms of environmental justice for communities that live and work in those areas. The value and expertise of

community groups.

The value of interagency collaboration was a theme that kept coming up and the fact that many of the agencies that actually have an impact on environmental justice communities, or not and should, are not here and have not been participating in the NEJAC. The value of engaging young people and making sure that the work that we do is intergenerational.

Many recommendations were given including but not limited to the need for a systems change, a paradigm shift in EPA and NEJAC, the need to expand the Community Action for Renewed Environment, the CARE Program, the need for community involvement in education and remediation activities.

That we need to recognize value and expertise of community groups in doing groundtruthing; I like that. Push for interagency collaboration and again incorporating intergenerational young people's voices in this work because no one is going to be impacted more than that generation by climate change.

So that is it. I am sure there are things that we may have left out. I thought my list was a little longer but I am going to turn it over now to Charles. Thank you.

Comments

by Charles Lee, EPA Office of Environmental Justice

MR. LEE: Thank you and good morning everyone.

Before we start I think we should recognize a number of people. First Pete Silva joined us, the Assistant Administrator from the Office of Water and Mathy Stanislaus who everyone knows well, the Assistant Administrator for the Office of Solid Waste and Emergency Response. The third person that I want to recognize is Ed Chu from The Council on Environmental Quality; is Ed in the room?

And this is indicative of what Lisa Garcia said yesterday about EPA and CEQ working together on environmental justice issues particularly from an interagency perspective; something that you have indicated a strong need for over and over again.

So this panel is going to include Lisa Garcia, Jim Jones, Rob Verchick, Rob Brenner and Gina McCarthy. But before we do this, Pete you were going to say a few words?

Comments

by Peter Silva, EPA Office of Water

MR. SILVA: Yes thank you. I appreciate the opportunity to say hello to you. And rather than talk a lot about what we do at Office of Water, because I think Mike Shapiro gave you a briefing yesterday on that, I would rather just introduce myself and let you know my interest in environmental justice directly.

I am first generation American; my dad came across in the 40s under the old Bracero Program, grew up in the ---

Valley with a lot of water and grew up among the farm workers there; so water and environmental justice are certainly in my blood. Professionally I am a Civil Engineer and almost 33 years now in water and wastewater experience.

I just want to highlight two jobs that I have had; I have had about six jobs but I want to highlight two.

One at the Border Environment Cooperation Commission; I was General Manager there for three years. The office was actually in Ciudad Juarez in Mexico. We actually focused on small communities, disadvantaged communities and actually used EPA money through the old Border Environment Infrastructure Fund to give money for both water and wastewater to small communities.

And actually a large part of our work was providing institutional capacity, things like training. Having communities set up their own systems for charging and being able to run their systems once they were built. So that was very rewarding and I got to see up front what it takes to work with small communities; to get them on their feet in terms of water and wastewater facilities.

The other thing is I worked at the State Water Board for six years and there we had a really good relationship with EPA Region 9 where we established an Environmental Justice Workgroup, I was the chair of it from State, and we had, as I said, EPA Region 9 involved. And I also worked throughout the

State of California in trying to advance environmental justice through our efforts there.

So to be here at EPA now with our Administrator Lisa Jackson who has a very, very strong interest in environmental justice is very exciting and we are already talking, as you know, internally across our departments to see how we can work together now to advance the work.

I have to tell you one other thing that I like to see personally; I am trying to see if we can expand the work beyond EPA and talk with our fellow agencies because I think there is some potential there.

For example, I am thinking just in terms of, for example, in California where I know real well where we have a big impact from the Bay-Delta issue on farm workers there with loss of jobs and just impacts from water, lack of drinking water. So that is an example of where if we join our forces at the federal level, I think we can make a difference and any suggestion you have on that. So I will leave it at that.

I just wanted to let you know that I am personally very interested in environmental justice and excited about the potential that we have here at EPA to work with you and the communities to make things better for the lives of the people really ultimately is what it is all about. And I will be here until this afternoon if somebody wants to grab me later and talk about water issues; I would love to do that and thank you

very much.

MR. LEE: Mathy I know you are going to make a presentation later but did you want to say a few words?

Comments

by Mathy Stanislaus, EPA Office of Solid Waste and Emergency Response

MR. STANISLAUS: Probably more than a few words. Actually today EPA is rolling out a new initiative and this is the first time that I am speaking about it in public, or EPA is speaking about it in public; it is the Integrated Cleanup Initiative.

And the initiative really comes out of addressing community's concern for more accountability, transparency, and progress of the cleanup of contaminated sites. So EPA is committed to implementing an aggressive management strategy to address these community concerns. And it has been that both communities and all the stakeholders have told EPA for years that, for example, the Superfund Program does not provide information in a way to really track the progress of Superfund sites in a regular way on a day-to-day basis or on a project-by-project basis. So today EPA is committing to measure Superfund progress on a project-level basis and it is called Remedial Action Projects and let me break that down a little bit.

At a Superfund cleanup, you could have a groundwater cleanup, you could have a soil cleanup but we don't really

report out projects to execute that currently. We report our kind of area-wide, you know, Superfund site-wide measures currently. So we are going to hold ourselves accountable at a project level and report out our progress of projects as they proceed forward to provide more transparency and accountability.

But it is not limited to that alone. We are taking a hard look at all of our cleanup programs and look at how we can, through aggressive management of those cleanup programs, accelerate cleanup and provide greater accountability and transparency of sites. And we believe through this Integrated Cleanup Initiative, we will be able to accelerate cleanups and provide more accountability.

Another example we are taking a look at is whether we can link the authorities on our Removal Program; the Removal Program is for cleanup for sites with more immediate or imminent risks at sites and link that up to advance the cleanup and redevelopment of brownfield sites.

We will be rolling this out more specifically and issuing paper in a few weeks. So we are really interesting in engaging and getting your comments with respect to how can we execute our intention of accelerating the pace of cleanup and provide more transparency and accountability.

I also kind of want to mention a few other things that I am looking for your input on. A few weeks ago,

probably a month ago, I announced a draft, a community engagement initiative and what that seeks to do is to breakdown what some of the fundamental issues of environmental justice are. How do you bring communities to the table, how do you bring stakeholders to the table in a more effective way and how do we institutionalize that within our cleanup program? So there is, on our website, a draft community engagement initiative and so either individually or collectively I would appreciate your comments.

So what this initiative seeks to do is to address the questions of how do we expand the table to bring community stakeholders and other stakeholders to the table? How do we ensure that when they come to the table, that we have communicated the information more effectively so they can participate more effectively? How do we look at technical assistance and delivering that in a more effective way? How do we communicate risk in a more understandable format?

So please look through that document. I am really interested in your comments with respect to that. Later on today I am going to be talking about the environmental justice issues with respect to the definition of solid waste; essentially the issues about recycling of hazardous waste as well as the Clean Air Act 112129 which relates to boilers and incinerators and the impact on communities. So I will talk a little bit more about that a bit later on.

I do want to close with brief comments about the Community Action for Renewed Environment Program, the CARE Program, which I believe is a very successful program. It is a widely recognized successful program. And it is successful because it builds local capacity. It is successful because at its heart it is about local leadership driving solutions. And so we really are interested in -- and just to give you some quick numbers, since the program began in 2005 EPA has provided over \$10 million to 64 communities in 32 states; so some tremendous successes of risk reduction, of local partnerships that come out of that. So we are mostly interested in what lessons are learned that we can take from that and transfer them to other programs to promote more place-based solutions with that.

Sorry for taking too much time but I will be around for the rest of the time and thank you.

MR. LEE: Thanks Mathy. And Gina McCarthy, the Assistant Administrator for the Office of Air and Radiation just came in the room. Gina, I know, is going to make a presentation later but Gina I just want to know do you want to say a few words?

Comments

by Gina McCarthy, EPA Office of Air and Radiation

MS. MCCARTHY: Thanks Charles. The only word I would like to say is that I am happy to be here. It is

exciting to have the position that I am in; there is a lot going on.

I will not take your time now but we will walk through some of the actions that we see upcoming, some of the changes that we have made over the past year, and I am particularly excited that this meeting is on the heels of what we think was a very successful conference over the past few days to look more effectively at environmental justice as it relates to our air quality programs because I think out of that came some wonderful ideas, suggestions, and recommendations. And so it gives me an opportunity today to pose some of those to you and to let you know that we are listening and to also seek your advice on the prioritization of the work that we have moving forward.

MR. LEE: This particular session is focusing on EPA's efforts to integrate environmental justice into our rulemaking process. And you have heard about this, as I said earlier, in the July meeting. This is the result of a cross-agency effort including many offices and a tremendous amount of work and that effort is lead by Jim Jones, the Assistant Administrator for the Office of Prevention, Pesticides, and Toxic Substances and includes Rob Brenner who is from the Office of Air and Radiation, the Office of Environmental Justice, and the Office of Policy who is represented here by Rob Verchick.

So with that I just want to go into the presentations. Lisa Garcia will begin.

Incorporating Environmental Justice into Rulemaking

Presentation

by Lisa Garcia, EPA Environmental Justice

MS. GARCIA: Hi, thanks Charles. So this is another exciting I guess aspect of reporting back to NEJAC as Charles said on an aspect or request from NEJAC.

(Slide)

I think that through the past few days and through the testimony, it has become clear that the reports, recommendations and testimony continually remind us that environmental burdens still exist and unfortunately disproportionately throughout many communities. And I think that the goal for all of us here, and as you can see the commitment from many people across the agency, is to reduce those risk burdens and environmental burdens and bring some of the benefits to the communities.

(Slide)

My colleagues and I are here today to update you on the progress in fulfilling Administrator Jackson's personal commitment to change the way EPA develops, implements, and enforces our regulations.

One, to make sure that disproportionate impacts are considered throughout the regulation development process. And

secondly that people who are potentially most affected by our rules are meaningfully engaged in our decision-making process.

And equally important is for us to begin that process of obtaining public input and further development of this important initiative. And so that is why we are announcing it here for the first time. This is the first time that EPA is rolling out the draft rulemaking ideas.

(Slide)

The importance of rulemaking; rulemaking is viewed by many as an important tool for fulfilling our mission to protect human health and the environment. Congress has authorized EPA and directed EPA to establish binding enforceable standards on industry, governments, and individuals. And EPA also uses other tools to help achieve their goals such as research, education, information, and voluntary stewardship to name a few. But developing, implementing, and enforcing our regulations represent the core of our work and so coming out with this rulemaking initiative and incorporating environmental justice is very important.

I guess I will just skip through in consideration of time.

(Slide)

But what EPA did was they established incorporating disproportionate impacts in environmental justice considerations in regulatory development.

(Slide)

The goal is to institutionalize this effort to fully and permanently integrate it in a new way of thinking into every fabric of EPA's regulation development business process to ensure that our rule writers and decision-makers routinely are made aware of and take into account the impacts of our rules on the people suffering the greatest burdens. And to establish an ethic of continuous improvement to expand our technical and scientific capabilities to identify, quantify, and address disproportionate impacts.

I am going to introduce the people who actually did most of the work along with the workgroup. And for me it has been really great working on this and realizing the amount of effort and progress that has been made since it was last announced in June.

(Slide)

So on behalf of Administration Jackson, I am happy to announce the substantial progress. And I will introduce the folks who will be talking to you more in-depth about this.

Jim Jones is the Deputy Assistant Administrator for EPA's Office of Prevention, Pesticides, and Toxic Substances who volunteered to lead this initiative and he will describe our greater than expected progress in developing EJ guidance for all stages.

And Charles Lee, everyone knows Charles Lee, the

Director of EPA's Office of Environmental Justice. He is going to describe EPA's effort to build a strong science foundation for EPA's EJ program and how that will relate to the agency efforts to incorporate EJ in rulemaking.

And Bob Verchick who is the Deputy Associate Administrator for EPA's Office of Policy, Economics, and Innovation and he will discuss EPA's commitment to transparency in its rulemaking process and steps the agency is taking to foster public access.

So I will hand it over but once again thank you very much for giving us this opportunity to present to you, I think, this exciting aspect of EJ and rulemaking.

Presentation

by James (Jim) Jones, EPA OPPTS

MR. JONES: Thanks Lisa, I appreciate that. I also wanted to recognize that Rob Brenner is a very active leader in this activity as well and there are probably a dozen people around the room here today who really are the workhorses in this effort. Every office in EPA participated and our regional offices were very active in this activity as well.

As Lisa mentioned, we really have a strategic opportunity right now for integrating the consideration of disproportionate impacts in environmental justice in our rulemaking processes.

For those of you who watch EPA pretty closely, you

know the rulemaking is really one of the core activities that we do at the agency. It certainly not the only activity, but it is one of the core activities. And if we are going to be effective at managing environmental justice and disproportionate impacts in environmental protection, we have to begin to do it through the core of our work and rulemaking is certainly part of that.

If we just rely on integrating environmental justice in implementation phases, which is very important and the agency is going to be working on that as well, you leave more work left to be addressed. If you begin to approach it from the rulemaking stage, you begin to minimize what is left to be managed through implementation, enforcement, and other areas. So although it is not the only part of this integration that we need to do, it is a very important step and I think we have the framework here beginning to move and enough time actually to do that institutionalization.

(Slide)

So what exactly are we doing? We gave you a little bit of a preview of this last summer when you met in Washington; two basic activities. One is to give guidance to the people who write rules in the agency as well as decision makers about how to think about and when to think about disproportionate impact in environmental justice throughout the process from the very beginning to the end of that

process.

The second activity that Charles is going to talk more about is to give the people who write the rules the analytical tools to help them understand and figure out how to do the analysis necessary to effectively, adequately, and meaningfully evaluate environmental justice in our rulemaking.

So the first part is what I am largely going to spend my time this morning talking about.

(Slide)

We are focusing on three basic questions; what, who and when. And the "what" relates to what questions to ask during the process? We want to make sure that our rule writers are asking questions related to disproportionate impacts in environmental justice. "Who" needs to be engaged in the process? This is not just about doing a good analysis; it is about engaging interested and affected communities and others who are historically not as engaged probably because the agency has not sought them out in our process. And "when" should the questions be asked in the process? If you ask them just at the beginning but not at the end, it is just a paper exercise. If you are just asking the questions at the end, you are going to do a lot of rework because you are going to have to go back to the beginning to start doing the kind of analysis.

(Slide)

Again what Charles will get a little bit more into is the technical guidance that relates to how. How to do the assessments related to -- getting a better understanding of disproportionate impact in environmental justice in our analysis. A better understanding that we are talking about ranges here and not just single point estimates. And how to address data gaps that can prevent us from knowing as much as we would like to know. More of the sort of the technical analysis of how to do DIEJ analysis.

(Slide)

So where are we to date? We have made a lot of progress. In December we completed a draft of this guidance. We have briefed the senior management within the agency. We have brief Administrator Jackson. We are incorporating the internal comments that we have gotten so far. We hope to, after hearing your advice here today and finishing our internal comment review process, we plan to begin implementing this in the spring of this year. We will spend the year learning about how the guidance is working; where it is working and where it is not working, what are the strengths and what are the weaknesses, make some revisions, and we hope by the end of this calendar year we will be able to finalize this guidance.

(Slide)

The technical work; again Charles is going to get a

little more into this so I will not talk too much about it. It is just beginning to coalesce. We have an agency-wide workgroup and in the month of March we are going to have a symposium that will be sort of a more public kick-off of this activity to help get our arms around technically how can we help our analysts and rule writers do a really good job of evaluating environmental justice and disproportionate impact in their analysis.

Okay, so a lot of process talk so far. What is it? What exactly is it we are doing in this guidance? And I believe you all have this two pager that is a summary of what I am going to go over here and I think that is in your package but if not, that is pretty much what I am going to go over.

(Slide)

So the agency's rulemaking process; you are probably most familiar with the last two steps which is when we have proposed the rule and then when we finalize the rule but a lot goes on before that basically in the agency's efforts to figure out what to propose. And at each step of the way this guidance helps the rule writer, the analyst, and decision makers think about how to evaluate disproportionate impact in environmental justice and I will talk about the kinds of questions that we are asking be considered throughout that process.

(Slide)

Commencing the activity; that is basically when the agency decides we are going to do a rulemaking in this area whether it be air, water, waste, chemicals, or pesticides. We begin the action and the first question we are going to ask our rule writers to give consideration to is does that regulation have potential to impact the human health or environmental conditions of minority, low-income, tribal, or other populations?

Does the regulation present opportunities to address existing or create new disproportionate environmental justice impacts?

Does the regulation provide information helpful to EJ analyses in populations?

Now you might say as the skeptics among us including those of us at the agency, well what if you just answer no, do you think you are done? Well later in the process we have enough transparency so that if we answer that question no, and that is not out of the question, there are some rules that we do for which you would answer that first question no, in the proposed rule you describe that you have asked the question, here is how you answered it, and here is how you came to that answer to bring some transparency to get some feedback around that.

(Slide)

So now we are initiating the rule. We have done

some initial thinking about is there the potential for there to be a disparate impact or for us to correct one. Now we are going to help the workgroup figure out basically two things; what analysis are we going to do as an agency to understand that disparate impact or environmental justice issue; those are the first three questions up there. You know what kind of data do you need, what data sources are available, what is the scope of the analysis going to be, what is the methodology going to be? They will be different for -- we do a wide range of rules in the agency and there is not always going to be one kind of EJ analysis. There are going to be a whole range of different kinds of analyses depending on what is the environmental problem you are trying to address.

This is the part where the worker is going to describe to the senior manager here is how we are going to try to understand the DI or EJ effect.

The fourth and fifth questions gets to that we are going to ask that our rule writers specifically answer these questions. How are we going to do outreach to get input from groups that may be affected who are historically not -- we have not done outreach to, who have not historically been able to participate in our process and specifically identify them and the steps that you are going to take to do that outreach.

So in analyzing the problem it is both sort of how analytically are we going to do it and then how are we going

to do outreach.

(Slide)

So you are now at the point in the process where the group is teeing up options for decision makers and at that point we are going to ask that the workgroup talk about, in that dialogue with decision makers as they are trying to figure out which option to go with, how did the work we just talked about impact, influence the analysis that was done and ultimately how the decision maker factors that into their decision making when they are selecting an option.

(Slide)

So in the next step of the process where we are issuing the proposed rule, this is where the transparency now begins to come into play. All of those questions we have asked in the first three steps we are now going to make clear how we dealt with them in the proposal.

Here is how we determined that there might be an environmental justice impact. We then did this kind of analysis to see if we could get our arms around it. We did this kind of outreach to make sure that we were talking to people who are affected potentially in a disparate way. And then here is how all of that analysis fit into the option that we picked. And there will be that level of transparency in here is how we thought about it and here is how it impacted our proposal.

(Slide)

So now you are going into the last phase of the process where you are reviewing the comments that you got and you are going to finalize the rule. And again in many ways this is a little bit of a repeat of the last step but do we need to refine any of these assessments we did based on what we learned in the comment period. Did commenters raise issues that we just had not thought about? So more of the classic kinds of things that you do when you are responding to comments but here it is specific about the DIEJ aspect of it. And then again we will follow the proposal process in finalizing.

So if any of the things we learned from the comment process impact how we analyzed or thought about the disparate impact-environmental justice issues, we are going to be transparent about that in finalizing the rule.

So all of these steps are articulated -- hopefully you have this two-pager that pretty clearly lays out at what step we are going to be asking what kinds of questions. And that has been articulated in this draft guidance document and one of the things we will be talking about later on is basically do you think we are asking the right questions at the right time.

But before we get to that I am going to turn it over to Charles who is going to talk about Part 2, the analytical

work that we are going to be undertaking.

Presentation

by Charles Lee, EPA Office of Environmental Justice

MR. LEE: We apologize, the two-pager, the overview, is on its way down.

(Slide)

So let me just talk about our efforts to build a strong science foundation for regulatory analysis, in particular here, rulemaking.

Administrator Jackson -- and I want to talk about this in terms of not just the science but also how the science links to decision making. Administrator Jackson, when she took over the helm of EPA put forward three principles that science must be the backbone of EPA programs, secondly that EPA must follow the rule of law, and an important part of this that we are not going to go into detail about is the work that Scott Fulton, the EPA General Council talked about yesterday in terms of integrating environmental justice into EPA statutory authorities. And the third is the area of transparency which Rob Verchick will talk about in more detail.

I think in the long term we see these as critical to our efforts to build an environmental justice program that can consistently answer the questions which are on your slides in a consistent way and as part of an evidence-based process.

(Slide)

In 2007 the Office of Environmental Justice, in response to many questions around environmental justice and rulemaking, identified six factors that can represent conditions which are associated with disproportionate impacts, increased vulnerability, or adverse health effects. And these tend to be prevalent around minority, low-income, tribal, and other vulnerable populations.

(Slide)

The six of them are in proximity to environmental hazards, susceptible populations, unique exposure pathways, multiple cumulative impacts, the diminished ability to participate in decision making, and physical infrastructure. In our process of doing this work, another area came forth from many of the scientific community that we engaged and that had to do with chronic community stress which we know we hear about all the time when we go out to the communities.

(Slide)

OEJ has commissioned scientific papers around these and these will be ready pretty soon, particularly in preparation for the upcoming symposium on disproportionate impacts - science and decision making. That will, as it was mentioned, take place in Washington, D.C. on March 17 through 19.

A number of key questions that the symposium is

structured to address have to do with of course looking at the factors themselves. Are these the right ones, how do they work with each other, how are they measured, and what kinds of methods of analysis exist or need to be developed?

The second is there are two types of sessions linking the science to decision-making frameworks for risk assessment and incorporating EJ in the EPA statutory authorities.

There are other decision-making frameworks such as health impact assessments that are also going to be addressed and therefore these will become very critical, as Jim said, to developing our technical abilities to do environmental justice analysis for rulemaking.

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The expected outcomes of the symposium are four. One has to do with the state of the science papers. The second is an overview of analytical methods and frameworks. And then a little short-term/long-term agenda for doing research and development of analytical methods. And lastly we want to develop a network out of this of scientists, policy makers, and community practitioners in this area.

I should note that the symposium is sponsored by the Office of Environmental Justice, the Office of Children's Health, the Office of Research and Development at EPA as well as the National Institute for Environmental Health Sciences,

the Centers for Disease Control, and we are very excited about the fact that the American Public Health Association is a co-sponsor and the Kellogg Foundation is a co-sponsor. And these give us the ability, I think, the wherewithal to carry forward to the next steps.

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In conclusion it is really important to, like Jim said, to link this to the process of developing guidance and methods for doing EJ analysis, incorporating environmental justice into our rules; this question of how to do this. This is something that has real challenges but we wanted to go about this systematically in a way that is part of an iterative learning process.

And lastly we want to use this symposium as an important point in engaging the larger public in the development of these analyses or analytical methods. And that actually is an important element of insuring transparency in the way that we go about our rulemaking process. This is then a good segway to the next presentation by Rob Verchick on transparency efforts in the rulemaking process for EPA.

Presentation

by Robert Verchick, EPA Office of Policy, Economics, and Innovation

MR. VERCHICK: Thanks Charles. Before we close this panel I just want to mention a friend that we lost in the environmental justice community last year, Luke Cole, who many

of you know and at age 46 was a pioneer in environmental justice litigation. He was a really good friend of mine and a classmate of mine in both college and in law school. We sat next to each other in an environmental law course and he was the first person ever to teach me about environmental justice or what he called environmental poverty law in the late 1980s and the early 1990s.

I mention all of this because as you know, those of you who know him, Luke was a real believer in the power of people especially when armed with the best information available. And that is what we are really trying to do in so many ways at EPA and in what my brief talk on the Rulemaking Gateway really is about. It is about how to get the best information that we have to the people who need it and how to make sure it is in a form that can be used.

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And so we will just hold on this slide here just for a second. This is a mock-up of a Rulemaking Gateway website that we at the Office of Policy are putting together. You are not going to be able read it, particularly those of you in the back, but it will serve as a way of giving you maybe some visual cues when this actually comes online hopefully in February; certainly in the very beginning of spring.

What this gateway attempts to do is to create a website which gives readers basic information about the high

priority rules that we have in our pipeline. It gives them information and it also gives them some special filters that can use the information in different ways.

I am going to talk about the different types of things that you will see on our website. And I am also at the end going to say something very important and I am going to sort of move over it and direct my comments to the folks in the back here too if I can break the fourth wall because I want to talk to you a little bit about how you all can help us make this website better and there is a process for doing that.

So before we -- if we just stay on this website, I promise not to put anybody's eyes out here, I have a little bit of a marker here, but what you can see here is what I am going to show you is that you can see different words in terms of -- this word is phases, in terms of topics, and in terms of effects. And these are all going to be tabs which eventually you will be able to click.

(Slide)

In our rulemaking process we have of course different phases. As Jim noted, Jim Jones, most of you know about our proposal phase or certainly our phase when the rule comes out and you all say "okay what did this really mean and how does it affect me?" But there is a big long phase here called the pre-proposal phase and we are going to be able to

give you information about rules that are still cooking, in some cases on the back burner. A lot of the information available on this site is information that is already available somewhere in the public domain but you need a black-belt in IT, in information technology, to understand where it is and how it affects you. So we are going to try to put that in some better understandable way.

There is also new information that does not exist that we are creating right now. Information like who might be affected by these rules that are on the back burner. What sorts of governments, whether it is tribal governments, state governments, local governments might have a stakeholder interest in these ideas on the back burner. And we are going to try to answer these questions, characterize or describe if you will, these new ideas for rules and put that information on this gateway so that you can identify it in an easier way.

Let me just mention something about the phases very quickly. In the pre-proposal stage, one of the things that you will be able to see if you were to click this later on when it is up online, is you will be able to see what sorts of rules we have related to topic and you will also be able to see those rules that come on, as I say, to the back burner monthly. Right now you can find this information but it comes out every six months or maybe once a year and you do not know where it is. But you will know to go to this site and you

will be able to find it.

(Slide)

One way you might be interested in looking at rules is in terms of how they relate to the categories of statutes that we currently have; so air, waste, pesticides, water and so on. This is a very easy way where you could click a button and say I want to know what you all are thinking of on pesticides in terms of pre-proposal, what is proposed, and so on. If you were to do that, you could instantly, when you looked at the proposal stage, you could see what is open for public comment relating to pesticides, you could see what is open in public hearings to talk about. And so if you were interested in getting someone in your network at a public hearing, you could say okay what are the public hearings; there is one in Dallas, there is one in San Francisco, and so on and you could figure out who among your group might be able to make it to that meeting and what it is that they might be able to say. So these are pretty powerful tools.

(Slide)

This is one of the more interesting ones for the environmental justice community. What we are doing in the pre-proposal stage is we are beginning to inventory the ideas of the rules that we have and ask questions like, who are the people who have high stakes? And so we have a list here.

There are some rules that we know are going to

affect children's health and going to be of interest to child advocates. We know that there are some that are going to relate to environment justice either because they relate to vulnerable populations, racial minorities, low-income folks, and so on. Over here we have small government, tribal government, state government, so this is not just for EJ but there are certainly lots of issues in here on affects which you might be interested in.

And so you might be able to say just show me all the rules that have some kind of environmental justice relevance or that have some kind of tribal government relevance and you would be able to see in all three phases the rules that we think have this kind of relevance.

Now we have this site up right now. I cannot get you on it yet because it is just an experiment until it comes online very shortly but right now we have about somewhere around 90 rules on our website, either pre-proposal, proposed, at that stage. And among those 90 I would say we probably have 20 to 25 rules that we have already flagged as relevant to environmental justice whether it is on the back burner or on the front burner. And so when this comes online, you can follow that. And new ones will keep popping up.

(Slide)

This is kind of a way where you can mash up the data that we provide in different ways. It is a search engine

where you can put in key words, but note what you could do. If you were just interested in rules that are in the pre-proposal stage that have to do with pesticides, that have to do with children's health or environmental justice, you could click those boxes and get a customized list that you could continue to follow.

So if you were interested in -- oh well let's look at drinking water. Are there chemicals in drinking water that we are thinking about regulating that might have something to do with children's health or it might have something to do with the minority community or whatever, you could click these things in and get this sort of information in a customized way.

(Slide)

This is what we call "Alerts." Those of you who are black-belts in IT know this is RSS feeds but what this means is you could actually program into this gateway information about you and what you are interested in so the website will email you alerts as they become available.

Now right now we only have a short list of what these alerts might look like. There are some that say, you know, give me information every time there is a new rule that is added to the gateway. Give me information every time there is a comment period that opens up on a rule. Those things are pretty broad.

But you might think, those of you behind me and those of you in front of me, you might think that there are different kinds of feeds you would like to have. It might be possible, right, technically, for us to create RSS feeds only about environmental justice or only about tribes. So you could say, you know, EPA, don't email me everything that you have every day but email everything that comes over the transom that has to do with tribal rights or that has to do with environmental justice and so on.

(Slide)

As I mentioned before, this is a slide that would show you the public meetings if you were interested.

(Slide)

This would show you, and this is hard to see, I know, for those in the back but if you were to click a particular rule that was on the list and we have just put in placeholders here because I cannot show you yet what the rules are but they will be online soon, but this would show you all the information you would need about a particular rule, its docket number, the stage that it is in and so on. And down here, there would be information on the potential effects so you could say, oh who might it affect; is it children, is it tribes, is it small governments, or whatever. Here you could see opportunities to participate in that rulemaking process.

Here is something that is very interesting to us

that might not be interesting to you without a little inside baseball, okay. This says Interagency Review. One of the things that we do in the Policy Office when we track rules is we are in charge of creating dialogue with the Office of Management and Budget at the White House and that is through a process of interagency review.

And so if you were interested in knowing what communications are taking place between EPA and the Office of Management and Budget about a rule that you are concerned about, you could dial this in and you would automatically see the official record of information that is going back and forth between EPA and the Office of Management and Budget or between EPA and any of the other agencies that you are interested in in this collaborative era of environmental justice and rulemaking.

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The last thing that I want you to see that is extremely important in the next six months after this website comes online is the Discussion Forum. This is a forum for us selfishly to get information from you. When this gateway goes online, what we hope is that those of you who begin to use it and look at it will go into the discussion forum and tell us what you think about it. Is it helpful, is it not helpful, is it easy to understand, does it send you on wild goose chases, are there kinds of RSS alert feeds that you would rather have

that we are not providing, is there information that you think is somewhere in the governmental realm open to the public that is not on this website?

This is very tricky for us because we are acting like librarians. We have rooms and rooms, metaphorically, full of data and we are trying to figure out what it is that we can supply most easily and what it is that you want and can use. And we are making a lot of educated guesses. We have a lot of information about what we think is useful but you have more information than we do. And so if you can make messages or comments in this discussion group, then we can help better serve the people that this gateway is existing for.

And so I would just encourage you -- again what I like to say is when the crocuses start popping up in some parts of the country, this gateway will be online and I encourage you to look for it and to give it a test drive and to let us know what you think about it because our goal is to make this as transparent as we can in a rulemaking process that has lots and lots of steps to it. Thanks.

Questions and Answers

MS. YEAMPIERRE: Thank you. Your presentations are an example of all of the work and all of the thoughtfulness that is going into trying to address so many problems in our communities. I am certain that the members of the NEJAC have some questions and I am going to start with just a few

comments.

One is, you know, one of the things that you talked about was how you were going to address disproportionate environmental and public health impacts in vulnerable communities. And one of the things that we have been saying from the beginning of this NEJAC and asked in preparation for this NEJAC was that a number of agencies be available, that the work be done in a way that was interagency, and that that collaboration be real and that we have an opportunity to hear from other agencies in terms of how you are actually working with them.

So for example, Gina you mentioned that the conference was great but DOT was not there. And everyone mentioned the fact that we were talking about goods movement but DOT was not there. And transportation is such a critical issue when you are talking about environmental justice in our communities where we have highways dividing our communities, and we have trucks idling and queuing up in our neighborhoods. So our communities are the hosts for all of that goods movement so they should have been there.

And so when you are talking also about public health and the science, we would need to hear what the role of OMB is, HHS, ATSDR, and the National Academy of Science because they are critical in advancing the science.

The public health issues are just going to get worse

with climate change and so your work becomes so much more difficult if these folks are not working with you and are not advising us how they are integrating environmental justice in their work as well.

And so for the next NEJAC we would hope that they would be here and we would hope that in your presentations you can inform us how you are working with these agencies to advance environmental justice.

Mathy you had raised the issue of brownfield remediation action plans and yesterday a number of people were talking about land use and zoning. And so I wanted to know if you could comment on the role of community-based planning because we think that -- and it was also brought up within the context of sustainability. We want to know how community-based planning could be integrated into that kind of process because we really think that that is the place where you bring communities together with a variety of stakeholders to not just address remediation but also planning for smart growth and to prevent displacement in our communities.

MR. STANISLAUS: Sure, as I clarified recently, we are going to make available site-assessment resources for area-wide planning. And I am a big believer in area-wide planning and have spent a lot of my life really kind of advancing that.

My view is that particularly EJ communities and

lower-income communities have a history of disinvestment. You are not going to revitalize those communities through the redevelopment of brownfield sites without looking at the surrounding conditions, without looking at dilapidated infrastructure, without looking at basic things like illegal dumping, and the issues of enforcement. So we are going to advance that fairly soon. We will kind of move forward on implementing this area-wide planning scheme so you should look for that very soon.

And very generally with the spread of the community engagement initiative, the area-wide planning, and other things we really kind of want to advance more place-based work where community leadership is brought in to the table and really play a lead role in the decision making.

MS. YEAMPIERRE: Thank you, if that happens that would really be a departure in the way that this work has been done historically and would really be more meaningful in terms of what resources are coming into the community and the role that we can play in that process. I am going to move on to Jolene.

MS. CATRON: Good morning. I just have a couple of quick questions. Number one, I think the crocus bloom in Wyoming in June or something. So I am just curious as to how you are going to get the word out about this availability; if you are going to use like the EJ ListServe or something like

that. That is probably a more reliable form of communication.

MR. VERCHICK: Yes the crocuses are already up here. What I have been told by my staff is that this should be out by the end of February or early March. And I do not yet know what their plans are for getting the word out but I would be interested in maybe out in the hall of getting some information about who you think we should be contacting to do that.

MS. CATRON: Yes, so that is the other part of the question I have, which is how you go about contacting who you think are impacted communities and how is that determined and how do you contact them? Is it through federal register or is it through -- that is my question.

MR. VERCHICK: Generally speaking the type of descriptions that we are assigning to these rules are general in the sense that the questions that prompt the discussion are questions like, would this rule be of relevance to racial minorities, would this rule be of relevance to Indian tribes or to children? So those are very broad and when we get the message out about the gateway, we are going to use again sort of a broad brush in thinking about what groups would be most interested in knowing about the gateway and obviously trying to be as broad as possible in reaching people.

Your comment suggests or raises what is an interesting question, that is, if there were particular

communities that we knew of that this rule might affect, would there be some way for us to notify particular communities about this and I do not have the answer to that. I think it is an interesting question that would be interesting to discuss.

MR. LEE: Maybe Jim did you want to talk about that because that is a very important part of the guidance.

MR. JONES: The question about a particular rule in how we figure out how to do outreach, you know, what community might be interested in the particular matter in front of us. What the guidance document does is gives advice about places to go for helping you figure that out. Talk to your EJ coordinators, talk to the regions where they are going to be closer to the ground, talk to our state partners to help figure out are there specific places, specific communities that may be disparately impacted or affected by that activity. And then literally, once you have figured that out, it is calling them up.

MS. BRIGGUM: Thank you. This is really impressive. A lot of people in the NEJAC have been talking about incorporating environmental justice into rulemaking for a long time and this is in many ways a bolder effort than we had expected, so congratulations for that.

It seems to me that several things are particularly well done. I will assume from what Charles mentioned briefly

about the science that in terms of identifying disparate impact, there is a lot of great science out there and it is relatively easy to do in terms of the methodology that Paul and others have worked on so you will have that. The transparency is very impressive too. EPA's website is really hard to figure out how to maneuver throughout and I really think that this will be very helpful to just about everybody in the United States in terms of understanding what is going on.

I guess I have one additional question though about what will happen when you do the EJ analysis? Because I see that you are really reaching out to make sure that there will be more opportunities for communities to comment and be part of the process but I wonder if there are kind of some overarching environmental justice principles for what you do with the comments when you get them. Because I hear it in the public listening sessions and others that it is not just disparate impact but it is adverse.

And almost everything that Elizabeth mentioned in the beginning kind of went to the things that happen in communities that EPA arguably or really does have the authority to cure and have not done enough yet; things that are not subject to stringent regulatory programs. So what I am wondering is, will you have a principle when you look at the outreach that you solicit that says is this rulemaking

going to make emissions less, ground water more protected, soil more protected, better enforcement, better access of the community to the process or will it take away protections?

And the reason why I really care about this is that I have noticed a really surprising trend for an old lady like myself, I have been doing this forever, and there is a lot of deregulation out there now. If you hang the word sustainability or recycling or inerts or whatever on to an activity, it seems like it is fair game to just go back to the old process where you just hope they do a good job and if they don't well maybe we will do another Superfund to fix it.

And I think this is a wonderful opportunity and you have clearly got the horsepower to make that happen. So I wonder if in your discussions you are thinking about that way that you can use this to make sure the rulemaking process is taking more things in where protecting is needed and assuring the protection keeps getting better rather than lapses.

MR. JONES: That is a very good question and I have to say that from my perspective I have always thought of the activity as being involved in increasing environmental protection. At the end of the day, it is the statute will govern and there is always some flexibility for decision makers in terms of how they are going to ultimately make choices but I think it is a point that we ought to give some internal thought to.

Again, I think that the group that has been working on this -- this has all been about how to help improve environmental protection and keep that ball moving in that direction. But as you talked about it, I was thinking about well there are scenarios where a decision maker could, no matter how much you have analyzed it and done outreach, if the statute gave them that flexibility you may see the kind of outcome you were describing but it was certainly not where this group was thinking as it thought through it; so I think it is something worth giving some thought internally to.

MS. YEAMPIERRE: Thank you. I just want to remind the NEJAC members that part of our charge is to ask what we think of the approach. Whether we have any recommendations to refine or revise their approach. Whether we would like to be engaged in this process and if so, what is the best way to obtain feedback and secure involvement from the NEJAC on these issues, and what issues should EPA's rulemaking process consider in order to address the localized environmental and public health impacts overburdened communities are concerned about.

MS. HENNEKE: Thank you and to go along with Jolene, in central Texas we are not real reliable on crocuses because it does not get quite cold enough there, although the next couple of days are suppose to prove me wrong on that; we are much better on Blue Bonnets; so if you can figure that in, it

would be helpful.

And this is somewhat of an inside baseball question because I have been over rulemaking and I have had that point in my life where, you know, I thought "Oh my God, who writes this stuff; can they please put it in common language." And I would encourage you to put that into your thought process somewhere.

But my real question is have you thought through what is your threshold for a pre-proposal? We -- to make a pre-proposal, is it when the technocrat in the corner in the cube has a twinkle in his or her eye or words captured on paper, or what is that actual point? Because often times the criticism that I have heard in that role in the past is that once you get to the proposal stage, you are done. You are dug in, you do not care what we think, et cetera and it is easy for that criticism to be accurate so have you thought through what that is going to be?

MR. VERCHICK: The answer is yes we have thought it through and it is a question I asked when we were working through this process. The short answer is we are not making available -- with the exception of the information that we are creating ourselves in terms of describing rules, we are not making available any information sooner than we otherwise do already. In other words, as I mentioned, every six months we do provide in the federal register a list of possible rules

that we are thinking about. And what we are simply doing through this website is making that information available in a more intelligible, accessible way.

But having said that, I want to be as clear as I can that our intention of putting this through the gateway is to let the public know that they can have an effect; that they can watch the pre-proposal process and start thinking about watching for the proposed or the advanced notice of proposal whenever the public comment opens up or whenever the hearing opens up.

It is a way, I would think, where the public can prepare more in terms of getting ready for the moment when we will be asking for public comment and public hearings and those things can make a difference. They do not always, and I know being through rulemaking, that there are lots of people who are vying for that microphone in terms of public comment. But those things can make a difference particularly when the people making the rules are told, from at the very highest levels, that environmental justice matters. And when they have a set of guidelines, like Jim Jones was talking about, that prompts rulemakers even when they are being rushed, even when they are bored with an issue, it prompts them to continually think about those issues. That combined with the idea of public comment, I think, can be powerful in a rulemaking process.

MR. WILSON: Good morning. I am not sure exactly where this plays into but I will classify these first as recommendations based on comments that were made by the very esteemed Peggy Shepard last night, Dr. Wilson from the University of South Carolina, Dr. Sacoby Wilson and Angela Logan from California who raised these questions because you were talking about public input and I do not think you got a chance to hear some of the comments. And of course it is a little bit reiterated to some of this earlier because they provided quite a bit of heavy information that could tie into this.

So I am going to summarize three things that were repeated and repeated and repeated over the last several days including at the Air Quality Conference in the rulemaking process, and clarify me if I am in the wrong area and in the wrong room.

One of them specifically had to do with funding equity and management parity, that that become a part of application processes from the very beginning. There is a lot of money flowing around and it is not getting to the ground so that needs to be a part of RFPs or RFAs so that colleges and universities or whoever is doing major research in these impacted communities, you don't get the money unless you are saying you are going to share it at least 50/50 with the community. There is nothing there that says that.

One of the worse things we heard last night is stimulus money, Peggy Shepard mentioned it, it does not require any relationship with the community at all, no face-to-face with the community, no sharing, not a dime and I was shocked to hear that.

The other part of that is that in order to implement addressing compliance issues there needs to be interdepartmental communication. So if somebody raises a lead issue, this is rulemaking, I think I am in the right place, if there is a lead issue in the air, it comes on the ground, and if it is on the ground it is washed into the water, that automatically if you have a lead issue, it triggers a working relationship with all the agencies. Because a lot of community people are just scratchy every part of their body trying to figure out why this commonsense thing does not work at EPA. Why they have to run from one door to the other.

If there is a complaint, and Hilton has mentioned this with the oil spill in Texas, it is air, it is water, and it is land automatically. It is just not the odors that are involved, the dairy farmers and the pork farmers in North Carolina -- Washington was talking about that. Why doesn't it trigger or why isn't it included in this, that if you have this kind of air problem and a water problem, it has a source and it should trigger all of the departments to work together. And if it goes beyond EPA, it should trigger the formal

working relationship with the United States Department of Agriculture, Department of Transportation, whomever.

And what was told to me when I first started working on NEJAC, some people discouraged me and said I am going to be wasting my time being here, they told me I was going to get chewed up and spit out. They are going to take all of your time and energy and wear your brain out and you are not going to get a damn thing done and some of these people were former NEJAC members by the way; some of them were college professors. Major college professors that said you are wasting your time doing this because this process is so chimneyed or smokestacked that you guys do not even communicate with each other until you come in here. So can you help me out?

MR. VERCHICK: I can just say a couple of things since the Policy Office oversees the rulemaking. I think that a lot of the comments that are making have a lot of credence to them. We are in an agency, like many agencies, that have lots of silos or smokestacks and we use those metaphors a lot.

As you know, the President -- or you should know that the President's message throughout the years he has been with his administration has been collaboration and I hear the term silo-busting all the time at least in my office.

It does not come naturally to our agency but when a rule is in the making, we establish a workgroup for the rule.

And let's say it is an air rule and maybe it relates to lead or something like that, we make sure in the very beginning when we have our guidance in terms of the pre-proposal stage, we put together a workgroup that has not only let's say air people, but if we think it might have implications for water or it might have implications for environmental justice or it might have implications for something else, we will try to put members of those different offices or sub-offices on the workgroup so that this workgroup which develops the rule has this kind of input. It is not a perfect system, of course, but it is one attempt to try to get people talking at an early stage.

We also have a process of interagency review so that if there are rules that affect important aspects of other agencies, that there is a process by which there can be communication among agencies. That I will tell you is not perfect either but it is something that we are building into the system. And under this administration and under Administrator Lisa Jackson, I can tell you that there is an emphasis, a feeling in any cubicle in the office, that collaboration is supposed to mean something. So I cannot tell you that we are solving all of the problems that you are correctly identifying but we know those problems are there and that we are trying.

And I am so glad that you are continuing to be on

NEJAC and that you are not saying this is a waste of your time.

MR. WILSON: Well I just wanted clarification and then I am going to stop. Somebody raised a question to me and several people raised a question to me over the last several days about whether or not we should take the problem that we are dealing with here and make a Department of Justice issue out of it so it takes it out of your hands and take it to the President's office and make it a legal thing; so it is an umbrella, so it rains down, so you do not have to squirm on it. It becomes a question of we don't have any choice. That becomes a particularly major legal rain down for the whole country but some people are interested in putting that position together to take it out of the hands of this agency and out of the hands of all agencies and make a major class-action suit to make government agencies -- this is the United States of America and it is shameful that that level of cooperation does not exist automatically in things.

MR. STANISLAUS: Could I just -- I have to ask Omega that you keep asking that question and the fact is that silos exist and we are working -- Gina and I talk all the time, Peter and I. The AA's, the senior leadership, talk about environmental justice all the time but you need to hold us accountable frankly. You know so we are committing to integrate EJ to the greatest extent possible and consciously

breakdown -- we approach, I approach the government as having built up along silos and we have to consciously deal with that every day and we are doing that.

Separately, the Administrator has made this -- she clearly talks about a one EPA and we all take that seriously and we are going to operationalize that. She also talks about resetting the relationship with states. A part of that resetting is working with states about -- a lot of our programs are delegated programs so we have to -- and it is fair to ask EPA to how we are going to implement EJ when you have a state programs delegated. So we are committed to move forward on breaking this down and operationalizing EJ in a real way. I don't know whether others want to talk about that.

MS. YEAMPIERRE: Yesterday Michelle Roberts called for a systems change and it is language that came out of Copenhagen. And Diane Takvorian eloquently talked about how we have to holistically approach these problems because they do not happen in silos in our community. And so it sounds like you are moving in that direction so we will keep your feet to the fire.

MR. BRENNER: I just want to give one more response to Omega which is the power of this concept that we are moving towards where in each rulemaking we are not only going to consider whether environmental justice impacts are involved

and how we are going to address them, but we are going to write that up. You are going to see it in the preamble to the rule what we think is going on there and how we tried to address it which is I think one of the things that is going to make it worth your while to be and hopefully continue to be a part of this process. Because you get a chance to react to that and either tell us yes, you get it and you have coordinated across the agency and where appropriate you are coordinating with other agencies or you are just missing it here, you are not capturing a set of impacts that really need to be addressed. And I think that is going to be one of the most meaningful parts of this new process; the opportunity to do that and really be able to examine our thinking in these areas.

MS. FISHER: Thank you for working on this rulemaking and making some changes. I have a question and a suggestion. I think it was Robert, you said that you were going to reach out to different groups and I guess you are going to use the EPA ListServe or groups that you felt would be interested in it, but what none of us know is who is interested in what. And generally you don't have an interest in something until it is at your backdoor. So I would suggest possibly using social networking sites. There are a lot of people that do not necessarily want to be involved with a mainstream group or a community-based group; they are just one

individual that has an idea and the ability to text. And with that, I am wondering when you have these public meetings, will people be able to immediately send in their responses to the some of the comments; that is the question. Then I have another question too.

MS. YEAMPIERRE: Can I ask the NEJAC members to identify yourselves for EPA, you know, your name and your organization because I do not think they know.

MS. FISHER: Wynecta Fisher, City of New Orleans, I am with the Mayor's Office of Environmental Affairs. The other thing is I ask that when you are in the process of redeveloping or changing some rules, a major issue with anything dealing with environmental justice, in my opinion, is the risk assessment numbers.

Risk assessment, I do not know how often we are looking at the numbers. I do not know how often those numbers are revisited to see if they need to be changed. But that is a rub and I would ask that you work with different community groups that do sampling and get on the same page with what is risk.

And I also ask that when we are developing numbers for risk, that we look at the multiple stressors, the multiple environmental stressors because I do not think that that is being considered.

And then we also look at the fact -- actually Jane

someone from your office yesterday did a wonderful presentation, so how do those chemicals play into, you know, if you already have a compromised body based on these chemicals and that Act has not been changed since way back when, how does that play into risk as well so I ask that you look at that.

And then I had a question for Mathy too. You mentioned site-assessment resources. And I imagine that is through the Brownfield's Program. And the Brownfield's Program is a wonderful program and the city actually has a really good Brownfield's Program but the concern that I have is that Brownfields is a voluntary program. So while I might have dollars to assess an illegal dumping site, if the property owner will not sign that access agreement to allow me on that site, that problem can remain a problem. It is a difficult way to address it. Is there any way that we can take sites that have multiple problems and maybe circumvent that voluntary access agreement because it is in the greater good of the public?

And then my final one is that a lot of municipalities were at one time operators of, at that time, illegal sites. For example, incineration was approved; incineration was a way to dispose of waste. However, we have money, these incinerators sit in the middle of people's neighborhoods, but because we are the polluter we cannot use

the money because we are the polluter. But when we operated it, it was legal.

MR. STANISLAUS: I don't know where to start with your very simple questions. So clearly I am sure Cynthia would want to talk about kind of the enforcement issue but I know that the issue of clarifying municipal liability is being discussed, being discussed on the Hill, to deal with kind of the historic role of municipalities which are sometimes passive but then result in disqualifying municipalities for funding. So I can tell you it is an issue that is being discussed; I cannot tell you there is a resolution of that. But I know that there is existing guidance that clarifies municipality to some extent with respect to liability and so there are some conversations both on the Hill and internally about how we can deal with them with the real-world facts. And so a number of Mayors have brought that up to our attention.

In terms of the issue of multiple properties, the area-wide planning is intended to begin getting into that issue. Because at the end of the day to revitalize areas with multiple Brownfield sites, you have to look at the entire area and the interdependency of uses of that and how do you come up with more of a holistic kind of solution.

I cannot tell you that I have an answer to the access question; before I joined EPA it was a tough question.

Access is driven by local property law and state law, and I know you do not want to hear that but I am not sure -- and we could take a look at it but I am not sure what we can do to deal with the issue. You know a property owner has certain rights and I know there is some state and local ability to circumvent that but you know we could have a further conversation but nothing really comes to my mind.

And I know Rob wants to address the other question, I forget which question it was, but you raise a good point about how do we know what the issues are and then translate it and not knowing until it is too late.

One of the reasons that the Administrator has set forth the expansion of environmentalism is to get feedback from people who do not historically call themselves environmentalists; social services organizations, community development organizations; they deal with environmental issues all the time. So one of the intentions of Administrator Jackson is to widen the net and solicit the input so that we do not run into the problem of identifying -- that people will not really realize that a rule affects them until too late in the process. So we are actually interested in your input but how do we expand our outreach to bring in folks who may not consider themselves environmentalists and environmental justice advocates but run into issues that are an impediment to the delivery of local services.

MR. VERCHICK: Just a brief comment. One of the Administrator's priorities is expanding the conversation about the environment and you will be pleased to learn, I hope, that we are working on revamping the entire website for the EPA and I have seen some proposals on it and that is going to be a major effort. It is going to contain the latest thinking on social networking including some of the things that you have mentioned.

In terms of being able to comment on a rule when public comments are available, that is going to include and to some degree it already exists, the ability really to just once you hit comment, once you hit a prompt that says you want to comment, you will be able to type just like an email or upload a document you have already prepared on your computer and to send that as a comment. So those things, I think, are going to make this conversation a lot more open and that certainly we need your help in thinking about ways to do that.

MS. FISHER: And if I could just quickly follow-up, what about the risk-assessment piece?

MR. JONES: You raise a very good point about -- it is a combination I think about the complexity of the assessments and that gets back to I think Jody's point of helping to translate it so that people who do not work at EPA who have not spent their career being an expert in that area can understand what those assessments mean; I think that is

part of it. And I think that part of it is having more of a common understanding because I think sometimes we are sort of really are talking about different things even if we are using easy to understand language and having more a dialogue to get more on the same page as it relates to assessment.

We are seriously trying to get our arms around the multiple stressor issue and that is one of the areas that is front and center in the analytical part that Charles talked about as we bring together people about how do we evaluate whether or not there are environmental justice issues or disparate impacts; how do you take into consideration the multiple stressors issue, so that is very high on the agenda.

MS. FISHER: Thank you.

MS. YEAMPIERRE: Sorry I just want to point out that we have about ten minutes left and I have about six people on the list. Just quickly, briefly, is the site going to be multilingual?

MR. VERCHICK: Yes.

MS. YEAMPIERRE: Thank you.

MR. RIDGWAY: Good morning, I am John Ridgway with the Department of Ecology in Washington State. A couple of quick points and then I will follow with a brief question.

First of all, this is great. I like the website concept. I wish you good luck with it; I think it will make the access to your thinking and the rules easier to

understand.

If this is successful, I would certainly encourage that you share this with the other federal agencies so that they can do the same thing. It would be nice to see that in a relationship and this gets to our conversations around interagency coordination on EJ.

Another point is to the PowerPoints, I would ask that they be posted on our NEJAC website as soon as possible so that the members that are here and the people who will be hearing this on POD casting and otherwise will know where they can see this right away.

The question that I have -- actually another point. To the conference that you have said is going to happen, the symposium in March, I would ask that for our council if somebody could be there who is going to be nearby Washington, D.C. to observe that, that would help us better understand that dynamic and we can talk about that later.

The question I have is what is the role, and this is mostly for you Jim I think, in this whole process for the regions and engaging with the regions so that they understand what you are doing, that they can help market this access, that they can help share with the state governments and the local governments, and that is the hat I am wearing here at NEJAC, that they will be able to also see this, engage in this, work with their communities to help figure out how it is

going to impact those communities and/or local governments. If you could answer that, I would appreciate it. Thanks.

MR. JONES: Thanks John. As Rob was describing earlier, the agency's rulemaking process not only includes all of the offices who see they have some stake in the rule, it also includes regional offices. Now that being said, I think my regional colleagues would be disappointed if I did not acknowledge that sometimes we at headquarters do not do a good enough job of helping facilitate their participation. And I think your point being that they really do need to be actively involved because they are going to bring something to the table that we are just not going to have is a very good point. I think that is something that we need to refocus our energies on.

MS. YEAMPIERRE: So, I just want to ask the NEJAC, do you want to skip your ten minute break and go to the next session? You don't want to skip? Because we have four more people on the list, actually five, five more people on the list. Can I hear what you want to do, if you want to skip the break?

MR. : --- (Off microphone)

MS. YEAMPIERRE: Five minute break, okay that is cool. All right but that means that your questions have to be brief, skip the commentary and go to the questions and then your answers are going to have to be brief also. Thank you.

MR. BARLOW: Chuck Barlow from Entergy Corporation headquartered here in New Orleans. Just a suggestion might be that you try to form a link on your website to comments that are submitted by members of the public and organizations. I know that sometimes you might have 400,000, I think I have seen that number of comments at one time, and there might be a limit to what is feasible.

But what I am thinking here is that I think that EJ communities and others could possibly find partners and partnerships in people who have like thinking on matters that they did not expect. I mean big business does not all think the same. I mean CO2 is a great issue, you have big businesses all over the place on CO2, the Greenhouse Gas Emission Regulation, so you might -- environmental justice groups and others may be able to find partners of like mind that they did not know about if they could in some way look at the comments that are submitted by others and right now that is a very difficult thing to do.

MR. MARSH: Lang Marsh from the National Policy Consensus Center, Portland State in Portland, Oregon. And in addition to the recommendations you have received so far, one of the things I like as a former drafter and approver of regulations is that this is well-designed to try to avoid the unintended consequences problem that regulations have had in the past. And without embarrassing the air folks, the classic

example of that was the requirement that VOCs be burned off from various facilities creating a climate change problem. So I think that there is an opportunity here though to push that even further beyond the intermedia and cross-agency things that Omega mentioned to the full lifecycle of consequences that occur as part of a regulated activity.

And so my question is are you, as part of the science-based work that you are doing, thinking about looking at the lifecycle of regulated activities that might be subject to the proposed regulation to see if there are EJ communities that might be affected and adversely impacted by things that might be required of sources or activities that might occur farther back up the chain where the materials for dealing with the problem might be sourced or transported or farther down the chain where they might be disposed of.

MR. STANISLAUS: So let me answer part of that question. We are moving forward on a materials management kind of scheme to get away from disposal. In order to do that effectively, we have to do that on a lifecycle basis.

So one thing we are going to do, hopefully very soon, is to set forth some basis of doing good lifecycle analysis. And I want to underscore good lifecycle analysis because there are a lot of terrible lifecycle analyses out there and based on that, people are putting green labels on that.

So what is happening is that the real upstream and downstream impacts are not properly being analyzed and collected and the local community impacts at the acquisition phase, the transportation phase, the manufacturing phase, and the distribution phase are not properly collected and at least disclosed.

So one of the things that we are working on, at least from the standpoint of materials management, is to have a good regimented system of doing a good lifecycle analysis; that is the first step that at least we are taking within EPA to kind of execute that.

MR. RIDGWAY: I guess I would just ask that you consider importing that thinking into the regulatory process as part of the science-based part.

MR. JONES: Yes, that is a good point. I think that most of the offices in the agency are moving in that direction and I think your point is a very good one; bring that thinking to this analytical exercise and we will endeavor to do that.

MR. ROSENTHALL: Good morning, I am John Rosenthal with the National Small Town Alliance and I have two quick questions. The number one question; as you know rulemaking is not a very easy exercise; it is very difficult for those of you guys who are involved in it on a day-to-day basis.

So when we go out to the layperson and ask for their support and their recommendations, how do we accommodate for

their inability to really understand sometimes the substance and the process of what you are trying to do?

Now I think if you go outside and ask the man on the street what is the definition of solid waste? They will probably tell you something that is not liquid and that you are going to throw away. Now that is a very simple definition but that is not even close to any real definition; but that is a commonsense definition.

But when we start asking the laypeople about giving you comments on things that you have worked on for six to eight months and then you give them 30 days to comment, what process are we going to put in place to make sure that the layperson has the capacity to actually comprehend what you are doing and then give you a response?

And the second question is, how will you get back to the public and let them know that their comments influenced the decision or did not influence the decision? And if it did not, why didn't it influence the decision?

MR. STANISLAUS: This is absolutely something that we have a responsibility to do. So we need to think through how do we communicate beyond the fairly thick and in many cases hard to understand language of rules and break it down in a way that communities can understand.

We also need to do some additional processes and later on this afternoon I am going to have a couple of

roundtables on the definition of solid waste to really kind of break it down and have kind of stakeholder processes so we can kind of convey what we are thinking and solicit input as early as possible.

So I think it is a combination of breaking down and communicating this more effectively, but also engaging extra processes prior to rules and during the rulemaking process and having kind of stakeholder dialogue to address the question that you have raised.

MR. KELLEY: Yes, good morning everyone. My name is Hilton Kelley and I am the Director of the Community In-power & Development Association located in Port Arthur, Texas. I just have a comment and a suggestion.

First of all I would just like to make a brief comment concerning a PCB issue that we were dealing with in the Port Arthur, Texas/Southeast Texas area. And I just want to basically commend the Environmental Protection Agency for assisting Southeast Texas in stopping that shipment from Mexico -- 20,000 tons were on its way to the Port Arthur area for incineration and we had that fight going on for two years and under the Bush Administration it was well on its way but I would just like to say that I sincerely thank the Environmental Protection Agency for assisting Southeast Texas in stopping this shipment. It is something that the people did not need and I thank you on behalf of my community and the

State of Texas.

I would also like to remind everyone here that the media is very, very powerful. And I was talking to Mustafa Ali just last night concerning the use of media when it comes to getting the word out. I think it is time that the Environmental Protection Agency takes a fresh approach at attracting young people, at approaching the information age. Let's use the iPods, let's use the cell phone information age, let's use the search engine advertisement, and let's use the public service announcement opportunities that are out there when it comes to the television outlets and what have you.

I think that if we reach out to entertainers that are out there in the business -- I have worked in the business for 13 years, and we all know how fast television can get the word out. If we put together a national media campaign which talks about the new EPA, which talks about the new ways in which you can connect with the Environmental Protection Agency, I think this would be a great vehicle and a great tool.

Long before I was an environmental activist or known to the nation as an activist, I was an activist and did not really know it. But I just did not know where to go with my concerns. And if we reach out to the common man, to that one individual that is not necessarily connected to any group, I think we could get some great feedback. Because many times

people are out there on the front lines fighting for their community right to not be dumped on, fighting for their right to breathe clean air, and they just do not know where to go. But if we start a national campaign, I think we can get some great responses from our citizens out there in the United States.

DR. BROWN: Katie Brown, I am with the University of Cincinnati. A couple of comments, rhetorical comments, but it is getting at this issue of the rulemaking topics which tend to look at single media. Does that mean that rulemaking is going to continue to be single media rulemaking or will rulemaking get beyond the single media approach into multimedia?

Looking at the rulemaking affects, I wonder if that should be rulemaking impacts and wondering about how you would define the environmental justice. I mean given the perspective of this group, every rule theoretically would fall under that category. And as EPA is working now with the consistent EJ screening tool and the EJ analysis and the definition of solid waste, it sounds like you are sort of in transition in terms of how to define environmental justice communities and issues. You are setting expectations here that I can go in there -- and you know what environmental justice issues relative to rulemaking are.

And the other is getting to what Wynecta was saying

is perhaps it would also be helpful to talk about the industrial processes that might be related to the rulemaking. When I am entering this website, I am not just interested in water or air or whatever, I am coming from my community and I know this kind of industry is operating in my community, so that may be another portal that people could enter through.

MR. VERCHICK: Thanks for those comments; they are good comments and some of them are things that we are already struggling with. One of the things that is interesting to me is that when we are thinking in terms of what an environmental justice issue might be for the terms of the gateway, it is not necessarily yet using the same language, the same definitions that are being used in the guidance document that Jim is talking about or in some cases in some of the other ways that we talk about environmental justice in the agency. And that means that we need to come together in the agency and talk more about this. It is on the radar screen but it is at a nascent level right now.

What I can say is I am myself concerned that there might be issues that we flag as an environmental justice -- let's say it this way, issues that we might not flag as an environmental justice issue and that you might see as an environmental justice issue. And there may be ultimately no way completely to get around that problem but I think that there are ways and conversations that we need to have

including through this dialogue in the six months where we ask for people's opinions about things because that might lead to a discussion that might help us with this. But it is a real issue and it is really a vexing one for us.

MR. JONES: I just want to follow up on the first part of your question which is also a very good one, in that rulemaking still in these media specific arenas, that I think it is important to understand because it helps explain why we have these stovepipes. That is that you only can do a rule if there is a statute that gives you authority to issue a rule and our statutes are basically organized that way.

So if the Clean Air Act gives you authorization to do rules related to that, they will be air rules. Now hopefully those rules will take more and more consideration into the multimedia aspect of them, but it will still be a rule that has gotten its authority from the Clean Air Act or from CERCLA or from TSCA or all the other sort of very stovepipe statutes. So that is why the rules will still be coming from the perspective of Air, Water and Waste. Hopefully, though, the rules themselves however are going to have a more multimedia approach.

DR. BROWN: So you could cross-reference them on the website though.

(Nodding of heads)

MR. STANISLAUS: I might like to call on Lisa or

Cynthia to talk about this but I think you raise a very important question about raised expectations and what is the task that we are going to be implementing.

So all you have heard about today is the process of rulemaking. And so we are separately embarking on, well how does that translate into making judgments? And so there is some pre-existing language and tasks about using demographic tools and using disproportionality tools but frankly we are kind of struggling with, and we are working on, how to kind of bring more definitive tasks to that; we have not completely figured that out. But I mean it is something that I always talk about is how do we kind of be clear about the tasks that we are going to use. And so we are embarking on that in a parallel process. I don't know whether Cynthia or Lisa want to talk about the timeline for doing that?

MS. GILES: Well maybe I could just respond to the excellent points that have been raised here about what do we mean when we say that a rule is an environmental justice concern or we are doing an environmental justice screen?

We have a lot of thoughts about how to do this and we are going to be trying it in a bunch of different arenas. I don't want anyone to have the impression that we think we know the answers to these questions. What we are trying to do is figure these out and we don't want to wait to act to figure these things out so what we are planning to do is just move

out and do it in rulemaking and figure out how to do it in enforcement. And there will be inconsistencies and there will be things that we will learn as we go along.

We certainly hope that the NEJAC is going to be one of the main places that is going to be watching what we do, giving us feedback about "well you know what this works really well, you got it wrong over here" so we can learn and adapt. But what we definitely do not want to do is wait to feel like we know the answers to these very complex questions and we want to take action. So we are looking forward to I am sure quite a robust conversation in the years ahead about the things we are trying and what has worked well and what has not.

MS. GARCIA: I just wanted to add quickly to that. I think that is correct, that we just want to kind of roll this out, but the important part of this is going to be the comments that we receive back from everyone. And I think everyone has kind of been raising this issue of communication with other stakeholders, reaching out to people who speak other languages, and that is certainly an important part of how we go out and reach different stakeholders whether it is rulemaking or other things that we are doing.

And I just wanted to mention that we have already started a process of meeting with the Administrator's Office and the Office of Public Affairs to kind of address this

aspect of media technology; bringing EPA kind of into the 21st Century if you will on all of this new technology, on how everyone else is communicating and making sure that EPA starts to communicate that way.

As far as a timeline, I do not think there is I guess a flat deadline for that but we do want to roll it out as soon as possible and so I think you have a list of the questions, the two pages that went out, and so we certainly welcome comments on at least that process as we continue to work and move forward on this.

MR. LEE: I just want to reiterate what Cynthia and Lisa said. You know there are a number of questions that we had here that we really need input on and one of those would be, how do we design a process for you to be really part of the ongoing conversation as EPA moves forward in terms of rulemaking. Because your input here has been really helpful but we need to get your overall views about the approach that we are taking, what is the best way to really engage the public in a practical way? The specific kinds of questions that come up we need to identify and really solicit your comments about. So we are going to deal with this on Friday.

MS. YEAMPIERRE: Okay, thank you and we have five minutes. And thank you so much for being so thorough in your answers.

MR. LEE: Just to tee this up, those of you who were

here for the Air Conference, Gina McCarthy talked about some of the new strategies they have in terms of addressing air toxics issues and they do have a real relationship to the rulemaking process and I think without further ado I will just turn it over to Gina and Rob.

New Strategies for Reducing Air Pollution and Improving Health in EJ Communities:

Upcoming Air Rules

by Gina McCarthy, EPA Office of Air and Radiation

MS. MCCARTHY: Thanks Charles. Good morning everyone. I know you just had a very substantive discussion and I do not want to tax your brain more but I hate not to be substantive so I am going to tax it some more anyway.

MR. : Tax us, I dare you.

MS. MCCARTHY: I know that I have met many of you and it is great to be here and talking about some of the things we are doing in the Air Program; some of the accomplishments over the past few months and things that are coming up on our agenda.

But let me just tell you that I apologize that I do not have a PowerPoint presentation and there is a reason for that. It is because I never follow my talking points so it would be embarrassing to stay on the first slide and never move off of it. And that is because I have this incredible habit of beginning with my brain and then shifting to my heart and eventually returning to my brain at some point in time but

I have given up trying to control that so we will just have to go with the flow.

It is exciting to me to be here today and I know that many of you were here on Monday when the Administrator was here and I just wanted to once again reiterate how wonderful it is to have somebody with the leadership qualities, the strength, and the commitment of a Lisa Jackson. If it were not for her, I do not think you would see all of us at this end of the table.

And I think I might be where Omega was questioning which is how much do I really want to put into the energy that you need to put into this job but frankly I was very happy doing other things and always complaining about how awful EPA was. It was so much fun and so much fodder, I mean, you could easily do it but I think it was because I saw this as an overwhelming opportunity for change. Not just because I have a President that I am incredibly proud of but I have a Lisa Jackson who I would follow anywhere.

So I really hope that we take this as an opportunity for recommitment with an understanding that we have a long road to hoe. We have been working on these issues, many of you much longer than -- well I do not know if it has been longer but probably more focused than I have because I am probably older than most of you; so I have been at it a while. But we have every understanding that this is going to take a

long time for us to figure out these issues and so we will work on them together.

But I do want to hit on some of the things that are happening in the Air Program. Because as many of you know, our Air Regulations drive change, it depends on whether it is good or bad and it is extremely important because air quality is something that where our air is different qualities depending upon where you live. And for all of us who like to breathe clean air, my job is to deliver it and it is not to deliver it over an average across the US that is really neat, it is to delivery it where everybody lives. Every individual and every child deserves to breathe clean air and that is the challenge that we face. And our laws do not always make that an easy thing to do. So we have to think about it together and work on it.

So having said that, I will also apologize for any reference I make to EPA in the need for change in telling you that I like to complain about the EPA. Even working here I like to complain about it. I forget that I work here every once in a while so I am complaining about myself as well now. But I did want to recognize that there are people working in the Air Program, in fact most of the people working in the Air Program are some of the most dedicated professionals that I have ever had the honor to work with. And so nothing I say implies that they have done anything other than work as hard

as humanly possible.

And I have to recognize Rob Brenner sitting next to me who was the father of the CARE Program which many of you have indicated as a wonderful program to provide capacity to local communities to do what they want to do and to come to their own conclusions and it is more of that that the agency needs to sponsor. So I wanted to thank him and everybody.

Now I have run out of time and we can move on to the question and answer period.

(Laughter)

MS. MCCARTHY: As you can tell, I just moved from my brain to my heart and now I am trying to get back to my brain.

All right let me talk about some of the rules and some of things that are at play and then in the end I would really like to get into more detail on an issue to show you how we might actually be able to work together to make the laws work more effectively; the ones that we have on the books and the ones that we need to change. Because I do think we have a really strong foundation.

I don't think that anybody can argue that the Clean Air Act is one of the most challenging federal rules but it is also one of the most enormously successful rules. The amount of public health improvements that have been achieved through the Clean Air Act have been enormous but that is not to say that we do not need to go a lot further.

And I wanted to begin in my remarks as I began when I spoke on Monday by touching on the issue of climate change which is an issue that is taking a great deal of attention certainly on the Hill in Congress and in my agency and in my office because I spearhead some of those activities.

But I will tell you that the Clean Air Program in my office is not just about climate change. All right, because when I came in there I began to worry, as many of you have, that much of the attention of the non-profits and much of the money from foundations has been shifted to climate issues dramatically and it has worried me for years that that shift would result in less emphasis on traditional air pollutants in the need to make the next jump in terms of us assessing those venues.

And so I will tell you that while we are pushing very hard on the issues of climate, and they should be of concern to all of us, there are tremendous opportunities to address climate in ways that also move traditional air pollution goals forward. And I think that is our challenge. How do we engage people by looking at the issues of greenhouse gases in coordination with improvements that we need to make now on the ground to improve public health? And we know that traditional air pollutants continue to causes illnesses and premature deaths in the thousands in this country every year. And while we are looking at the longer-term goals and

challenges of climate, we cannot lose sight of the need to push the traditional air pollutant reductions forward with the impetus that we are putting on climate.

So I will mention climate briefly. You know we did an endangerment finding. That was basically a science-based decision that said "yes greenhouse gases are a public health and welfare problem" and "yes mobile sources contribute to that." Now if either of those two decisions was an enormous surprise to anyone here, that would be a surprise to me. I think we knew that, we have proved it, and we are hoping to move beyond the science to talk about what we actually do about achieving those reductions.

And probably the two most notable things we did last year was the proposal for our light-duty vehicle rule which will push forward new fleets of cleaner vehicles. We will talk more about goods movement and transportation challenges in the next section. But it should not be lost on everybody that moving toward cleaner vehicles is an enormous improvement not only in terms of reducing greenhouse gases but also in terms of addressing some of the pollution that is plaguing some of our communities. Because as we know, transportation pollution is something that causes considerable difficulties in many of our communities and it is an enormous challenge. And it is one that at the local and state level you have very little ability to impact. So the buck stops at the federal

level when you talk about transportation except for coordination with some of the planning efforts at the state level.

We can talk more about that but the other issue I wanted to mention on endangerment, which I want everyone to just keep in the back of their minds, is the Mandatory Reporting Rule. Now this is a rule that we have put out that is requiring the large emitters of greenhouse gases to report on their greenhouse gases.

Now why do I think that is important, everybody? For five years I managed the Toxics Use Reduction Program in Massachusetts. And the really unique thing about that program was we required industries to report their chemical use every year. Not the waste they emitted but how much chemicals they used and then we matched it to the waste emission figures that were reported to the Toxic Release Inventory.

Now the interesting thing about that was that every facility hated to be reporting on chemical use. They hated to be at the top of the chemical use list. And they did everything humanly possible to get off that list and to get down because they did not like the fact that communities saw them and saw them as a threat to public health because of the chemicals they used not just the waste they were emitting and the emissions that they were emitting.

And I think we are going to see the same thing with

climate. Because what you are seeing on CO2 emissions is an admittance of inefficiency. If you are emitting CO2, it is because you have not figured out how to be more efficient. And that efficiency is likely to also be present in how they are handling other traditional pollutants.

We can drive reductions if we are smart by looking at who is reporting under the mandatory reporting rule and go up and knock on their door at the local community level and saying "hey, how come you are at the top of this list? How do we work together because you can find ways of becoming more energy efficient and you can make it cost effective for you but I can get reductions in pollution that matters to me in my home and in my community." So I think it is really important for us to look at that and use that as a driver for air pollution reduction in general.

So let me go over very quickly some of the things that we have also done over the past year on traditional air quality pollutants.

You all know about the National Ambient Air Quality Standards. Those are standards that the Clean Air Act lovingly told us we should look at every five years. Well I probably do not need to tell you since the Administrator announced on Monday the first NO2 NAAQ Standard in 35 years; that we are not quite keeping up with that five year timeline. If we were, that would not be a 35 year new NO2 NAAQS. But we

are driving, as the Administrator said, to look at where the science is leading us and what does the rule of law say. And we are trying to adjust the way in which we behave as an office to ensure that we are doing those reviews in a timely way and we are letting science drive those decisions.

Now in particular I want to mention two and they are two that are most notable from my perspective because they very much deal directly with public health impacts. So let me talk about the Ozone NAAQS and also the PM2.5 designations. Because there are no two pollutants that are more significant to local communities than ozone and PM, particulate matter, because they actually have huge public health consequences. They drive tremendous amounts of illnesses. That is not just in terms of asthma-related illnesses but also other respiratory illnesses as well as cardiovascular problems. And they cause pretty much your deaths.

And we have so much information on ozone that it would sort of knock your socks off. And what we have realized in the last science review is two things. One is when they set the standard in 08, they did not look closely enough at the science because they did not do what the scientists told them that the science was saying. They did not drive the reductions within the range that our scientists said they needed to be driven in order to set a new, more aggressive standard.

The second thing that the science told us was that there is no lower limit of safety on ozone. Every time we look it goes lower. And what that tells us is that we need to drive it as low as we can and we need to revisit it as often as the law requires and we need to continue to challenge us how to meet these standards as we move forward.

So we reconsidered that standard. We have recently put out a new standard that revisits that 2008 level; we think it is much more in line where the science is driving. We also think it is going to be enormously challenging to implement.

And as many of you heard when I spoke on Monday, that it is really good to set the standards, it is another whole ballgame to make sure they get implemented and actions follow. And while I will tout the standards, what you are going to judge me on is whether they got implemented. And I expect that to be what we get judged on. I want the improvements, not just the goals set.

And so we are going to be working with the states actually and we have negotiated a much tighter implementation schedule for that standard because we have lost ground. While we are reconsidering that standard, I want it to be right, but I want it to be implemented more quickly so the ground we have used in relooking at the science does not mean significant loss in our ability to reduce pollution on the ground.

On PM2.5 NAAQS, instead of going out with all

science, we have revisited that. I now have the best data available to make those judgments on and we are going to move that forward. Now the good news is that the data shows us we have made some significant progress. The bad news, as you know, is that it is not everywhere. And it also shows us that we have some places that are actually coming into non-attainment even under the old standards as we are looking at the new data. So we have work to be done.

Now let me take one moment -- I am rushing through this because I know we are late, is that okay?

MS. YEAMPIERRE: No, no, no you are speaking truth to power; I am really enjoying this, go on.

MS. MCCARTHY: Fabulous! Then I am going to take the rest of your day Elizabeth.

MS. YEAMPIERRE: Now don't go crazy.

MS. MCCARTHY: Okay, let me hit the NO2 NAAQS issue because it is fun and I wanted to talk about this one and let me tell you why it is fun.

NO2 NAAQS we just came out with on Monday. Now the interesting thing about this NO2 NAAQS is it took a leap of faith in two different ways.

One is it moved away from area standards and it said that we are not just going to keep the annual average standard; we are actually going to set a one-hour peak standard and we are not going to put those monitors in the

middle of nowhere. We are actually going to put them where we think we will get the highest readings. Now that may not sound shocking to the uninformed, but it is pretty shocking to all of us who know that that is now always how it is done.

And the Administrator fought enormously hard, not just to get a new way of monitoring and a new standard based on road-side emissions, but she also fought hard to take a portion of the monitors that will be tied into that network and to be able to use the authority of working with the regional administrators to put those monitors in communities where we honestly believe the challenges are the largest. Not just for NO2 but in a way that we can use them as a platform for multi-pollutant monitoring.

Because I want you, next time when you are questioning cumulative impacts, to be able to hand me a reading from your community that says "you not only have to figure this out but this is what my family is breathing. This is what my children are breathing. If your laws cannot figure out how to do multi-media, maybe we could figure out how to do multi-pollutant." We have to walk before we run and so it is time to walk.

But we do not have all of the information we need and it is going to take a while to build this network. I am not telling you it is going to be done tomorrow but this particular rule for the very first time set up a new way of

looking at monitoring, it set up a new peak standard that will allow us to get the issues, but more importantly it was the very first time a rule actually recognized the issues of disproportional impact. It is written in there for the very first time and it got approved so we will use this as a launching point. So while we are talking about the process of rulemaking, no one is waiting for that process to work itself out.

As rules are coming up, we are going to dive into these issues and get the basis that we need in law to make the kind of decisions that you expected us all along to make; decisions that make the improvements of air quality where you live. And so, as you can tell, I am not at all excited about this rule.

(Laughter)

MS. MCCARTHY: I am not going to push it at all; but I am. It is going to be really new, it is really different. I have already had conversations with researchers on how we site those correctly, how we work with communities and do the outreach we need to make sure that they get placed appropriately, and how do we really talk about multi-pollutant strategies on monitoring so that we can get the information we need not just to do what we are suppose to do but to change the rules so we are allowed to do what common sense would dictate. That is the hardest part but that is the part that

we really need to focus our energies on.

So I am enormously excited about it and I am also enormously excited that the Administrator has recognized that all of this work takes money and she is fighting really hard to figure it out because the last thing we want is to challenge all these new monitoring systems to be up and running and to say "oh subject to appropriation." We want the appropriation to be subject to common sense and so she is working really hard at that. And I trust that she will make progress because she is incredibly annoying when she gets behind an issue and she is behind this one.

(Laughter)

MS. MCCARTHY: Don't tell her I said that though; that would be bad to have that reflected in the minutes.

(Laughter)

MS. MCCARTHY: I want to mention a couple of other rules beyond the NAAQS rules because we are actually, over the course of the next five years, we are going to be looking at all six criteria pollutants.

And actually the other interesting thing about the ozone standard is we have not only set a primary standard but a secondary standard, so that is kind of a first as well. So we are going out all over the place on these issues.

But the other issue I wanted to mention was the Clean Air Interstate Replacement Rule. We have had a lot of

what I lovingly call do-overs. Do-overs mean that prior administrations have passed laws that were not legal. That is a tricky thing to continue to implement. So we have had a lot of do-overs on issues that the court said were not appropriately handled, they did not go far enough, they had poor legal basis, and so we are working on those. And again it is not a reflection of the hard work of the individual staff. There are much larger issues at play in these but we are going to be moving again to do those replacements.

And the one reason why I wanted to bring up CARE was not just to let you know that a new proposal is coming out in April. And what CARE tries to do is look at the transport of air pollution from one state to another state and whether or not it is significant enough that it is causing a problem in that second state because if it does the law says you cannot do it. It says you have to make reductions in that upwind state so that you are not causing a problem for your downwind neighbor which is a very good thing.

The problem that we have is that the pollution that CARE tends to regulate is pollution that we often do trading for. Now I know and you know that trading is not something that everybody is in love with. Now I will go out and tell you that I think that trading in certain pollutants has been a very good thing. It has led to significant cost-effective reductions but I will also tell you that the court made it

very clear that there is trading and there is trading and some trading is not good.

And so what CARE is going to do is to drive reductions at individual facilities that have been trading for a long time and that actually have impacted downwind neighbors and we are going to get at those facilities and those facilities themselves are going to require investments to be made. That is good news.

Now the second thing that the court said about the old CARE rule was that when there is trading and then there is trading, and then there is trading -- was toxics. They said they threw out the CAMR Rule which is another do-over which is basically the Clean Air Mercury Rule. And they said that while trading in some pollutants is fine, but other pollutants like toxics that actually have localized impacts do not talk about trading; talk about reductions of those localized impacts. We heard that. Actually many heard that a long time ago. But what you are going to see is our rules where we flag(sic) that court ruling and we are going to run with that rule. Because we know that you cannot do trading of localized impacts and expect that trading to make a difference in people's lives who are breathing these toxics.

So we are moving forward on a variety of toxics rules and that is where we need to work really closely together to get your input into those rules so we are getting

them in a timely way. Many of them are on court deadlines which is good. It is going to drive the kind of change that we are looking for but we need to be as creative and working together to not slow those down but to make sure we are designing them effectively.

Let me just hit a couple. We are looking at -- I think the first thing I want to mention is Residual Risk Rules. That is a bunch of rules that we are doing because we have not done them in a timely way and we are negotiating moving forward with those rules. But basically we are looking at bundles of toxics rules that control specific sources and we are looking at moving those together quickly so that we can begin to drive toxic reductions down that we know continue to pose risks across our communities.

Let me mention a couple of actions we have already taken. Let me mention the Portland Cement Plant Rule. We proposed that in May of 09; that is going to a final in March 2010, that proposal in and of itself will reduce current mercury emissions from Portland cement facilities by approximately 80 percent by 2013.

Now if you know how our rules are done, that means that there are cost effective technologies already on the books that we can get them to put in place by 2013. This is not just driving the next bunch of technologies; these are recognizing that they already exist. We have to get our acts

together because if the technologies are there and the risk is there, we have to marry those rules and get them out there that make the connection between existing technologies and risk because we can make a difference now. I can be sitting here in 2013 and you can go "Hey, cool, you got something done." Omega can go back and say "I told you so. It was worth my sitting here." That is what we are up to.

Now the Utility MACT Rule is another one. That is a rule that we are not just going to look at redoing the Clean Air Mercury Rule, we are going to be looking at every hazardous air pollutant in the utility industry and taking it on as a whole.

It is a reflection of the work we are trying to do on sector-based, again to bring some more common sense to the issues that we deal with. And we are currently in the process of collecting the information we need to do for that rule and we are going to be moving that out as quickly as possible because it is a big one in it coordinates very closely with other efforts that we are looking at in terms of the clean energy vision.

How do we work with utilities to look at what they are doing on criteria pollutants, on toxics, and create a pathway forward to what we all would agree is a cleaner and lower carbon future in the energy world.

We are actually looking at gold mines. We have a

plan to propose a new rule in April 2010. Believe it or not, gold mines are the 6th highest source of mercury emissions; 6th in the US. And we are developing a national standard to try to drive those emissions down.

And as you all know, we are looking at industrial, commercial and institutional boilers; one of my favorite categories. This is a rule where all Hell will likely break loose so you have to be on my side. I would prefer that you be in front of me rather than in back of me but in back of me is good too. This is a rule where we are going to actually -- we are going to put a proposal out in April 2010. We are going to look at real opportunities for technologies that are in use. This will drive not just traditional pollutants down in toxics but it is also going to be driving down greenhouse gases significantly. There are huge benefits that we are going to see from these rules.

We have a whole other bunch of things going on but rather than continuing to talk, because I want to give time for questions, I want to hit on a couple of other big issues that are going on and actually thank the woman next to me, thank Vernice Miller-Travis, for helping to Co-Chair. And Katie I am sorry we didn't get to meet; I talked to you on the phone.

With Katie the School Air Toxics Workgroup; this is a program that has been going on for a while where we are

doing air toxics monitoring at schools. And it involves I think about 64 schools. We are going to have most of the analysis of the data done by the middle of this year and out. I think the workgroup has done a tremendous job in working with us on a website that explores that data, that helps us communicate much more effectively with the schools, with the principals, and with the parents. But it also is an effort that is challenging. It is really challenging us. And I know it is challenging dialogue between the workgroup and our staff on what do we say about the information that we are seeing.

Now let me tell you the challenges that it is raising because this is what we are going to have to get at in our next discussion moving forward. What it is challenging us to think about is not just communication but what can we say we know. You know, that is the argument, is you are communicating really well but we don't think you should say that, now what an interesting way for the workgroup to end up. The issue is how much can we say about the safety of the numbers that we are seeing. How confident are we in those numbers?

And the second thing that is challenging us in our work with the regions and the states is what do we do about it?

I think one of the most interesting and distressing issues is that we put out a couple of recent school reports on

the toxics results. One of them had very high manganese numbers. Now I am not saying very high because I want you all to run up and call and get your kids out of the school yard kind of high, but it was above what anyone would want to see without question.

And the interesting thing was I said "well are we going to get blasted when this comes out?" Everybody said "no, everybody knows there is a source in that area." I am like "oh my God." The good news is that we were not going to get blasted but the bad news was that everybody expected it. That is not great news.

It means that we know that there is a facility there and now we have to look at it and ask ourselves a couple of questions here. Is it operating within its permit? And then if it is, what do we do about it then? Because your question is going to be just because it is operating within its permit, it does not mean our children are breathing clean air.

So the interesting thing about this is it is asking all of the questions you have been asking us forever. Are we out there doing the enforcement we need and secondly are the permits stringent enough to deliver clean air where people are breathing? Especially the kids in these urban areas where they traditionally have the highest levels of asthma, where we know they are the most vulnerable populations. So for that reason it is really cool.

But for other reasons it is going to be really stressful for us because you are going to keep having these issues. And I know Vernice and Katie are not going to let us off the hook and say yah, yah, well you can say that and calm everybody now; we are going to have to say what is next.

And part of the issues that the Administrator is challenging us to look at after this year of school data, what do we do next? How do we make community-based decisions on the basis of that data? And what do we do with monitoring next? And how do we use those monitors that we have at N02 to begin to get at these multi-pollutant issues and be more educated and work with the regions and work with the states on difficult issues that may challenge how we traditionally think about permit limits?

So it is going to be actually really fun. Strange as it seems, I love this stuff. I am going to skip all of the transportation stuff I was going to talk about because we are going to get at that discussion in the next -- after lunch when we do a session.

I did want to say that I thought that some of the comments that I have heard coming out of the transportation conference are right on. We will get at those issues.

I did want to mention to Elizabeth that geez I wish DOT as here too. I am not sure who at DOT I wish was here because some I would rather be here than others but DOT has as

much of a challenge as EPA does in terms of how do they look at their mission and rethink what they do.

I will tell you the good thing is that this President has actually what he calls a "green cabinet." He forces conversations between the agencies in ways that have never happened before and as a result I do think that Administrator Jackson has a really productive relationship with Secretary LaHood.

And one of the things that I really want you guys to be engaged in is not just our rulemaking but DOT's. We have opportunities in the reauthorization of the Transportation Act to finally get public transit up in line as a priority. That Secretary wants it desperately; our Administrator wants it and I think we need to deliver those relationships. And you are absolutely right, DOT should have been here. We invited them; they did not show. I am going to work harder next time. And I am actually going to get the people who I think will work with us really well because there are those that are there; just to mention that issue.

Now let me push back one more issue and talk to you about an overlap in issues between multi-pollutant strategies and monitoring. Am I going on too long? I know I am. Can I just mention one more thing? I know you are running late; I sorry.

MS. YEAMPIERRE: We are running late but I don't

know how everyone else feels; I guess like two or three more minutes? You can speak fast.

MS. BRIGGUM: Could I just make a suggestion? I see that we have like an hour and a half here for lunch, is there a chance that we might --

MS. MCCARTHY: Oh my God, I can never get in between anybody and lunch.

MS. BRIGGUM: Well no, I don't want to have lunch, I want to work.

MS. YEAMPIERRE: If everyone is good with that we can have a shorter lunch because I just think this is a really --

MS. MCCARTHY: I will swear I will wrap up in five minutes.

MS. YEAMPIERRE: No, no, no, we really don't want to miss out on any of the salient points because frankly a lot of the things that you are saying really are things that we are thinking about and have been discussing now for years in our communities and so we really need to have -- it is what government calls "robust" -- not my language.

MS. MCCARTHY: Don't you hate that word; I use it all the time.

MS. YEAMPIERRE: I am not feeling it but -- discussion. So please go on.

MR. KELLEY: How about meaty, very meaty.

MS. MCCARTHY: That is a better one. My kids will not like it, they are vegetarians though. We will have to think of it as cellulosic or something, I don't know.

But anyway, I wanted to just try to bring home all of these issues into one issue that I think is a really important one and I will tell you I categorize this in the category of "Gina, you have to get out of the office more initiative." And it came up when I started going to Texas.

I have been going to Texas; Texas is a wonderful state but I am not going there because I am visiting the state I am going there because we are working on some of the air permitting challenges that we have in Texas. And I met Hilton and some of his group and many of the environmental justice advocates a while ago in Texas. And one of the things that I was told to do which I did was to take a helicopter ride along the port in the Houston area. That was to me, for a person who really has not gotten out of New England much, I did not know refineries. When someone said refinery, I am like yea, yea. Man alive. Those are refineries. It was an eye opener for me.

And when I began to think about all the things I want to do, all these multi-pollutant strategies, all these let's make some common sense moves forward, let's get actions done, it just whacked me upside of my head and I said okay if we can make a difference in people's lives quickly, maybe

these are the areas and these are the things that we can focus on most effectively moving forward.

Looking at it rather than as one of those little tiny emissions out of 100 million and we just look at that one unit and we do a standard for that one unit and we walk away and we say okay we have done our job; there are only 9,999 other emission units in that facility that we have to get to over the course of the next 30 years.

And one of the issues that I thought we really needed to tackle quickly together, that there was a legal framework to address, was the issue of start-up, shut-down, and malfunctions. Because when I was driving in that helicopter, you could see some of those flares from 10 miles away. They were not little. When I think of flares, I think of you know you light a little candle when you go to a concert; that is not a flare. These things are gigantic.

And I really -- what we have done is a look at emissions data. And I just wanted to share a little bit of that emission data with you. Because collectively these malfunction events can produce emissions in quantities that really dwarf the amounts we are getting from routine operations, which are the amounts we permit, potentially exposing the surrounding communities to very significant short-term high-level exposures. And so the magnitude of annual refinery excess emissions is often two to three times

the annual routine emissions that are reported.

OECA, Cynthia's group who is haunting me about these issues; thank you Cynthia, she is an equally obsessed human being, found that a carbon black plant had an annual upset emissions of VOCs, volatile organic compounds, that was 85 times the emissions that were reported annually in the emissions inventory.

Now Houston, we have a problem.

(Laughter)

MS. MCCARTHY: And the Environmental Integrity Project recently reviewed 800 notifications to the Texas Commission on Environmental Quality and found that 20 plants emitted 19,200 tons of total air pollutants annually just during shut-down, start-up and malfunctions but they only reported 3,430 tons annually. Now that is just -- these are amazing numbers.

And so all of a sudden the courts have caught up with these issues and they have told us that this does not make a whole heck of a lot of sense.

So what I wanted to do was rather than talk about these things, is I want to make some commitments. I want to tell you that we are going to do a consolidated rulemaking. And that consolidated rulemaking will address the malfunction exemption as a whole rather than work rule by rule by rule. It is time to do what the court told us and we are going to

put out a rule and I am going to need your support to make that rule happen.

I am also going to evaluate the start-up and shut-down conditions independently as we are looking at our standards for all of these facilities. So we are not just going to look at it as a whole but as we put out our source specific emission targets, we are going to look at these issues and we are going to integrate them into our rulemaking process.

And we are going to look also at our industry-sector specific rules. We are looking at refineries. And in our refinery NSPS, New Source Performance Standards, we will be proposing to require continuous emission monitoring of those flares. We are going to be looking at flare minimization plans needing to be required. And we are going to promote flare gas recovery. We are going to explain that these systems are cheap, they are effective, and they can have paybacks of up to three years. When you look at the numbers, what is the problem? Let's start moving these issues forward together.

Now in the past we have looked at things too much individual pollutant by pollutant. Let's work together to look at refineries and at this start-up, shut-down and malfunction issues and let's start making progress today. I don't need you to tell me any more than you have told me

before. And I do not need to deny what I have seen with my own eyes. And I think we can make this progress and we can show you how a multi-pollutant strategy can play out in the different tools that the Air Program has available and we can start it right away. Thanks all.

(Applause)

Questions and Answers

MS. YEAMPIERRE: I just want to say that there is somebody in the audience, I do not know if he is still here, Nicky Sheats from the New Jersey Environmental Justice Alliance who must be really happy because we call him Nicky "co-pollutant" Sheats.

Thank you very much. This is really exciting, I am amped up and I don't need to be more. It is really exciting because these are exactly the conversations that we are having in our communities. Even the issue that you raised about climate change, where we are being pulled in a lot of different directions and it is so important for us to start to continue to address the NOx, the Sox, the PM2.5 and to do all that work.

And the whole conversation about climate is about reducing carbon and so even when we participate in plans -- I sit on the Mayor's Sustainability Advisory Board in New York City and the idea is to reduce carbon emissions by a certain amount and we really want to focus on hot spots and making

sure that it is not done at the expense of the co-pollutants that are killing our people. And this is something that is happening all of over the country where that is the focus. And so we have to -- so what we are doing is using environmental justice as a way of addressing greenhouses gases as well. So what you were talking about, is what we figured out how to do on the ground and so it is really great to hear that it is being supported at this level because that will also drive, I think, the allocation of resources so that we can do it in a real meaningful way.

I have just a few -- I try to keep my questions brief because there are so many of us but I did want to -- also the issue of trading, you mentioned the issue of trading, for us really it is just that trading does not address the issue of siting and the facilities will continue to be sited in our communities and the offsets are not meaningful.

And even when they bring in new industry that is cleaner, it is cleaner but it is not clean. So it is cleaner which means that it is an additional set of tons of NOx and Sox on top of what is already there and that infrastructure is not taken out when the new infrastructure is put in. So what we have been trying to do is put together MOUs when we could get these industries to agree to use newer technology and to show that there is a reduction, a net reduction, in emissions that is localized.

But the problem and the challenge is that they cannot demonstrate, and this is where you can help, they cannot demonstrate that the reduction in emissions is going to affect the local community. They can show that the reductions are going to happen and they probably are somewhere but we do not know that it is going to happen in our community. And so we do not want evergreens for pollution and that is really often what is offered; do you want some trees, do you want a park where kids will be breathing deeply while jumping rope and breathing in the emissions. So those are some things that I would like you to look at.

The other thing is power plants, you know, you talked about refineries but power plants in urban environments; you have peakers, you have old generation, and you know that work when there is the highest demand. And so I would be happy to hear what you have to say about that and how those businesses can be incentivized so that they can take them out; literally take out the old technology. Because unlike in some areas where people are not living right next to these facilities, in urban areas you have dense populations that are highly susceptible to these micro-toxins living right up against, like literally across the street from all of these facilities and numerous facilities.

I probably have some other stuff but that -- thank you so much because we are really concerned about the fact

that climate has become a silo in and of itself and that it can be particularly for EJ communities. So I don't know if you want to respond to that.

MS. MCCARTHY: I would love to but I am going to be really brief. I understand the issues of trading. The good news is that the Administrator understands the issues related to trading. We have talked about that a lot specifically related to climate issues. Because the challenge with climate is it is going to create -- if we do climate well, it is going to create an investment opportunity. And we want to make sure that those investments go towards upgrading the facilities nearest and within the communities that are most vulnerable to the pollution impacts. And so it is extremely important that we keep our eye on the prize and I clearly understand that.

On the power plants, we should talk about this offline and we may actually want to have a longer conversation. There are -- I think that we have learned some really good lessons through the CARE Program on some of the ways in which we can leverage really good decisions out of this need to look at an energy strategy moving forward and I think it deserves a longer conversation. But I am totally prepared for it. I worked on these issues a lot over the last five years and there are tremendous opportunities to ensure that if you site even the cleanest peakers in communities that you can get out of the need to run some coal-fired units that

impact that exact same community. But if you do not have those kinds of obligated tradeoffs, you can actually end up with increased pollution. And it is a very difficult issue but one I would love to tackle.

MS. YEANPIERRE: Thank you and I would love to do that. And I really want to thank you for being candid. You know one of the things about our community that really frustrates us and really gets us angry is when we feel like we are getting played and so for us, you being candid and saying "I can do this," "this is where we are," "this is how much time it is going to take us," is really necessary in order for us to be better advocates and to make sure we can push the envelope.

MS. HENNEKE: I am Jody Henneke and I am with the Texas General Land Office and was with the Texas Commission on Environmental Quality for a long time and had the Houston region. So having done the Houston tour does give you a much keener appreciation for what I always refer to as the Houston Wow Factor.

Houston does have what I think is unique in this country in that it is the fourth largest city in the country with the largest industrial complex along side it. And even with the industrial controls, you still have that transportation issue that you have referred to that is difficult at best. There is also a huge commuter population.

One of the things that I also wanted to tell you is that I likewise have spent the major part of my career, as many of these guys will tell you, wining and fussing and complaining about EPA. I have a new federal agency to fuss about after the last year or so and that is FEMA. And that has, having gone through a major hurricane recently, one of the things that I would encourage you -- this is with the background of doing that combination of enforcement and being in that region, and that is when you have the -- let me say this with the backdrop of, I have had to regulate facilities that wanted to operate in continuous upset. All the luck and power to you on dealing with upsets.

Maintenance, you have to figure out how to allow and encourage facilities to do maintenance without being penalized. But the other thing is when you have a situation that is weather-event pushed, particularly in my region hurricane pushed; you are going to have the occasions when those facilities, those refineries, have to shut-down. Shut-down comes with an emission cost and start-up comes with an even bigger emission start. But in order not to get caught in that regulatory whipsaw and allow the agency and the country as a whole to move forward, figure out a way to make those events differentiated from the continuous state of upsets.

MS. MCCARTHY: May I respond just for a moment. First of all I should mention that while I was out picking on

Houston in terms of the port area, I should mention one of the good things, one of the fun things I did in Houston, was to meet with the now ex-Mayor I guess and it is unbelievable how much progress Houston has been able to make in terms of their own air quality in the midst of the challenges that you are facing. So it has been a remarkable work.

And OAQPS has been part of that and as you know they have been doing a lot of work trying to use new technologies to sort of gauge some of these fugitive emission sources; the ones that we do not measure very well which are these leaks and things. It is pretty cool the work that we are doing together.

But I appreciate and thank you for your words of warning. And that is one of the reasons why I told you you need my back on this; this is going to be -- you know it is not just going to be difficult because the businesses have not been used to being regulated in this way but it is just really hard. We do not want to set a rule that basically says do not maintain your plants. Or let's make sure that we do not allow a flare and there is an accident and people die. This is really going to be difficult. So Jody I expect you will be hanging out with me for a while. I am not going down alone.

MR. BARLOW: Chuck Barlow from Entergy Corporation. We are a utility and we are headquartered in New Orleans; we have other places too.

But I wanted to just mention that one thing when you are dealing with the power plants that are owned and operated by a regulated utility and a regulated utility that has a lot of, quite frankly poor customers, customers who already pay a pretty good chunk of their income to basic utility bills and that is all regulated in sort of a cost plus thing. But we do have to keep in mind and I am not trying to play this out there as any sort of excuse for not making improvements, I am just saying that as we make the improvements we have to remember that sometimes those economic costs fall, under our current economic system, fall on people who already have difficulty paying those types of basic utility bills. So maybe that means that there is a new economic system, of course, those are state and public service commission type of issues but it is just something that we really have to keep in mind.

And one of the things that we have tried to push as cap in trade for greenhouse gases has been an issue going through Congress, you know, the possibility that in Congress is that if you have a cap in trade system, then one thing we can do is make sure that we recycle or redirect some of those allowance funds to the customer. And I am not talking about to the company; I am talking about to the customers who pay those utility bills to try to offset the increased cost.

Now it is a little harder to find the money stream

when you are talking about commanding control rather than cap and trade but surely there are ways to do it. And I just wanted to urge that it is a little bit of different type of environmental justice that I think we have just got to really, really keep in mind.

And then I also wanted to say thank you because I know you and I have not met before but a lot of people who work with me have been in sessions and you just seem to be an incredibly upfront and open-minded person at the same time and Rob you too. You know you guys seem to have a pretty good 360 view. You are seeing things from a lot of different angles at the same time and I know that we really appreciate that.

MS. MCCARTHY: Could I just comment. Chuck we have not met but I have certainly met many of the people that work at Entergy and I have spoken with the big boss there about what we do working with the utilities to address the issue that exactly you are raising.

To your boss's credit, he said "you better regulate." How cool is that to call a utility guy and he says "regulate." He said "get the CARE rule out, come on, tell people you are serious, and let's get a move on." And so it is great that the company is basically saying, you know, you need to set standards here because they want to be out in front. But you don't want to be out in front at a point where everybody else is selling their power so much cheaper because

you are the good guy on the block. And so I really appreciate the attitude that your company has taken to this and the communication that they have had with us.

But what we are doing exactly on the greenhouse gas side as it relates to utilities is what we are trying to say is, and what nobody seems to dispute although many of the utility owners and others will question the science behind climate, will say that you should not do a cap and trade program, it is going to take down the economy as we know it. You know you have heard all of the extreme rhetoric around this as well as some of the thoughtful challenges that we have as we move forward.

But what nobody seems to dispute is the fact that we have pollution problems, traditional air pollution problems. And we have laws on the books that need to be enforced. And so what we are trying to say to the utilities is we have a CARE rule that is going out in April and it is going to get done. We have a utility MACT rule that is going to be regulating toxics from your facilities. There is no question about this. We are moving forward on NSPS for utilities as well. And why don't we just look at where that is heading? Why don't we set a pathway that says if you invest this way in your fleet, you will actually achieve those reductions, address greenhouse gases, and low and behold create jobs in the process and not find the most expensive way for you to

achieve the next pollution reduction, then the next pollution reduction, then the next pollution reduction?

The frustration I have with utility regulators, and they have heard this loud and clear because I say it every time, is the only thing they look at is the next standard. So if we do things the same way, you are going to have DPUCs funding upgrades at facilities that will never be able to meet the next regulatory standard. How dumb is that to be spending public dollars to eek a facility out for the next two years knowing that in the third year they are going to be required to do something else and you are not going to invest in that?

That is what is killing consumers and how prices are done. It is the less than thoughtful way of creating a roadmap to the clean energy future that the President wants that is really the costly price ticket here.

MS. YEAMPIERRE: Sounds like a forum to me, an entire conversation on this.

MS. MCCARTHY: I am going to owe everybody lunch here. I am not paying the tab; I just want you to know.

MS. YEAMPIERRE: I am a member of the Environmental Justice Leadership Forum on Climate Change and we oppose cap and trade and I would think that we present some thoughtful challenges. So I would urge you to learn a little bit more about that platform and we would be happy to share information with you on it.

MS. MCCARTHY: Why don't we talk?

MS. YEAMPIERRE: Yes, let's talk about that. The one thing that I would like the assistant administrators to do in your responses to the questions raised by the NEJAC is to think and respond taking into account the number of jurisdictions that are inflicted by these problems. You know, think Detroit, think Brooklyn, think Bronx, you know, think L.A., think West Virginia, think Indian country, the global south because we really want to make sure that for those people that are not here, those communities that are not represented at this table, that we can come away with recommendations and ideas that are going -- my job as Chair is to make sure that everybody is lifted. So I have to put that out there and ask that when you respond, that you think about what your recommendations will do for a variety of communities.

MS. MCCARTHY: Elizabeth can I just bounce back and tell you that I could not agree with you more. One of the things I did two weeks ago was I went down to -- where the Hell was I -- sorry, Tucson, Arizona. I should not say Hell; I am sorry. That should not go in the record either.

(Laughter)

MS. MCCARTHY: I went to Tucson and I spoke in front of the group of CEOs who represent the Rural Electric Coops. I really don't know why I decided to do that other than to

address the issue that you are talking about and the issue Chuck that you are raising. I mean these are groups that have no flexibility money wise. They were set up to service communities that cannot pay and that need the power. And it is going to be extremely important for us to figure out how we move those communities forward and don't just create standards that on the whole do really good for most of us but then present unique challenges that we have yet to address.

I thought the meeting went well until I was looking out at the faces and I realized that everybody thought I was an idiot. And in fact I asked them that. I said "does anybody believe anything I am saying?" And God love them, they all yelled "no" and then they said "but we think you are sincere." I said "so you think I am dillusional that is what it is?" It is a real challenge.

And we were talking about the issues of climate and it is going to be a real challenge for me to do exactly what you are challenging me to do Elizabeth but you are right to challenge it.

MR. KELLEY: Yes, thank you. I commend you for this gallant effort to help to clean up some of the emissions coming from start-up and shut-down at some of our refineries. I think it is a great job and I think it is a big job but I think it is something that can be done.

Because for years, not only in Port Arthur, Texas or

in Texas, but refineries have been using flaring and all of these start-up and shut-down excuses when they flare as a way of doing business; getting rid of various toxins that you know you just cannot dump -- let's just say it is very expensive to dump legally. And I watched this happen for over 20 years in my community so I think it is something that can be reduced if industry gets in there and they spend the necessary dollars to get rid of the antiquated equipment that a lot of these plants still have and they operate because it is cheaper to do so. We can achieve this goal and reduce the amount of flaring in our communities.

But the question I have is, will there be any fence-line monitoring of these facilities like the road-side monitors that are out there? What would be some of the benefits of that?

MS. MCCARTHY: That is a really good question Hilton and we are actually moving forward and we have done a pilot looking at some new technologies that we have developed that are really cost-effective to do fence-line monitoring. OAQPS again has been working on this.

We did the pilot; it was very successful. What we have to figure out, and this was an issue that was raised on Monday, is how do we take advantage of that technology? How do we roll it out? How do we make it available? That is a challenge for us and it is one we have to look at.

But I could not agree with you more that the technology is available to address these issues and to do better fence-line monitoring and we have to make use of that. You thinking about that and helping me work through would be really helpful to me because I know we can do this.

MR. KELLEY: I would love to get with you on that.

MS. MCCARTHY: We have refineries that are doing this. I have sat down with them and they have said "we do not flare anymore." They have figured out how to do it and they are making money almost in the second year.

MS. KELLEY: Well they are saving product; definitely

MS. MCCARTHY: They are. So I don't doubt we can do that but I don't doubt that there is a mine field between us and accomplishing that.

MR. KELLEY: And I would just like to say for the record that when you talk about the issue of refineries and reducing emissions, this does not only include Texas but you have refineries all across this country that I believe this rule will apply to as well.

MR. RIDGWAY: Thank you. I am acting for a moment while Elizabeth is out. I have had my card up here so I am going to ask a couple of quick points here and then we are going to move right into the Conducting EJ Analysis: Definition of Solid Waste Rule just to let everybody know what

is going on.

So some quick points from John Ridgway, Department of Ecology. First, to the monitoring of the schools and the data collection, one of the concerns here is that, you even mentioned it yourself, after analysis some time mid-year we will hear more. I want to make a recommendation -- we have heard this also from the public last night to get that data out. If it can be live, all the better. Don't delay for the purpose of analysis to the extent possible to let others have access to it and analyze that right away.

Second, to the toxic release inventory and the emission standards, this is something I am very familiar with where the way annually air emissions are reported and they are the highest from a media sector emissions under the TRI, those calculations do not reflect reality. There is a huge disconnect. So whatever you can do to help TRI air release reporting be more reflective of reality rather than emissions and estimates, please do that; we will support you in that regard.

To chemical use, this is critical to all states, to the country, and whatever we can do to support that in terms of advice to EPA, please keep that in mind. That is fundamental to the big picture.

And then finally here is my question -- well one more point and we heard this last night too. Technology in

terms of monitoring equipment, there is much better technology out there to the extent that EPA can use newer technologies to get better numbers quicker, live; there is a lot of interest in that.

And my question is what about the international releases? And this gets to Alaska, the West Coast, where we have air pollution coming from other countries. Is there anything about the State Department or the fact that these are concentrating up in the Polar Regions where there are no facilities that are reporting; any comments on that?

MS. MCCARTHY: Well I should tell you that Vernice saved me by telling me that as soon as the school data is QAQC'd it goes up live so thankfully your web has accomplished that.

I would also offer, I will take a look at the TRI data and we will see what we can do with that.

Chemical use is not necessarily anymore in my bailiwick although it still remains in my heart so I will work with Steve Owens and see if there is something that I can do to be helpful. But I do know that this is an area not only of tremendous interest to the Administrator but it is in her area of expertise. So she is all over the issues of TSCA reform and other issues that will hopefully fundamentally change the picture so that our agency is not just relegated to the clean-up part of the equation which would be really quite good I

think.

And on your last issued -- technology use we talked about a little bit.

Your last issue on the international issues, it is an area where actually my agency does do quite a bit of work. We tend not to advertise that. I think that there are other administrations where that was not quite as welcome but we will do a better job of talking about that and the challenges associated with it. But we do a tremendous amount of work working with other countries on pollutants that we know will have an impact to the United States and its citizens and residents. So we will take a look at how we communicate that more effectively.

MS. YEAMPIERRE: Thank you very much Gina. That was amazing; (Spanish). Right now we are going to break for lunch people; we are going to take --

(Simultaneous conversation)

MS. ROBINSON: There is the option of if we do yours now -- we know you guys have to be someplace at 1:45 so you can start for 2:00. And if we give them the half an hour that is on the calendar we have to make sure we keep to that so that we can have everybody get a break for lunch because people in the audience are starting and everybody at the table is starving. So we need to make sure that if we go through and give them their half an hour that we stick to that and

then break for lunch and get back here around whatever the agenda says because Gina has to catch a plane as well.

MS. BRIGGUM: So we are basically cutting that in half.

MS. ROBINSON: No, they originally only had half an hour for DSW and I would like to be able to give them that half an hour so that we can -- I mean the option was to break for lunch and come back and have them do that but that would be very tough. But I think they are prepared and we are prepared to recognize we only have 30 minutes; we need to give them their 30 minutes out of respect for that.

MS. YEAMPIERRE: What that would also mean is that you would have to limit your comments and not be repetitive and be very focused. And I am not sure that everyone has that discipline; I will be honest.

All right, so let's go.

Conducting EJ Analysis: Definition of Solid Waste Rule

Presentation

by Mathy Stanislaus, EPA Office of Solid Waste and Emergency Response

MR. STANISLAUS: Okay. Well thank you, thank you Gina for taking my time.

MS. MCCARTHY: See how well we work together.

MR. STANISLAUS: So I am very happy to be here to really talk about an issue and a significant environmental justice issue that I was met with literally in my first week

in my job. I think Vernice and a number of other people brought to my attention the issue of what is called the DSW Rule which is the Definition of Solid Waste Rule and I am going to just really break it down.

It is really about the recycling of hazardous waste and what are the potential consequences of that depending on where facilities are located. Some of the history of those kinds of facilities and the impacts in lower-income communities and communities of color and that we need to take a hard look at that.

(Slide)

So we crafted a draft methodology for your comment, we issued that very recently. And I want to underscore this is a draft methodology and I am completely open to revising and restructuring it in a way that makes it work. And again I want to make sure that I underscore that I want to make it work. I want to make sure it is an authentic and hard look at the environmental justice impacts.

Because, one, I wanted to inform the environmental justice impacts in the definition of solid waste but also EPA is going to be looking at this process as a pilot to help inform the examination of environmental justice in rulemaking. So I am really interested in both the NEJAC collectively, individually, and in the roundtable that we are going to be having this afternoon, your thoughts about how to do it right.

And how to do we capture all the information that you all believe needs to be captured.

So let me just present kind of the context. The Sierra Club submitted a petition to EPA shortly after the new Administration to withdraw the definition of solid waste. Based on that -- well in that petition they raised the issue of environmental justice impacts not adequately being considered when the rule got finalized. The rule got finalized in 2008 in the old administration.

We had a public meeting June 30th and many, many commenters at that meeting raised the issue of the need to take a hard look at the environmental justice impacts and particularly underscored that there is a real history in EJ communities about the recycling of hazardous waste and fairly small operators leaving behind a legacy when they ran out of resources for the community to deal with that. And even the impacts during the course of operation that they felt were not adequately considered in the rulemaking. So we want to take a hard look at that.

And let me just reinforce, the Administrator recently announced her high priorities and one of her seven priorities is environmental justice and including folks who are citizens and residents who would be impacted by our decision. So that is one of the reasons why I aggressively want to move forward with an authentic look at the definition

of solid waste and the environmental justice impact.

So this afternoon between 4:00 and 6:00 we are going to host a public roundtable. So those who are interested in that rule please come and participate in that. There will be subsequent opportunities to provide your comments. We are going to have another roundtable in the D.C. area on February 23. We are going to have a roundtable teleconference on February 25. we are going to have a national video town hall on February 23, the afternoon of that. So we have asked people to submit comments by March 15, 2010.

So again this is ---

(Technical difficulty)

MR. STANISLAUS: --- that we do it well, that we do it authentically, and do it in a way that is defensible. So frankly if there are things that we did in that that are incorrect, I want to know. Things that could be done better, I want to know. Or reshape the methodology, I want to know. Because again I want to make sure that this is done right.

So after we get the comments we will subject it to the environmental justice analysis and then we will report that back out to you, or the status of that I think in your next meeting in June. We will kind of lay out where we are with respect to the environmental justice analysis.

Here are kind of the factors and the rule that we have to balance. One is, we clearly wanted to promote

recycling but we want to make sure that recycling is good and it is safe because the more that we can promote recycling the less toxics are allowed into the environment and impacting communities and also less greenhouse gases will result from that.

But again we want to ensure that there are no unintended consequences from that laudable goal. And so we are going to take a hard look at every step of the way, meaning the transportation, the recycling process, the manufacturing and even other upstream and downstream kind of impacts.

So with that I wanted to turn it over to Charlotte Mooney who the Chief of the Recycling and Generator Branch of ours who will walk through our current scope. And after that we will take some initial comments here. And then those who can join us later on today and subsequently, I look forward to kind of engaging you all. Oh, Vernice is going first or Charlotte?

Presentation

by Charlotte Mooney, EPA Office of Solid Waste and Emergency Response

MS. MOONEY: Vernice is going to go right after me. I have some comments as well. And I guess I just wanted to let you know that I am a Branch Chief in the agency, deep in the bowels of one of the stovepipes and that means that I have about 12 people that work for me and all of them write rules.

That is what we do for a living.

I think that it is cool that I am here because you have all of these really high-level important leadership types talking to you but what matters to us at the staff level is that the message that they are working with you on gets down to us. And the reason I thought it was cool that they asked me to be here was because I am trying to show you that that is what is happening. And that I am here, personally, and my staff, Tracy Atagi who is the lead on this EJ analysis that we are doing in the rulemaking, is to show you that is what we want. We want to be able to talk to you. We want to feel comfortable talking to you, which I don't by the way. But we really want to make that a real dialogue and I really appreciate Mathy letting me do that.

(Slide)

Mathy actually went through a couple of my talking points but really the reason we are here is just to let you know where we are and what we are doing first of all. And second of all, to talk to you about how to get your input because we see you as an important customer and a customer with a whole lot of expertise that is relevant to what we are doing. And so it is really important to us to figure out how to make that happen.

There is no way that we are going to get from you useful, thoughtful input in fifteen minutes. And we know that

we only sent the draft analysis methodology out a couple of weeks ago, if that even, so you have probably not had a chance to look at and we recognize that. So what we are here to do is to talk to you a little bit about it so that you understand what we are doing at a really high level and then talk to you about how can we hear from you and talk to you at a much more lower-level of detail.

(Slide)

The goals of the rule, as Mathy mentioned, are basically three-fold. We are trying to encourage recycling to get those resource conservation benefits, sustainability benefits, and greenhouse gas benefits. We are trying to be protective of human health and the environment and by that we mean everyone's health and the entire environment.

At the same time we are trying to work with this incredible complex issue which has the incredibly stupid name of the Definition of Solid Waste which really just means is something regulated or not when it is recycled. You know, whenever you hear that you can just think, is it regulated or not when it is recycled.

(Slide)

And basically we published a rule in October, 2008 and this just basically shows you that there is a long history leading up to the publication of that rule in 2008. It was a final rule and we thought we were done. And then we got a

petition from the Sierra Club asking us to reconsider it. And we thought a lot about that and decided that we needed more input from other stakeholders, other folks that they had been working with to get a better sense of what the issues really were that people were concerned about.

So we had a public meeting, as Vernice remembers on June 30, and we had a lot of folks come and talk to us largely about EJ issues. And so since Mathy had just arrived, I think we kind of surprised him and he immediately got to decide that we would take a shot at being probably the first, you know, sort of folks out of the box trying to do a really, really enhanced EJ analysis; so that is why we are here.

And I think we tried to start it off right with that public meeting by saying, please come and talk to us. And I know we had it in Arlington, Virginia and it probably was not perfect. We tried really hard to get it to be a web-cast so that folks could at least watch it from elsewhere around the country and we will keep trying to make those kinds of engagements easier for people to participate in as much as we can.

(Slide)

So where we are now is that we have this methodology and Mathy mentioned and I wanted to make it really, really clear, this was just a draft plan for how to do the analysis. And we tried to be as detailed as we could in our draft plan

because we figured the more detail we could give people, the more detailed, helpful, useful and relevant reaction we would get. So if we get a big reaction, that is good. That means people understood what we were trying to say and what we were proposing to do and either care or don't care and will let us know what their thoughts are and hopefully bring their expertise and their interest so that we can understand it and really work with it.

(Slide)

And what we will be doing is we are going to have a couple of steps of public engagement as Mathy mentioned and I will come back to them at the end just so you are clear. And then we will be revising the methodology based on all of that input. So we have not done the analysis yet. We are going to do the analysis; we are just talking about how to do it. And we hope once we actually get all of your input, revise the methodology, we will then do the analysis and then once again come back to everyone, you guys included, and say okay we heard what you said about how you wanted us to do it, here is how we incorporated your ideas, we have actually conducted the analysis, now what do you think? Did we do it right, did we do it wrong, did we misunderstand somebody's ideas, did we get the science right, did we do the statistics right?

And also at the same time we will be doing a peer review. So we will be having sort of an expert group of folks

look at it sort of in a room by themselves, and then hopefully we will have some public dialogue so that folks can get together and talk about it as well. Because I find that to be the most useful way of getting really thoughtful comment is if people can hear each other's comments and feed off what they hear other people saying.

(Slide)

So this slide is the one slide that I wanted you to look at which shows you the six really basic steps of the draft plan. And the first step is hazard characterization which is basically trying to look at what are the potential hazards that you might see in recycling facilities? And the second difficult question is how likely is it that those hazards might actually happen? So that is hazard characterization.

Then step two is identification of potentially affected communities. And that is tough and that is where you, I hope, are seeing national rulemaking and understanding sort of how national rulemaking can sometimes be very difficult. Because the way this rule works, we do not know -- it is not like there are set facilities already in existence who this rule necessarily applies to. It is a choice, a facility can choose to take advantage of the rule or not.

So there is a step in there of us predicting where facilities might be located. And we have some information; we

have a few states where the rule is in effect. We can look at the facilities within those states that have chosen, all 23 of them, to take part in the rule and we might be able to get some information from that.

We know that facilities that are currently managing hazardous wastes, or recycling hazardous wastes, may be interested in taking advantage of the rule so we can use that as some information. And then try to also look at where else other facilities might locate.

Then step three is looking at the demographics of those facility's communities. And we are really looking for expertise from you all. You guys have what seems like a sort of corner on the market of expertise in this area so we are looking to hopefully get input from you all on how the best way to go about doing that is. And we are going to be looking at the same kind of methodology that was used in the Toxic Wastes and Race at Twenty Study.

The next one is to try and look at how there are other factors that might identify the vulnerability in communities like, for example, other pollutants that may be there, a facility's ability to respond to say an industrial accident and that kind of thing.

And then step five which is the really hard one which is basically pull all of that together. Figure out -- take those hazards that we identify, take the likelihood that

we think they might happen, and look at where those hazards might be impacting communities. That is the pull it all together step; is there a disproportionate impact?

And then the sixth step is looking at, okay is there and if there is, what can we do about it? And I think that is a really important step to sort of thoughtfully look at what we see in the study and then what possible things we could do about it. And that is I think where it is a little bit -- I just want to make sure everybody understands, where the EJ analysis that we are doing fits in to the whole rule.

The rule is finalized. We are now going back and looking at that rule, it is already there, looking at what the EJ impacts might be. And then as part of responding to the Sierra Club petition, we will be proposing a response to the petition. And so we will be taking the EJ analysis results and this thinking about what might be good changes to make and saying, what do we now do with that rule that is already on the books? And we will be proposing to use this analysis as well as other comments that we get from people on any other issues that they have raised in the rule and deciding what to do. And that proposal could range from saying, we think everything is fine and we are not going to do anything to we think this thing is horrible and we are going to yank it.

And then anywhere in between there are several pieces of the rule; we could make specific revisions to

several pieces of the rule. We could remove portions of the rule. So it is a total range of possibility. And what that will be based on is that what are the things that we could do that would make the right kind of difference if we see that that is necessary.

MR. RIDGWAY: Thank you. Is that it for you?

MS. MOONEY: Erin could you go maybe to the very --
Slide 10?

(Slide)

So as Mathy mentioned we are having a public roundtable this afternoon and this was upon the advice of council, we decided that it would be a good idea to do that here because so many people who would be interested and would have the expertise would be here.

I must apologize right up front. It is a little awkward that we are doing it right in the middle of your meeting so you guys yourselves cannot come but we are hopeful that we are going to be able to work out a way to get your input specifically at the same time.

So we will be having the public meeting this afternoon. We will be having another public meeting in D.C. on the 23, a teleconference on the 25 and then Mathy is going to have a video-conference on the 23 as well where he is going to be discussing the DSW analysis.

So I guess mainly, we would like to discuss with you

all how you think it would be good to get your input and I think I am going to let Vernice give us some additional thoughts.

Presentation

by Vernice Miller-Travis, NEJAC School Air Toxics Monitoring Workgroup

MS. MILLER-TRAVIS: Good afternoon everybody. You know that I was not originally scheduled on the agenda to talk about this, though I have been immersed in this issue. And our School Air Toxics Monitoring Workgroup had a face-to-face meeting on Monday and Tuesday of this week and Victoria is also our DFO. I mentioned to Victoria that I thought that there should be some other perspective given of this issue to counterbalance or to complement the presentation from EPA itself. So I was added to the agenda and I want to thank OEJ and the NEJAC for doing that. But I really, really, really want to thank Mathy for the record speed with which he responded to the request to slow down the DSW rulemaking to conduct the first ever environmental justice analysis of an EPA rulemaking.

As Mathy said and Charlotte said, there was a public meeting, public dialogue, on June 30 and a number of us including Paul Mohai came together to go on the record in that process and raise our concerns. And we did a fair amount of work in organizing, in bringing people from around the country into that dialogue. And then as you may recall in July at the

NEJAC meeting, there was a discussion, a presentation from Mathy, on the definition of solid waste and then Charlotte and I presented as well as Emily Enderle from Earth Justice.

And by the time I got to make that presentation which was three weeks between the time of the June 30 public hearing and the time of the NEJAC meeting, Mathy had slid right into the conversation with the NEJAC and said, we will slow down the rulemaking and do this environmental justice analysis. So from the time of that public meeting to the time of Mathy's presentation to the NEJAC was exactly three weeks to the day. I have never seen the federal government act to a request in three weeks. And I just want to say it was historic in and of itself.

So here we are into the process. I also want to say the petition that Charlotte mentioned, the petition for reconsideration was filed on behalf of the Sierra Club by Earth Justice, a nationally known legal environmental advocacy organization formally known as Sierra Club Legal Defense and Education Fund. Many of you who know Louisiana may now Nathalie Walker and Monique Harden who used to work and staff the office here in New Orleans for Sierra Club Legal Defense Fund and Earth Justice and most of the EJ legal work that has been in the state of Louisiana was done by Nathalie Walker and the Tulane Environmental Law Clinic. So I just want to say they have been up to their eyeballs in this issue for a very,

very, very long time.

I am not a party to the petition. I am not a party to the legal challenge that has been put before EPA. But as you know as the former Chair of the Waste and Facility Siting subcommittee of the NEJAC, I have been steeped in the issues of waste and hazardous waste and their impact on environmental justice communities and disproportionate impacts. So Earth Justice asked me to consult with them to really dig deeply into this issue.

Sue gave you, yesterday, folders and I want to ask everybody to pull those folders out; they say Earth Justice on the front. On the left hand side of that folder is a lot of materials on this definition of solid waste and the environmental justice analyses that have been done. On the right hand side of the folder is information about the Clean Air Act Section 112129 rulemaking that is also going to have a public dialogue this afternoon from 2:00 to 4:00. So we thought it would be useful for the NEJAC members to see what some of the conversations have been so far.

Some of the comments that I am going to share with you are in that folder; they have my name on top so I am not going to read everything but if you want to hear more, if you want to sneak out to be in that public dialogue with us at 4:00.

MR. RIDGWAY: Keeping in mind we have a quorum we

have to maintain here.

MS. MILLER-TRAVIS: You can just sneak back while you go to the bathroom and then come back; you know, you don't have to stay but it is going to be a really interesting discussion. And I want to say that EPA went the extra mile to bring that public dialogue to the NEJAC meeting itself to say that this is so important to the agency that they are trying to bring that conversation right into the midst of this conversation with all of these folks who care so passionately about this issue. And I want to suggest that folks in the audience, some folks in the audience, we do not want to clear the room but we would like some of you to be in that dialogue.

So I just want to hit a couple of really important points. First the agency has incorporated some really important positive elements in this analysis. It provides a detailed comparison of current law and what happens when the exclusion goes into effect. It uses a straightforward method of characterizing the racial and economic condition of the community in the vicinity of a polluting facility. It recognizes the importance of cumulative vulnerability and impact; a concept the environmental justice community has stressed with considerable success within the NEJAC itself and in the larger community. And EPA is proactively seeking the advice of community groups and environmental organizations and all others at a very early stage of rulemaking. This active

outreach is new, innovative, and I believe will be very helpful.

Here are some areas of general concern that I have about the EJ methodology thus far. What level of reliability do we have a right to expect when EPA regulates something? Has EPA been right over the years in developing the kinds of prescriptive detailed standards of facility siting, design, operation, closure and continuous monitoring we see under RCRA Subtitle C? Or can flexible generic concepts, like contain the material, be sufficient to assure equivalent and reliable protection? How committed is EPA to fundamental principles of public participation in community involvement? Is it important that the community have the opportunity to participate in decision making about where hazardous material handling facilities, whether recycling or storing and disposing, will be located? How they will be operating, how they will be closed, and how they will interact with the surrounding community or can this be done away with? Does it matter whether the federal and/or state governments inspect the facility or can we trust that private sector waste generators will do as good a job by performing what they will call an audit?

This is a good time to think carefully about these issues. We have been pleased to hear commitments from Administrator Jackson and then the President himself about the

importance of environmental protection, transparency, and high standards. It has become very popular to talk about sustainability and to look for ways to avoid waste and pollution by recycling and reclaiming.

From the EJ community's perspective, sustainability means higher environmental performance and improved health and the environment in communities of color, indigenous and low-income communities. However, more hazardous substances recycling with lesser environmental performance is not sustainability and is not sustainable.

So this is -- the big issue here is whether or not these hazardous waste recyclers are going to be regulated under RCRA Subtitle C. And the reason that this is so important is because RCRA Subtitle C is where the agency has been able to hold polluters responsible for what they do; to find them, to litigate against them if necessary, but to make them operate in accordance with the law. Once you step outside of RCRA Subtitle C and people can do things voluntarily, well we know they were acting voluntarily before RCRA was instituted. They were acting voluntarily before CERCLA was instituted. Many of our communities paid with their lives for what those businesses were doing.

So we have to make sure that we apply the stringest, most contained, most effective methods to oversee how hazardous waste is treated, stored or recycled in this

country. We do not want to see a lesser standard; we want to see a more stringent standard. And so that is essentially what this debate is about.

The definition of solid waste is a really critical tool for many, many, many federal statutes. So once this definition is rolled out, many statutes then depend on this definition of solid waste so we have to make sure we get it right. But I believe the agency is working really hard on this.

I want to give you just a couple of things to consider; this information is also in the packet. So far three states are adopting the Definition of Solid Waste rule even though it has not been finalized. Three states are already using that rule as it is currently defined; I believe it is Idaho, New Jersey, and Pennsylvania.

This is what we know about what is happening in those states where the rule has been adopted. The location of exempted recycling facilities in minority and low-income communities is especially troubling. The 23 facilities that are now taking advantage of the recycling exemption have collectively been the subject of at least 21 informal and 21 formal enforcement actions in the past five years alone. Six of the facilities, 26 percent, previously have been identified for corrective action under RCRA and nine of these facilities, 39 percent, have been designated as Superfund sites under the

Comprehensive Environmental Response Compensation and Liability Act or CERCLA. All told, 16 of the 23 facilities, or 17 percent, have caused some type of known contamination in the past including 13 of the 19 facilities, or 68 percent, located in environmental justice communities.

So already, though the rule has not been finalized, people are already experiencing adverse impacts from these recycling facilities.

This is in my personal opinion, looking from a historical standpoint, the reason we created the Superfund Program in the first place was because these recycling operators were bad actors and they were doing bad things in communities and they were causing really, really severe environmental impacts that caused significant public harm and significant public health impact.

So again this is really, really important. And you know I am a geek when it comes to waste issues; you know I am. I love this stuff. As Gina was saying about the air stuff, how she loves that, I love this waste stuff but I love it because if we do not get it right people pay with their lives and we cannot allow that to go forward particularly not in this administration.

I just have a couple of other things to say and then I will wrap up. I want to challenge us as a community to say that when the agency asked us to work with them, we have an

obligation as a community to engage with EPA. To not just stand on the outside and throw bricks and say "you didn't invite me" although I do have an issue about how it is that this conversation has been going on since 1994 and the first time the NEJAC or the environmental justice constituency was asked to participate in the conversation was in June of 2009; that really ticks me off.

However, let's not dwell on that. Let's dwell on what Charlotte has asked us to do now. She has asked us to come to the table and be involved in a conversation. Let's not stand on the outside and say "well you didn't invite me in 1994" and that may be true but she asked you in 2009 so step up and come to the table, be involved in the conversation, and look at the data.

Paul Mohai has written reams on this. Bob Bullard has written reams on this. Beverly Wright -- so many people have dug deeply into this issue. We have the tools, we have the data, all we have to do is be in the conversation.

So I just want to say we have a responsibility as a constituency to work with the agency to really roll out a really effective environmental justice methodology.

And I also want to make a formal recommendation to the NEJAC, Charles has heard this and Victoria has heard me talk about this ad nauseam; I really bemoan and lament the death if you will of the Waste and Facility Siting

Subcommittee of the NEJAC. Many of the people who have been participating in this process were former members of that committee who have come back together to look at this issue. Because this is the kind of thing we would have taken up and we would have really dug deeply on and looked at.

But now that the NEJAC operates with a workgroup kind of model, I want to make a formal request to the NEJAC that you establish, with the Office of Solid Waste and Emergency Response, a NEJAC workgroup on the development of an environmental justice methodology for rulemaking analysis. Obviously the DSW is going to be the first rulemaking to roll out to use this environmental justice analysis.

I would further like to recommend that people like Paul Mohai, Sue Briggum, Bob Bullard, Eileen Gauna, Michael Lythcott, Eric Schaeffer, and affected community representatives and tribal representatives and perhaps even myself, would serve on a workgroup like this. Because I promised Charlotte, she asked if we would -- if I would be at the table to work with her on this and I promised Charlotte that I would. But the only formal way to get out of this adversarial relationship and sit around a table together and dig deeply on this is if we do it in the construct of a workgroup as opposed to working around this petition for reconsideration.

I want to say one last thing about this petition for

reconsideration. Had it not been for Earth Justice stepping up and filing this petition for reconsideration on January 29 of last year, where would we be with this rulemaking? Where would we be with the identification of the impact of hazardous waste recyclers on environmental justice communities?

So I want to lift up Earth Justice for stepping in and fighting this fight for us. But I now want to say that it is our responsibility to take it the next level of the way and to work with EPA to roll this out. I am going to volunteer Paul and the School of Natural Resources and the Environment at the University of Michigan; they do this stuff all the time, you know, this is what they do. So let's get Paul and let's get his graduate students and his colleagues in there.

MS. YEAMPIERRE: We might not have time for question; so I am sorry Vernice.

MS. MILLER-TRAVIS: I am done.

MS. YEAMPIERRE: We only have about four minutes now so we are just going to take one or two questions.

Questions and Answers

MS. BRIGGUM: I am going to follow on Vernice's role; that we really might find impressive. And I would have a lot to say but I hope that there will be a formal workgroup so I will have a chance to say it. I think that we can be enormously helpful. We understand Paul's methodology. This is something that takes expertise in terms of what is the

difference between a 1,000 page RCRA permit and the verb "contain." I think that is a good discussion and I certainly hope I can second that recommendation.

MR. WILSON: This is pretty quick. We have been talking about interagency for quite a while. Does this definition in the working part of this comprehensively deal with those agencies that are not at the table, the United States Department of Agriculture specifically and the Department of Transportation?

MS. MOONEY: Every rule does go through the interagency review process so it did go through that formal process. We did have comments from other agencies but largely it is a hazardous waste issue and so it is largely an EPA project.

MS. YEAMPIERRE: So Paul, you have not really spoken much, so I want to make sure that you actually weigh in particularly on this issue and then after that we are ready to go.

MR. MOHAI: Well first I wanted to say I have not had a chance to read that report until yesterday. So my motto is "first do no harm" so I am not going to say anything about it because I really want to understand it.

The one thing I do want to raise a question about is I think this was step two which seems to me, the sample, you know identifying the appropriate sites. And I did see that

there were three different categories; the one that states 23 sites where the states are going to go ahead and then you also identified 5,600 possible sites. And somewhere else in the report you mentioned 800 damage cases and of those you are going to look at 208. Personally I did not feel like I understood enough of the details about exactly how those sites were being identified. And, you know, from a methodological point of view, it raises questions about sampling.

But the point I do want to make is it is possible that if you have different categories of sites, to analyze them separately and compare them. So I want to encourage that direction rather than saying "well we didn't know which ones take, these seemed like a good idea." That is going to make me nervous because what you might wind up with may not be representative. So that is the only comment I am going to make and if I am off the mark on any of that I apologize but I didn't really have a lot of time to absorb the report since we went late last night.

I just want to say, just to comment on Vernice's volunteering me for this work, it is really unfair because she knows I cannot resist her requests. I just admire and respect Vernice so much that I know if she is going to be on the same committee, I am going to be on it; I will do it just because she is on it. So that is an unfair proposal.

MR. STANISLAUS: I think one of the biggest

challenges we are going have, Paul to your comment, is how do we forecast the future and how do we forecast where facilities are going to be? So whether we choose one or more alternatives to kind of help illustrate, you know, maybe do a couple of different cases. But I do want to second; I think we need to have a mechanism of interfacing with some working group. Because I think our timeline is not going to line up with the next NEJAC meeting. While we will report out we need to have a more interactive way of -- so once we complete it, to engage with people. So I would like to really kind of think about a body for us to directly interact with.

MS. GARCIA: I just wanted to mention that we, in discussing the process for interaction and getting the stakeholder input and everyone's input, we have discussed either a workgroup or trying to put something together a little bit more quickly so that we do have that interaction and public input right away. So we will continue to work with everyone to make sure that goes ahead, maybe even before announcing a formal workgroup, but just to get it going.

MS. YEAMPIERRE: So we also have some time on Friday to talk about these things so hopefully we can do that also.

We have less than an hour for lunch so we should be back here at 1:45.

(Whereupon a luncheon recess was taken)

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

(2:00 p.m.)

MR. LEE: Good afternoon. We are going to start again and we are going to talk about EPA's response to the NEJAC's Goods Movement Report which was the result of several years of a lot of hard work by both members of the NEJAC and the workgroup that was formed to look at the issue. And that workgroup had a lot of different diversity of persons including many community people in goods movement communities around ports and other areas.

I just want to say that this is an example of the commitment at EPA to really take your recommendations seriously and to provide a response, and ultimately a written response.

The panel today is just going to talk about our plans, our initial reactions to some of the recommendations and plans to fashion a comprehensive response. So I will -- I think many of you know the persons on the panel and I will let the other ones who are there introduce themselves in the interest of time.

So I guess we will start with Gina?

EPA Plan for Responding to the NEJAC Goods Movement Report***by Gina McCarthy, EPA Office of Air and Radiation***

MS. MCCARTHY: Yes and you will be happy to know that I am just introducing the subject matter so we will not

mess up your afternoon agenda as well.

Again I am Gina McCarthy and I am the Assistant Administrator for the Office of Air and Radiation. Thank you for letting me be here and for letting us talk about the goods movement effort that we have. And to thank NEJAC for all of their terrific work in pulling together that report. And we are going to talk today about how we respond to that.

And you have some experts up here who will talk about all of the various programs we have. And we consider this to be the beginning of the next part of the discussion with you. But the report was extremely well done and very informative and it had some really precise recommendations that we will touch on a little bit today. But we know we have an obligation to hit all of them at some point and reach an agreement on how we are going to be moving these issues forward.

As you know, the goods movement is an area that is of tremendous interest to Administrator Jackson. It should be no surprise to anyone that it is a priority area for us and for me personally in 2010 to move these issues along.

I did actually get to the Port of Long Beach with the Administrator and I remember after giving out some diesel money and looking at some of the work that we were doing through our SmartWay Program, she looked at me and said "yeah, but what actions are we taking?" And so it was another one of

those areas where there was a "wow" moment for me where I knew we had a great foundation that we had laid but we needed to get that next level of reduction.

You know we have put forward a bunch of rules that address diesel vehicles. We have also been pushing the envelope on trying to get low-sulfur diesel available so that it supports some of the retrofit technologies that are out there. And we are doing pretty good at moving our engine standards forward but with all of the diesels that are out there in the real world now, we know we need to do more. And we also know that in particular many of the populations in the communities that we all care the most about, are actually in these transportation hubs. They are immediately impacted by some of the emissions in these areas and that is why we want to make it a specific focus of attention. That is why we wanted to do the NO₂ NAAQS as a roadway standard and get some monitors to support this effort moving forward.

We do have grant money available. We need some great feedback on how well they are moving the reductions forward. How we can adjust that program in the future. We are going to be carefully considering all of your recommendations. And this initiative, we hope, will really be an opportunity for us to fill some data gaps we have on emissions related to transportation. We will understand some of the localized exposures better. We will get the data on

the ground in terms of what kind of public health concerns we have to address and we will begin to make some additional progress moving forward.

So with that in mind I would like to introduce Rob Brenner, a man who needs less introduction than I do, so it is rather obnoxious that I am actually introducing him. But you know him well and he will talk about the process and timing for us to take a look at the report that you did and how we can thoughtfully respond to that.

Presentation

by Rob Brenner, EPA OAR Office of Policy Analysis and Review

MR. BRENNER: Thanks Gina. After your nice compliment this morning, you can introduce me any time.

Let me just say that there is something pretty important to be aware of with respect to this program which is it is already underway. As Gina mentioned, we are starting to do it and that makes this different from the kind of project where we talk to you about our plans and how we are going to develop our plans and then you will see some results.

As you will see as we begin talking here, there are a lot of results already taking place and then we are going to hopefully get better and better over time as we continue to work with you to implement these 41 specific recommendations that you have given us.

So the way we are going to do this is I will talk a

little bit about our process for responding, and then you are going to hear some specific things that are underway and that we are planning to do with communities from Rick Parkin from Region 10 and from Enrique Manzanilla from Region 9. And then Gay MacGregor is going to wrap up by talking about some of the national measures beyond the ones Gina just mentioned that are also underway.

So as I said, this is one where we really started this program a while back as our Diesel Retrofit Initiative. We were trying to figure out what we could do to retrofit dirty diesel engines. And what we wanted to do was find a way to move towards what is our ultimate vision when it comes to diesels. Our ultimate vision is to try to replace the over 10 million dirty diesel engines that are out there to either retrofit or replace all of them. And that is a vision, that is a goal that we are trying to move toward. It is going to be very hard to do, but if we are going to get there we need to figure out ways to ramp up the programs we have.

And so looking at the programs, we realized if we were going to do more with respect to diesels, that it was important to think about, well, where are the transportation nodes, the kinds of places where these engines are being used because so many of them are being used for transportation purposes for moving goods and for moving people. And when we looked at the transportation nodes, the ports, the truck

stops, the rail yards and the bus yards, they are located by and large near low-income and minority communities.

So the way for us to ramp up this effort to go after the engines and to fulfill our goals of trying to do additional work in low-income and minority communities was to go after a goods movement initiative. It would enable us to both get at engines and get at the communities that can really use this kind of assistance.

(Slide)

So the next slide shows how we are trying to get organized in EPA to be successful. As you see at the table here, not only do we have co-leads from the regional offices and they have a history of working with us on what we call the West Coast Collaborative where we have done a lot of work with diesel retrofits up and down the West Coast. But we are also bringing in people from other headquarter offices.

As Gina mentioned we have been working closely with the Office of Environmental Justice and the broader Office of Enforcement within which OEJ is housed. We will be working with our scientists in ORD to make sure that we are demonstrating the health benefits that are being achieved and learning how to go after additional opportunities to get additional health benefits. We are working with the office in OPEI that is dealing with land use and community strategies. And of course we are bringing together our different offices

within the Air Program.

So you are going to see in this case a coordinated effort across the agency to try to reach the goals that we will be talking about.

And the other reason that it is important for us to be coordinated is I want to try to draw a link back to the conference that took place earlier this week on air and environmental justice issues. And Omega did a report out at the end of the conference on the goods movement track which you were very much a leader in, and there are a couple of suggestions that you made that I want to bring into this discussion here because I think they were very important and we are not going to accomplish them without this kind of teamwork here we are talking about.

One of the points you made that I thought was very important was getting the participants into communities. Gina just mentioned the impact of going to a community that houses a port or another one of these types of facilities. On a smaller scale it is true for things like truck stops, it is true in many other instances that you are aware of involving buses, involving railroad yards, and locomotives. And once you see it, once the people involved in this see it, it tends to be a tremendous motivator and it makes it a priority on their daily personal agenda for what are they going to do to try to make a difference for the environment.

This is not just for people at EPA. We also want to bring into the community some of the other groups who will be involved in this initiative.

So for example, the pollution control equipment providers, we have had tremendous help from the people who build the pollution control equipment. Not surprisingly they have an environmental reason to do it and they have a business reason to provide that equipment. And they have become partners working with us. And several of them, Terry Goff and Caterpillar most notably, have helped in the development of this report.

And we want to make sure that they are with us in visiting these communities because as you mentioned Omega, one of the things that would make this a total homerun would be if there are jobs provided in the communities as we do these retrofit efforts, the people who install the retrofit equipment on these facilities. Certainly it would seem to be possible to make sure we draw from the communities for these definitely green-type jobs.

We also need to bring in other agencies. We have talked already about DOT and Gina has mentioned connections she has there that can help. CEQ, Ed Chu, came up to me after the session this morning and volunteered CEQ's best efforts to make sure we are engaged with DOT and now that will happen; I am very confident and it is important especially as we move

toward new legislation in the transportation arena. And we want to make sure some of the concepts from our goods movement work are incorporated into that legislation which will start to move pretty soon up on the Hill.

And then we really need your help in an area that we also talked about which is effective communications. How do we make sure we get the word out effectively to communities? We had that discussion when it came to regulations this morning. We need to have that discussion again, if not now, then later on through emails and follow-up discussions of your advice on how best to reach out to the communities engaged in ways that will provide for meaningful participation on the part of the communities. We have some ideas which we will be sharing with you.

(Slide)

And then finally in the next slide, one thing we are going to do to keep the communication going in this area, is we are going to give you a timeline and we are going to do our level best to meet it in terms of responding to those 40-some recommendations that you made to us.

There are recommendations that span the arena from environmental management systems to suggestions on collaborative processes, science-based suggestions, monitoring suggestions, financing, you really did a tremendous job of looking at all the different dimensions of this work.

And so what we are proposing to do is give you our first set of responses at the end of March for the recommendations that we feel we can provide either an immediate response or one in the next couple of months. These are the ones where we think we can look at them, think through them over the next couple of months, and give you some answers and some pretty clear next steps. And it is draft because we are going to give you a chance to react to them. We are not going to tell you, okay thanks, we are off and running and we are going to do it. We are going to say, here is what we think would be a sensible response and we will give you a chance to react to it.

Then the ones that become more complicated than that, it is going to take us a little more time and sometimes it is going to require interagency coordination. And being candid, some of them may even end up getting stuck because it is going to be hard to figure out how best to work with OMB and other agencies. But we will do our best to get answers.

The ones where they are within EPA's purview, where the problem is just we need to make some hard choices, we need to get the issues framed and teed up and then some hard choices are going to be made.

I think you saw enough this morning of Gina and you know the Administrator's bias towards action to know that if we can get these issues framed, they will get decided. And

the other ones that require additional interagency work, we will reach out and start trying to make that happen too.

So that is the plan and we could talk about that at the end but first I want to give you a chance to hear some more specifics as to what is going on now and what is planned in the regions; so Rick.

Presentation

by Richard Parkin, EPA Region 10

MR. PARKIN: Hello everyone my name is Rick Parkin. I am from EPA Region 10 in Seattle, Washington. I am the Acting Director of the Office of Ecosystems, Tribal and Public Affairs there and in that office we have the Environmental Justice Program, Tribal programs, we have Superfund community involvement, NEPA review and a number of other programs.

I would like to mention some of the steps that regional offices are taking now to address goods movement issues; some things that we have been doing for a while and some things that we are starting to do.

As you know probably better than I, there are a lot of activities in the regions that affect communities and environmental justice communities and so the regions are spread thin and they are not all doing all of the activities all the time. They are shifting their resources around to focus those resources.

And the reason I started this way is because you

might wonder -- it has become obvious that Region 10 did not select a goods movement project or community for our environmental showcase community effort. And we instead selected a community that is impacted by a variety of agricultural activities and has limited, and in some cases no access, to safe and clean drinking water; even though we are the Co-Chair for the Goods Movement Workgroup. So I just wanted to point out that we have these priorities that we have to face.

But we are here to talk about goods movement and I am going to mention mostly voluntary programs that we do through our air programs and I think other speakers are going to touch on regulatory programs. And then after quickly going through some air programs I want to mention a few other tools that regions are using and starting to use to be more effective in addressing goods movement.

So every EPA region has a collaborative with state and local agencies, ports, industries, environmental groups, et cetera working together to reduce diesel emissions. Regions 9 and 10 work together on that so I hope I do not step too much on what you are going to say. We work collaboratively together on the West Coast Collaborative.

So in the ports and marine sector, the West Coast Collaborative has awarded 19 diesel emission reduction grants for over \$20 million. These grants provide shore power to

cruise ships, some roll-on/roll-off vessels, so they can shut down power when they are in port.

We have funded seawater scrubber demonstration projects to reduce emissions. We have funded retrofitting and replacing old port trucks and equipment.

In the trucking sector we have issued, the Collaborative has issued 19 grants for almost \$20 million including such things as aerodynamic treatment of over 1,500 trailers, replacing pre-2004 on-road drayage trucks with 2009 or newer trucks, replacing utility maintenance trucks with diesel/electric hybrids. And in Region 10 we funded a Cascade Sierra Solutions Project to address truck idling concerns in a specific community in South Seattle.

In the locomotive sector, the Collaborative has funded 8 grants for \$12 million to do such things as repowering switcher locomotives and utilizing auxiliary engine-idle reduction technology.

Other kinds of collaboration that we are doing with major ports using other tools besides just air program and diesel collaborative tools, in Region 10 for example we worked with the Port of Tacoma and the major ports of Taiwan to bring them together and they signed a declaration to reduce diesel emissions at all of their ports, sharing best practices, and that sort of thing.

In Region 2 they issued \$7 million worth of ARRA

grants and partnered with the Port Authority and others to finalize a clean air strategy to reduce diesel emissions in Newark, New Jersey.

And back with an international Region 10 example, the Port of Tacoma and the Port of Seattle have partnered with the Port of Vancouver, British Columbia to reduce seaport related diesel emissions by 30 percent and they are aiming for 2010 for that reduction.

And then an example that has been used here a lot over the last two days is the CARE Program and a number of regions have funded many CARE projects that address goods movement activities, traffic, idling in neighborhoods and that sort of thing.

So other tools that we use and I am going to talk mostly about Region 10 because I know mostly about us but I know other regions are doing these kinds of things too. And one thing we did in 2009 is our Environmental Justice Program conducted a review of two communities in South Seattle that are affected by a goods movement and by many other things as well.

And that environmental justice review was a very powerful tool for us. We learned of a number of opportunities to enhance the involvement of those communities in our activities and to enhance our own EJ Program integration efforts by doing that review. And that is a valuable tool for

regions.

Another tool that we use in Region 10, and I know it is used in other regions and I think Enrique is going to talk about it as well, is NEPA. EPA has NEPA review responsibilities where we review the EIS's developed by other federal agencies.

And one of the points that has been made at this meeting repeatedly is where are the other agencies? One place where they come to the table on EJ matters and all environmental matters having to do with specific projects is the NEPA table. And Region 10 has taken the opportunity on a number of occasions to become a cooperating agency on major transportation issues. Even when we do not have a federal action we are taking, we can still ask to be a cooperating agency and that gives us early and frequent input. It also gives us some say in decision making and what goes into the document and what is said in the document because our name is going on the cover and so we have some deference there.

So another tool that we have started using in Region 10 and this became pretty obvious to us in our environmental justice review of the South Seattle neighborhoods, a tool that we need to use more aggressively than we have in the past for environmental justice purposes, is our State Performance Partnership Process. Much of the work that goes on in neighborhoods, in urban neighborhoods in Region 10, is

conducted by our partners to whom we have delegated programs. And we need to enhance our participation with them and one way to do that is through the Performance Partnership Process, PPG/PPA process, in which we negotiate activities for the coming year or the coming two years.

So I think covers it; Enrique I will pass the baton on to you.

Presentation

by Enrique Manzanilla, EPA Region 9

MR. MANZANILLA: Good afternoon. My name is Enrique Manzanilla and I am the Director of what is known as the Communities and Ecosystems Division at Region 9. Our office is in San Francisco. And let me expand on a few things that Rick already mentioned.

In my division I have the NEPA Review Program and the Environmental Justice Program amongst many other programs. As you may know, I think, in the state of California there is an extensive goods movement footprint in the state of California.

A few years ago they went through a very ambitious effort to produce a goods movement action plan to consider all these different aspects of goods movement; the environmental public health aspects of goods movement. And they identified, if I recall correctly, four major corridors in California. The Central Valley, in Northern California the Bay Area, the

L.A. Long Beach Inland Empire Corridor, and then the border of San Diego and along the border corridor; I think I got them all.

We are working -- I am going to just quickly review I think the areas that we are trying to engage in with regard to goods movement. First in terms of our NEPA review responsibilities, Clean Air Act, enforcement, collaboration and innovation, and last but not least, community empowerment.

I think when you look in the L.A. Long Beach area and South L.A./East L.A. area, stemming from the ports of L.A., the I710 freeway is a major goods movement corridor. And it is a corridor that has attracted a lot of attention over numerous years.

We are actively engaging with the transportation authorities, both at the federal and state level there, and there is a proposed expansion of that corridor, of I710, and we are actively working with Caltrans to look at all of the different impacts especially from an air quality perspective of that corridor. We worked with Caltrans to include improving air quality in public health as a component of the project purpose and need for that particular environmental impact statement.

One thing that Rick mentioned is that we are working with Caltrans and community groups to encourage the use of the Health Impact Assessment tool within that corridor and within

the EIS for that corridor.

We are also working with community groups to encourage the ports of L.A. and Long Beach to adopt the same HIA process in the work that they do in assessing the impacts of their projects.

Under the Clean Air Act we work with the local jurisdiction there to ensure that the Clean Air Act plan that jurisdiction develops includes ports-related control measures, measures to reduce emissions from in-use diesel, cargo handling, ---, ship auxiliary, and main engine fuel and trucks.

We are very proud to be supporting the leadership and active work of the California Department of Toxic Substances Control in leading a multi-media effort to focus inspection and enforcement authorities along a 23 mile stretch from the ports of L.A. Long Beach via the I710 through East Los Angeles.

And we are working actively with our state and local partnerships but also with the community members. The information, we are acting upon information generated by community members and local governments. So it is a very important collaboration. We are supporting it monetarily with money from our colleagues at the Office of Environmental Justice, an EJ State Cooperative Grant, as well as some of the Showcase Community grant monies.

In terms of collaboration and innovation, we are working to support our state and local partners on the development of a clean air action plan for the Southern California ports. It is a five-year plan which sets out to reduce pollution from all port-related sources by nearly 50 percent. It is a plan that runs through 2011. It highlights the goals; emissions reductions and budgetary needs for the ports. We are also working with the Port of Oakland and the community group members in a process to come up with emission targets for the Port of Oakland. And we are participating in stakeholder groups advising the port's environmental policies and programs.

We have signed an MOU with EPA headquarters, the California Air Resources Board, South Coast Air Quality Management district and the San Joaquin Valley Air districts to address the needs for new technologies to further reduce air emissions from on-road and off-road mobile sources.

In terms of collaboration and community empowerment, I think there is no accident that a lot of our monies, whether it is from DERA, the CARE Program, the EJ Small Grants Program, have landed in goods movement communities whether it is West Oakland, San Diego, Pacoima, or Riverside. It is an example of us investing in those communities and trying to empower and create the collaborative mechanisms that I think are so beneficial and in areas like this. Thank you very

much.

Presentation

by Gay MacGregor, EPA Office of Air Quality, Planning, and Standards

MS. MacGREGOR: Good afternoon. My name is Gay MacGregor and I am in the Office of Transportation and Air Quality in Ann Arbor, Michigan. And some of you know this but others do not, the Office of Transportation and Air Quality is co-located in Washington, D.C.; we like to say we keep our bosses there and we operate out of Ann Arbor and do all the work.

But truthfully the role of my office is mostly, has historically been, to regulate anything that moves and pollutes. So if it has an engine, we are likely to put a standard on it or have put multiple standards on it at this point. And that has been a very effective way to reduce air pollution.

However, as Rob mentioned, the standard setting has not been enough. Our authority extends to new engines only, so we do have this legacy fleet that moves goods around the country that needs to be addressed.

And I also Co-Chair a workgroup of the Clean Air Act Advisory Council on Diesel and Terry Goff who I think was really involved and Co-Chaired this workgroup, also was very active in my workgroup. So I have been kind of following the progression of the Goods Movement Workgroup and the report as

it has evolved.

I want to say though that when I finally read it and it was finally finished I realized it was much more and nothing that could be fully addressed by just making standards. It is about a whole new way of doing business as we look at how to reduce the impacts of goods movement.

There are a couple of things I just wanted to tell you about in the report that we have actually managed to accomplish. For one of your recommendations, number 15, which EPA should ensure effective and early control of emissions from ships and ocean-going vessels including emission control areas to accelerate international standards. And I am happy to report, many of you may know this, that we actually did submit an application under MARPOL Annex VI and that is the treaty, for those of you who do not know, that governs emissions from ships, ocean-going vessels.

And this is just a little aside, I looked for a long time to figure out what the acronym MARPOL meant, what it stood for, was it Marine Organization, but no it is actually the first three letters of marine and the first three letters of pollution, and so it is MARPOL.

And under that treaty, which we actually became a party to in 2008, in 2009 we submitted a joint proposal with the US and Canadian governments to designate areas of our coast for low sulfur fuel use. So that means that effectively

any ship passing through those waters will have to use a decreasing fuel sulfur level as time goes on. And it should be approved in March, next month actually, and then it would go into effect as early as 2012. And that will substantially reduce the emissions that are coming from the ocean-going vessels.

December 22 we proposed standards for US flagged ships that matched the standards that we had proposed through the MARPOL Annex VI in 2008. And that is sort of the third leg of our strategy to control ocean-going vessels. And we think it is going to be very effective. The benefits from our rules in total, in that one in particular, is something like 30:1 so for every dollar you spend you get thirty dollars in health benefits and it totals up to billions.

Also as an interesting side, part of the goods movement report recommended that we expand the analysis we did for our 2007 Locomotive Rule which is basically an EJ analysis. We did air quality modeling and used census data to find the populations that were exposed to emissions from locomotive hubs and from ports. And we did redo that analysis and update it for the latest rule that we published in December and it is available to look at.

But what we did find is that minority populations were two to three times as likely to be exposed to the pollution from ocean-going vessels. And in fact, I think at

certain exposure levels, 67,000 people are exposed to ocean-going vessel pollution. And these sets of regulations and the combination with the emission control area will substantially reduce that exposure.

Also we have talked a lot about DERA, the Diesel Emission Reduction Act, and I have to say that this is probably my favorite recommendation, personally gratifying, in the report because you all really supported and wanted more funding for DERA.

And I think it was March 17, 2000 that we started the Diesel Retrofit Program and we started with no dollars and it was not until 2008 that we actually got any money. And this last year we got \$300 million in the ARRA funding and then we got another \$120 million between the 09 and 10 appropriation.

And we have just closed the solicitation and what we did this last time to accommodate communities and tribes in particular was to lower the level of the floor for what you needed to come up with in terms of proposal. Because we are short in staff in some ways for managing grants, we had been advertising grants of \$500,000 and \$1 million and we would not accept anything lower. And we were finding we were not getting the applications. So we have changed those rules and this time we actually solicited a special tribal solicitation with a lower amount of money required and we have not finished

the evaluation but soon we should be announcing the winners and there were eight applicants so we were very gratified. In our future funding approach we will do some similar things.

We also did outreach through our diesel collaboratives and there are seven in the country. They are very involved with a lot of the communities. And we did webinars for applicants so that they could understand how to apply. And we will continue to do that and we are committed to doing special outreach with communities and working with you all to do that in future competitions.

A couple of other things just that are responsive to the recommendations in the report. You made a recommendation about SmartWay and encouraging corporations to use models like the SmartWay model called Fleet to evaluate its emissions footprint. In the past year we have engaged, not only the major corporations, we have now gone from shippers and carriers of goods to over 2,000 partners; all the big shippers in this country are members of SmartWay. It has been mostly focused on trucking but we are now expanding and we completed a dray fleet model so that trucking companies around ports can evaluate their emissions. We have created financing mechanisms so that the truckers can get financing, low-cost loans, so that they can replace and retrofit their trucks.

And we also have engaged the airline industry and the marine shipping industry in developing models that will

allow them to quantify their emissions so that you can actually, if you are a company, quantify your emission, your footprint, from production to distribution in this country. And we have also engaged a number of other countries so that we can extend that model to be able to get emission factors into the logistical supply networks so that you can actually constrain your supply chain by carbon or NOx or PM. And those models will be done probably in another year. So we have the Fleet model, we revised our Fleet model for trucks, and we have one for dray now. So those are some of the things that are in the report that we have actually already moved forward with and we think we will be completing soon.

With that I guess we could start taking questions.

Questions and Answers

MR. CAPTAIN: Thank you for your really good report. Thinking proactively, I don't even know if this is on your radar screen or not, but as some of you may know within the next decade the Northwest Passage is going to be wide open and the quickest way to the Far East from Europe will be through that passage. And I say thinking proactively, through that passage a lot of my friends, I would say, like the Eskimos in the North, rely heavily on the whaling, the fishing and the sealing, the animals that inhabit that water. And I just would like to know if there is any planning that is coming down the pipe for addressing all the woes that is going to

come with all those ships going through that passage. I have not seen any reports of anything but I do know that once that comes open it is going to be heavily trafficked.

MR. BRENNER: Thank you for that. It is certainly something we should be thinking about. There will be many groups that will be very concerned about environmentally how a passage such as that is treated. Rick is that something that you are able to put on the list for the region too?

MR. PARKIN: Definitely and actually Peter you probably know that it has already come up in the region as something that we need to be thinking about and planning about. And we at Region 10 are involved internationally with a group of countries around the Arctic and I think that is an issue that we need to address in that forum as well.

MR. WILSON: Thank you very much for being here. I have been doing a lot of emails to Gay and we have become pretty good buddies in the last several months.

MS. MacGREGOR: We are going to get DOT here, aren't we?

MR. WILSON: Yes we are going to get them here. First of all I would like to thank Gay for participating in the Goods Movement Community Facilitated Strategy Air Quality meeting we have been having for the last -- first part of the week. She has been very helpful and we had a chance to introduce her to a lot of the community people that she

thought were going to eat her alive but they didn't do it.

MS. MacGREGOR: Omega is just exaggerating; he doesn't think I have ever been to a community meeting before.

MR. WILSON: But a lot of them are still here. I have a short list of things that -- you know at a brief lunch they want to remind me and make sure that we don't forget.

One is including in this process a Community Facilitated Strategy member of NEJAC to continue to follow this process because it is not going to be something that is going to go up and come down; it is going to be, as Peter has mentioned, long-term.

And they were asking that a position -- I guess I am talking to Charles and everybody else about this, that a position be identified specifically related to Community Facilitated Strategy to follow this goods movement so they will have somebody to talk to because I am going to be retired and put on the shelf this afternoon, shortly after we get through. I am not sure if I am going to get dusty or not.

That is one big piece, so the community people will have somebody that they can trust to talk to, a person they can go to because I have been the go-to person for three years now. And a lot of people I didn't know who are in this audience, didn't know whether they wanted to knock me off the NEJAC or not because they didn't know who I was and didn't know if I had any credibility or not. That is one thing that

is important, somebody with credibility who knows what the experience of the goods movement piece is.

The other part has to do with the goods movement policy recommendation is founded on air quality. And in the Community Facilitated Strategy, I am very glad that you showed it in your second slide up there, in partnership with collaborative governments -- that Lang and I partnered to help put together for the policy recommendation -- that included in that process, the Community Facilitated Strategy process, that there is funding for groups to continue to participate in this process.

Because a lot of people here are here on their own dime and part of the dime, half of the dime anyhow, was my being able to get them to come as a part of the panel and resource people for the conference we had about air quality; so some of them possibly would not be here without that. So something has to be in place -- I don't know whether you would call it a community goods movement team, but the general overall name that people want to give it -- people want to continue to use the Community Facilitated Strategy as a label, an identifiable label.

The other one is the multi-media. It is a policy recommendations based on air, however, we know in EIS statements, studies, that they identify how many waterways they are going to cross, how many wetlands they are going to

cross, how much public water that they must avoid, et cetera and of course they deal with agricultural lands so the air quality and the water quality and the soil, I mean it is right there staring us in the face. And land use is a part of the policy recommendation. So people are pounding me in the head that, you know, that cannot be left out of the language and nobody mentioned that. We know this was officially an "air quality" piece, but that is the interagency or interdepartmental thing that needs to be put in the language and needs to be restated to make it very perfectly clear. Because the corridors are not going to be built in the air they are going to be built on the ground and they are going to run across water, et cetera, et cetera.

The other part was we know there are a whole lot of people who are high-end university people like my buddy over here, Paul, and Langdon who are going to be jumping for the money to research all the things related to this. And what we do not want, and a lot of friends in the audience like Margaret Gordon and Jesse Marquez and Angelo, will not be letting me out of this room unless I make sure it is clear to you, that as far as the money that they expected to get, that that has to be partnered and ensured specifically with the communities up front. And if they do not make a commitment to do that, they don't get any money. Did I say it right? Did I do it?

(Chorus of "yes")

MR. OMEGA: To make sure that they do not get a dime unless the commitment is part of the application. Not a consideration based on their mind, heart, soul, and whether they got saved the previous Sunday but it has to be part of the application document and it has to be in writing and identify the community groups that are affected. And it should have a sign-off that that particular group or those groups know about the application and have participated in the application partnership as a partner upfront or they do not get a dime which related to the Title VI language that we have talked about before.

The other piece is a lot of these areas where port corridors or port areas are going to be expanded or brand new and most of this language has to do with air quality issues for their corridors or marine port issues already existing. For instance in North Carolina there is a plan to build a brand new international port on brand new ground. And a lot of the Native American communities, low-income minority, and white populations have no idea what is coming. I have tried to tell them and they have said "I don't know anything about that."

So the language, I don't know what you would call it, preventive or brand new or virgin territory where people have no idea; they are not warned. Local governments have no

idea; they do not know what is coming, that this is goods movement at all because they have never had anything quite like it. So it is not an expansion but the language clearly identifies what needs to be done for communities that are not in the process already; that it is proactive. That they do not need to find out and discover they are going be hit by a corridor, that the process tells them and invites them in and educates them to the process. I think it was four things but that's -- you know.

MR. BRENNER: Let me just say, well I counted five, but they all fit together pretty well. Because what I am hearing from you is first of all we need to have community involvement in a meaningful way. Fortunately we have a history of working with Charles to find ways to make that happen where, as you put it the other day, communities are not just being consulted but they are being involved in the decision making. And if you set up the right kind of collaborative processes, that is what will occur. And so that is one of the things we will be working on here.

The other piece of what you said was that there are other media that we need to start paying more attention to now that we are beginning to get our act together and thinking through these air issues. There are certainly water and probably in some instances waste and toxics issues too and we need to address those. We are going to need to consult with

our colleagues, Pete and his folks in the water office.

It is also going to, once we do that, enable us to get after some of the permitting issues. Because the way to deal with some of those new projects that you were talking about in new areas is they are going to need permits and if we do a good job in the permitting process, working with our colleagues, those processes are now supposed to be run in ways where communities can get engaged relatively easily because they are going to be informed that this permit is under way and we will find ways to bring them into the process where they can really participate. So those are all very helpful comments, thanks.

MR. RIDGWAY: John Ridgway with the Washington State Department of Ecology. This question gets to I think what Peter Captain brought up and Gay brought this up specifically, but maybe for Gina and/or Cynthia Giles who is not here, on the issue of the use of low sulfur fuel to improve what the ships are burning, how is that going to be enforced? I mean this gets to, you know, we set these goals or rules but in reality how are we going to know it is going to be working when we are talking about ships that are out to sea and in reality to know that they are using it and that there is an improvement on the air quality? And in particular maybe up in Alaska and this new Northwest Passage that we all expect is going to happen.

MS. MacGREGOR: I think it is a good question. The responsibility for enforcement of the treaty falls to the Coast Guard. So the limits actually are -- for the most part, not every where in the emission control area, but for the most part are 200 nautical miles so it is a big area. But certainly as ships come through port or even pass by a port, it should be much easier. Plus the fuel availability will control it to some degree.

It is kind of an interesting thing. I had a conversation with Maersk a couple of years ago and as you know they switched -- they do fuel switching when they come into port at least in Los Angeles and Long Beach and their attitude was this is what the host country wants us to do. So while we do not have necessarily -- it is hard to imagine how you actually would control it, I think that actually we will find that it does work. And from my knowledge, and I am probably not the best person to address this and I can tell you who is in our office, but you know there are other eco's like in the Baltic and they are working.

MR. RIDGWAY: This just gets to, again, the need for other agencies to be involved and for them to be aware of these EJ issues as much as you may be in adopting these rules.

MS. MacGREGOR: I think the Coast Guard is pretty well aware. I think we have had a really pretty good partnership with them as we have worked through the IMO

process, the UN process, to get the standards that we propose. I mean basically, you know the US standards were pretty much what were accepted in 2008 and I think we do have a fairly good working relationship with the Coast Guard on that. So I would expect we would keep on it.

MS. MCCARTHY: Let me just add that the Coast Guard is actually the delegate to the IMO. And EPA is invited there and it is the Coast Guard that really has been out in front on these issues internationally with us. So I have no question about their support for this.

MR. MARSH: First of all I am really pleased and very excited that you have taken this so seriously that you are going to give us a written report with an opportunity to comment. I mean I think that is just fabulous.

I had a couple of comments. One, I am sure you are aware of it but I am not sure everybody is, I mentioned earlier the Sustainable Communities Partnership among the three agencies; HUD, EPA and DOT. But it seems to me that on some of these goods movement collaborations, Community Facilitated Strategies, and when appropriate the collaborative governance piece are perfect opportunities for that partnership to get together and identify communities with the help of the ground-up request for that kind of help. And to use the amplified funding resources of three agencies to fund the Community Facilitated Strategy, the community capacity

issues, and the collaborative governance, when that is appropriate. So I just wanted to put that pitch in so that we can come back to it and ask how it has been working.

The second thing is, I think a lot of this work that we did in the Goods Movement Workgroup was done with the information that is now three or four years old and we were only asked to look at goods movement. But the real issue of diesel retrofits and so forth is, as you pointed out, it is engines and in a lot of parts of our country the contribution of stationary engines, diesel engines, to poor air quality especially in many EJ communities is a very significant portion. And so I guess I just wanted to -- we did not address it really because we were not asked to but it seems to me that that is a significant part that maybe you could talk about a little bit.

MR. MANZANILLA: Thank you, those are great suggestions and questions. And on the HUD, EPA and DOT partnership, in Region 9 we are already starting to have those discussions with our colleagues at HUD and DOT. Actually just before I came here we were having a discussion, not just with HUD/DOT, but with a bunch of other federal agencies on the San Joaquin Valley. Not just from a goods movement perspective but from an economic development, you know community development perspective. So we are having those discussions and we are also starting to have those discussions around the

I710 corridor which I talked about.

So I agree with you; I think that is an important platform, an important venue that we need to take advantage of not just with our colleagues at HUD/DOT but with our federal colleagues even beyond them.

MS. MCCARTHY: Rob and I were fighting to answer your second question; fighting for the opportunity to answer it. I wanted you to know that OAQPS is developing a MACT standard for diesel engines, stationary. And the great thing about it is we can use the same technologies and the lessons we have learned on mobile sources to make that a really good standard and I think it is going to be very important, so thanks for mentioning it and Rob thanks for letting me answer.

MS. MacGREGOR: Can I add to that one thing. We are ready, I mean, it does not necessarily impact ports or the type of engines but we already are doing through the retrofit program, stationary power generation with small gensets which affects a lot of minority communities and low-income communities. So we do at least have that ability through the retrofit program to do some replacement of smaller stationary engines.

Also I think in terms of the collaboration with HUD and DOT, we also have asked representation from our Office of Policy to be on the workgroup to respond and they are the ones that are I think leading some of the efforts. And have the

Smart Growth Office, which they are also looking at something beyond BMT reduction but also starting to look at freight.

MS. YEAMPIERRE: I have three questions that I was asked to present. One is how will EPA address EPA hot spots or diesel magnets in terms of land use? The other is will EPA work toward adopting diesel as a hazardous air pollutant? And the final one which you may have answered in part is how will EPA address facilities like rail yards that are considered mobile sources but are actually stationary in our communities where we have a good number of trucks and trains that stay in the facilities 24/7?

MS. MacGREGOR: I can address the first issue of -- go through your questions one more time.

MS. YEAMPIERRE: The first one was how will EPA address EPA hot spots or diesel magnets in terms of land use?

MS. MacGREGOR: We are actually about to come out with hot spot guidances. You might know we have a new mobile emissions model called MOVES and it unlike its predecessors enables us to do quantitative particulate matter hot spot analysis. And we are working right now with DOT to issue guidance so that when we do transportation conformity analysis, at least in non-attainment areas, it will eventually be required. But the capability to do the modeling will be there and the guidance on how to do that is under development now. So that is to the first question.

MS. MCCARTHY: The second question, diesel as a HAP. Good question. It is an issue that has been struggled with in the past and we think it is worth revisiting.

MR. BRENNER: Just to say that it went to the science advisory board; they stalemated on the science behind calling it a HAP and the question would be whether to now revisit that. And as Gina mentioned to me before, one of the things we would want to look at is is it going to give us some additional authorities that will be really valuable compared to the authorities we have now, where you have the ability to go after diesel because they produce fine particles which are a significant health risk too. So we will take that into account also in deciding when and how best to go back to the Science Advisory Board.

MS. YEAMPIERRE: And the final question which was how will you address facilities like rail yards that are considered mobile sources but are actually stationary sources in our community because they have the trucks and the trains and they are there 24/7?

MS. BRENNER: Well this is where, as you saw on one of my slides, we want to bring in our stationary source folks to work with us. There is a legal authority issue where if you have sources that are moving, although you are right they are moving in a confined space and for all intents and purposes they are like a stationary source; we do not always

have the legal authority to treat them as a stationary source. Sometimes we have to treat them as a collection of mobile sources. But your point is a good one.

The right thing to do is to bring our stationary and mobile source folks together and say, given our legal authority, given the tools we have, how do we best go after this type of facility and bring together all of our Clean Air Act, Stationary Source side tools with our Mobile Source side tools and any other tools we can think of that might be available to do an effective job on these facilities. And I don't know that we have really done that yet as well as we could so we will put that on the list.

MS. YEAMPIERRE: Thank you.

MR. MOHAI: Yes, I just want to make a comment and I am not sure if I misunderstood Omega but I just want to make sure people know that university people are resources. I am serious about this. Service is part of our job, we do not charge by the hour like doctors and lawyers and all the research I have done has been using secondary data sources. I would never take a penny from a community. And I totally respect the experiences you may have gone through with some researchers but I guess I don't agree with casting all of us the same way.

MS. YEAMPIERRE: I think that, Omega if I can speak for you, that Omega was being lighthearted. There are

certainly a lot of partners that we have throughout the country that work respectfully in partnership with EJ organizations. And then there are those that are really the problematic ones. And I think the reason that what is being proposed is a formula that really does not disempower our communities and provides an equitable distribution of resources because those unfortunately are sometimes huge. But there is a whole lot that we could not do if we did not have partnerships with people like you.

Someone earlier mentioned, talked about Luke Cole passing away and one of the things that I said at his memorial was that in our struggles for justice there have always been people who do not look like us standing next to us, behind us and in front of us and that we would not be in the positions that we are if we were not doing this stuff together so clearly all institutions are not the same.

So we are going to be breaking now for 10 minutes. Thank you very much to the panel for your thoughtful responses. Please be back in 10 minutes.

MR. LEE: Well, let's get started. We have a very impressive panel here and they are identified in your agenda.

Let me give you a little bit of background to this. As you know, there was a *USA Today* article that focused on school air toxics. And one of the first things that Administrator Jackson did was to live up to a commitment to do

monitoring around schools. And along with that she emphasized the need to involve the community in that process. As a result of that, the Air Office and the Office of Environmental Justice pulled together a workgroup under the NEJAC to work with the process and to provide some recommendations. So they are here to provide their draft report and to discuss with you their recommendations.

Now this is for the purposes of review by the parent committee, meaning the NEJAC Council, for the purposes of transmitting a set of formal advice to the Administrator.

So I am not going to, for lack of time, I am not going to go through every single person.

This is going to be done in two parts. The first is a presentation on the status of the work and then the second is a presentation on the report itself. So I think Chet you are the first one?

EPA School Air Toxics Monitoring Initiative

Status Report about Monitoring Initiative

By Richard (Chet) Wayland, EPA Office of Air Quality Planning and Standards

MR. WAYLAND: Yes, thank you Charles.

(Slide)

I am not going to reiterate a lot of this because Charles kind of went through this and how this came about but I did want to point everyone's attention to that third bullet which was that the Administrator committed to mobilizing

within 30 days after her confirmation hearing. And so I think it was very clear to us in the Air Program that she was serious about this, she was going to take action, and so we did; we moved out very quickly once she made this commitment to Senator Boxer and to the rest of those on the confirmation committee.

(Slide)

What I wanted to do was give a little bit of an overview of the project and where we are status wise. After this commitment by Administrator Jackson we did announce a monitoring initiative on March 2, 2009 for 62 schools in 22 states and it would start at the end of March, March 31.

The purpose of this was really a screening analysis if you will which was to measure the levels of air toxics in outdoor air around selected schools and to evaluate the potential for impacts on health of school children, staff, and school community over the long term.

We recognize this was not a full-scale risk assessment. It was intended to be a screening analysis to determine if we needed to do more at any of these schools.

As directed by the Administrator, we wanted to look at a diverse set of schools. We wanted to look at schools near large industries, schools in urban areas where you have a mix of sources including mobile sources as well as small air toxics sources, and we also wanted to look at schools in EJ

areas specifically.

So we selected the schools based on several criteria. Everyone knows *USA Today* had done their ranking. They had ranked schools all across the country. We had some concerns about some of the ways in which they had done their ranking, none the less, we did think that we should look at some of the schools in their top listing. So we looked at the top 25 schools in the *USA Today* ranking, a school here or there may have dropped out as we went through our process but we started with that.

One of the concerns we had was that their ranking was based on the RSEI data which is a good dataset but it also is only based on the TRI data so it is point source information only. We wanted to use the National Air Toxics Assessment which is a much more comprehensive inventory; it has point source data, area source data, and mobile source data.

In fact *USA Today* probably would have used that data had it been publicly available but the 2002 data, at that time when they did their story, was not publicly available so obviously they could not use it. The only data they would have had for NATA was 1999 and they felt that was too old. So we looked at the NATA data to also try to decide where we should be focusing on.

And then probably the most key piece of this was

that after we had that initial list of schools, we sat down and talked to the EPA regional offices, state and local air agencies, and got that local input about what schools made more sense to be looking at in their area. In many cases schools dropped off the list and schools were added based on that local feedback. And this vetting process went on for about a month or so as we were trying to get the list more refined.

We also conducted a high-level EJ screening analysis which tried to determine whether some of these schools were in EJ areas or not and it turns out, of the 63 schools, about 40 percent of them were actually in EJ communities.

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We felt that, you know, while this looked to be just a monitoring project it was obviously much more than that and so we had to communicate and reach out to several organizations within EPA as well as external to EPA. So we did meet with the Office of Children's Health, the Office of Enforcement and Compliance, the Office of Transportation and Air Quality, OPPT, and others in EPA because we recognized it is not just going out there and monitoring the data, what do you do if you find something? How do you deal with it from an enforcement standpoint? What are the issues with Children's Health? So we did meet internally at the beginning with these other EPA offices to make sure we knew where we were going to

do.

We also met with external stakeholders and one of the big ones there was the state and local agencies because they were going to be the ones doing the actual monitoring. So we wanted to make sure they were comfortable with the approach we were taking and what we were trying to do. EPA was going to fund the actual monitoring equipment and the analysis but we were asking for in-kind support from our state and local partners to actually go out and do the monitoring.

We also, at the Administrator's direction, we sat down with OEJ and established the School Air Toxics Working Group and this is one of the more beneficial things we did because this gave us a lot of feedback, and we will talk about that, on how we communicate this information and how we should have gone about this process. And I think in hind sight this was one of the best things we could have done; was to have this initial upfront discussion and have this discussion throughout the process.

We also met with the Pediatric Environmental Health Specialty Units, the PEHSUs, and talked about messaging. One of the things they told us was keep it simple in many ways because you do not want to put such a complicated message out there that people cannot understand it. So they were very helpful in giving us some of that messaging as well.

And then, as I said, we met with the regions and the

local districts so that they could work with the local school boards in the districts there to make sure they were aware of what was coming, what we were going to be doing, so monitoring equipment did not just show up and no one was aware of that.

The last bullet is probably the most key thing about this project from the standpoint of trying to be transparent. We developed a monitoring plan, project description, and we put all of the data out on EPA's website, www.epa.gov/schoolair. To date there are probably close to 30,000 data elements that have been put out there for the schools project alone, and I will talk a little bit about the pros and cons of that, but we do think that was a good process to get that information out there.

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So the charge to the working group that was set up was really to gain insights on communication strategies. The type of information that communities needed and what additional steps EPA should take to assure these materials are accessible.

You know working at a headquarters office, this is something that we are not accustomed to doing on a regular basis, getting down into the community level, so it was really, really beneficial to us to have that feedback and to help us know how to craft this message and how to communicate better with these individual communities.

The specific questions were; what questions are environmental justice communities likely to have? What are they going to ask about this initiative that we may not have thought about?

What steps should we, EPA, take to ensure that the information it disseminates about this initiative is accessible to EJ community members? You know, is putting it on the web good enough? Is there more that needs to be done?

What potential barriers could affect how EJ community members receive or access EPA's communications materials about this initiative?

So all of this was very helpful as we tried to figure out the best way to work with the communities, recognizing that we had local agencies involved as well; how do we communicate with them to work with their communities?

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So we received a lot of very useful feedback from the workgroup and I want to go through that quickly and then talk a little bit about where we are with the project currently.

But the contributions of the workgroup included the Community Involvement Plan and improvement of the website. We will just focus on that for a second, the website is I think ten times better than it would have been without the feedback from this working group because they really gave us a lot of

good positive information about how to put the information out there, how to package it, and how to make it so that it was understandable. And I think that is something that a lot of technical folks in the agency, when we start doing projects like monitoring and data collection, we lose sight of that sometimes because our minds are in the technical aspects and not always in that communications piece so it was very helpful.

Discussions on future directions; this was the first step going out there. Where do we go from here? That is one of the things -- the information, the questions we got back from the workgroup, things we are still going to be working on.

Developed EPA capacity and understanding of EJ issues; as I said, we are not always aware of this and it was really helpful to have the workgroup provide that feedback to us so that we could kind of take that into account as we are making our decisions.

And then input on the monitoring plan; we had a lot of discussions about the monitoring plan. We tried to be as transparent on that as we could be but I think there were still questions raised by the working group about why we did this and why we did that. And in many cases, it was questions we had answers for but we had not communicated it very clearly so I think it was helpful to be prodded along and asked those

detailed questions to get us to be a little more clear in our communications.

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So specifically, the workgroup recommendations on the Community Involvement Plan were to focus on communities as well as school personnel and parents. So even though this was set up to be monitoring of schools, don't just focus on the school itself because the kids, they go to the school, they live in the community, their parents live in the community so you have to focus on the community as well as the school personnel itself.

Offer opportunities for students and community members to engage with the effort. We did not probably do as much there as we would have liked, some of this had to do with timing and rushing to get this project underway. But the idea was could we have brought the kids in the classroom in to some of this and had them do some analysis. There were some discussions at some schools about the kids looking at meteorological data and trying to just be a part of that, you know, which way was the wind blowing this day.

But as far as operating the equipment we ran into some issues there because it is fairly sophisticated equipment and it was locked up and the state or local agency was the only one that had access to go in there and actually man the equipment. But a lot of suggestions there that I think could

pay off down the road.

Maintain on-going communications with communities and schools. I think that has been helpful as we have kind of reiterated passing the data out to the schools in an interim phase and talking to them about what we are seeing and what we may be coming up with for conclusions even before we have the final report; that was useful feedback to us.

Address concerns of school officials about engaging communities. We tried to reach out to the schools and let them know ahead of time what was coming so they could engage their community. And I think we had varied success. A lot of that depended on the local agency and in some places it was better than others.

Use alternative means of communications, involve communities in decision making, seek input on future directions of the monitoring project, and then seek input on how to respond to communities. I will not go through all of these in specific detail but a lot of these are things that we tried to do along the way in this current project but they are also things that are going to help us tremendously as we look at where do we go from here.

Because again I will say this project was on a very, very fast track to get out there and get the monitoring set up. There were things we could have done better and I think we have learned some lessons along the way on that.

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With regard to the website and review of the documents, as I said earlier, I think this was actually one of the highlights of the project to date. The working group was very, very supportive in providing feedback on the layout and the design of the website. I think it aided tremendously in having a product out there that was easy for people to follow and understand. I think where we started and where we ended up was night and day. I think the website is much better today because of the feedback from the working group.

They brought out some issues about the rationale, for example, the selection of schools. And even on the meeting on Tuesday it was not clear that that had been communicated as clearly as we would have liked.

I think, you know, internally to EPA I knew exactly how we came up with the list of schools; that did not always get conveyed as clearly on the website and other things. And I think those kinds of feedback, questions, and digging into the issues is helpful to us. And obviously this is still an ongoing project so we can continue to make improvements there.

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One of the things the workgroup pointed out was that we did not have any tribal schools on the list of 63 schools. And so this was not necessarily an oversight on our part but when we went through our "ranking" if you will, and I

will put ranking in quotes because we really did not rank top to bottom. We wanted to look at a diversity of schools in different situations. But when we went through that process there were no tribal schools that popped out so we specifically went back in, sat down with the tribes and talked to them about the project we were doing, and we selected two tribal schools that from a risk standpoint may not have risen on the list of schools that we had in the 63. But we felt it was very important to meet with the tribal community and show them that we cared about this as well and we wanted to make sure we were focusing on schools in tribes. And we picked two schools; one in Idaho and one in Colorado that were raised as concerns by the tribes. They said these were two schools they had concerns about so we went in to monitor there.

And I will say on the tribal system, they have set up their own tribal environmental monitoring workgroup as part of this project. They will actually be taking the monitoring data, working with the TAMS Center, so when they finish at those two schools they will move it to other schools and then on to other schools. So the tribes are somewhat independent of this overall project but they are going to take this and continue to move forward with it. So I have been very excited about the engagement of the tribes and how well that project has worked out so far for those two schools and it looks like it is going to have a future life as well.

And then also we continue to develop an outreach strategy to the tribes. It is a little different for the tribal schools than the urban schools so we had to develop a little bit different communication strategy.

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So now what everybody has been waiting for, after we got through some of the background here, is the current status of the project today. We are now at 65 schools, counting the 2 tribal schools. We added one school, went from 62 to 63, primarily because we had a school in Virginia where the school decided not to let EPA monitor on its property. Luckily there was a school adjacent to that school that did allow us to go on and monitor on its property. So by doing that we actually picked up data for both schools because they were so close to each other we could have actually applied the data to the same school so we went from 62 to 63 and then we added the 2 schools in Indian country.

EPA-funded monitoring is complete now at 41 of the school of the 65. It finished up in December. We are still getting the last bit of data in and collecting it and analyzing it. The remaining 24 schools will be complete in April of 2010. Everybody would have been done had there not been a sampling error in VOCs for these additional schools.

What happened is we had a malfunctioning piece of equipment if you will. I thought it was of improper design,

the vendor says no that we just installed it improperly, but we can go back and forth about who was to blame there.

But it was just a case where if you did not tighten the valve properly, the fittings, if you tightened the outside fitting and you didn't realize there was an inside fitting inside a timer box, as you tightened one you loosened the other. If you knew that there was an inside fitting and you tightened that and you held that inside fitting, then everything was fine. But in many cases the state and local agencies, you know, we were not aware of this so as they tightened the fitting on the outside what happened is it created a vacuum inside of the timer, it sucked air out of that plastic fiberglass timer box and of course everybody knows what plastics are made of, so it contaminated the VOC samples. So we have eliminated that timer from the monitoring stream and we are going back and recollecting samples for those 24 schools and that will be done, again, in April.

The analysis, as I said, is underway. We had two schools that really got out in front in Tennessee. A special thanks to the EPA Region 4 and the state of Tennessee folks who were able to get equipment quickly and get it deployed and get the monitoring done. Those two schools are done, the final reports are done, and they are on the school's website.

It says here, five reports completed in January. We were hoping to get them completed in January, it is now near

the end of January and they are not done so I think it will probably be sometime in February when we get those next five reports done but we will get those out.

And then the rest of the reports will be trickling out as we go through the spring and definitely finished up by summer we hope. And the reason it is coming out in sequence is the monitoring finished in sequence. Everybody did not finish at the same time. And we are also trying to wrap up some of the higher priority schools if we can and get them out. So they will be coming out in a sequence as we go through the spring but all of them should be done by this summer.

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Some outstanding issues that are there; really kind of three key points here and one is manganese. We have seen samples; Gina McCarthy mentioned that earlier this morning, that we have seen some high samples of manganese at a few schools in Ohio and West Virginia. I think we know we are going to have to do something more at those schools. We have not finished our final report yet. Once we do we will make our official recommendations. But looking at the preliminary data, I think it is obvious we need to do more at those schools via it more monitoring, via it more analysis, via enforcement and compliance. We definitely need to go in there and look at those.

The VOC monitoring I just talked about. We had the timer box flaw and so we had to go back and redo some of that monitoring and we will see what the new data comes in for those schools.

The third one is acrolein and when we did the acrolein monitoring we saw high levels, I would not say exceptionally high, but we did see elevated levels at many schools across the country. And when you compare these numbers to acrolein data that was in our normal air quality database from other toxics monitoring over the last ten years, it is very consistent. So it was not like we were seeing something at the schools that was different than what we are seeing everywhere else.

But as we got into this there were a lot of discussions with state agencies and even some academia about well, which method did you use for acrolein, and how did you clean your canisters and things like that. Everything we did we did consistently but there was a lot of debate about well maybe you should have looked at this approach and that approach.

So one of the things we are doing right now is an independent test for acrolein alone. We have several labs involved. We are looking at how do you clean the canister and how do you process that canister and trying to see if there is any difference between these different approaches.

And if one yields a marked difference, then we may have to think about going back and doing some of the acrolein sampling again. If we do not see a marked difference between the different approaches, then we will go ahead and release the acrolein data we have. And that is one reason the acrolein data has not been posted, is we want to go through this independent analysis before we put that data out there and see what we can find out. And that analysis should be wrapped up, the actual analysis should be done at the end of this month and then we have a couple of weeks to do the analysis of the actual sampling and see what it looks like. But that is kind of one of the outstanding issues that is still out there.

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So lessons learned; you know I think while we are not finished with the project yet, there are a lot of things we have learned along the way. And I think the working group has provided us some lessons and some things to look at which has been extremely helpful.

But transparency has its pluses and minuses. And I do not want to criticize transparency because I think it is absolutely essential to credibility and to getting public support for these kinds of projects.

But one of the things that we found is that when you rush to be transparent, you can put data out there that is not

fully quality assured and checked. And you know we had some of that where there was a real push to get data out on the web and we got it out there and then we had to pull it back and that creates another credibility problem; why are you pulling data back? So I think transparency is very important and we have to continue to do that with this project. I think we have to make sure we expedite our quality assurance processes and make sure we are comfortable with the data before we put it out there but at the same point we cannot sit on it either. So I think we have learned some things about how to do this.

Before I took on this task, in years past I was the leader of EPA's Air Now Program which provides real-time air quality for the AQI for ozone and PM and we went through some of those growing pains with that. This one obviously is a little bit more sensitive because it is toxics and people are much more concerned about it. So I think we have learned some things about making sure we have a good process before we put it out there but don't wait too long to get it out there.

Posting data in real time provides ample opportunity for the public to review. I think that is true. We are getting feedback as the data gets out there. People are allowed to comment on it.

School focus may not capture maximum air toxics exposure in communities. This may sound common sense but it is something that I think we did not grasp initially but I

think we realize now that focusing just on schools, you may miss a higher risk problem in that community. And so one of the things I think we want to look forward to as we go forward is, what is the best way to look at communities and to monitor in communities and to do this kind of an assessment? Is it to just focus on schools or is it to keep a focus on schools but also recognize the broader community and try to look at that as well?

Coordination upfront with communities is vital but it does take time and resources. We were all over the map with regard to how successful we were on that.

One example I will give you is the South Carolina Department of Health and Environmental -- DHEC, I cannot remember the "C" but in North Charleston they already had a tremendous relationship with that community so when we said we were going to monitor a school in North Charleston there were no questions asked. They went in there, they set up the equipment, the community was immediately engaged and fully behind it.

In other communities where there was not that relationship between the local or state agency and the community, it was met with a little more of a, why are you doing this and I am not sure I want you in my community. What is going on here? A lot more apprehension.

So I think we learned it is critical to have that

upfront coordination and if a local agency has it, it is even better because they are welcoming when you come in there with your monitoring equipment and to take samples.

Local communities know the issues. We went through this hierarchy to determine where to site these monitors at these schools and we think it was a pretty good approach using modeling and the National Air Toxics Assessment data. But you know, as I said, when we got down to the really bottom end of this, it is the local communities who knew where the problems were. They said "you know that is the wrong school; you need to be over here." And in many cases we did go over "here."

But I think what we realized is you have to engage that community because they know where the toxics problems are in their communities, they want EPA to come in there and monitor and validate that. And so as we move forward beyond here, I think we do need to think about our modeling tools alone enough to figure out where to go. You also cannot forget about that human element and that local feedback.

Monitoring data alone is not the only thing -- when we went through and sited these schools, and as I have said before, we looked at the *USA Today* analysis, it turns out that a lot of the schools were picked and ranked because emission numbers were wrong. The TRI data was wrong. The NATA data had wrong emissions in it because it was data we got from a state agency or from an industrial facility.

We are never going to get down to the bottom of toxics if we do not start getting better emissions inventory data from these facilities because that will allow our models to better pinpoint where the risk is. So I think monitoring is key because that is what people breathe, but we really need to get better information on the sources as well.

And then finally we need to coordinate with communities on follow-up actions. That is kind of a no-brainer but I think a lot of times it is forgotten. And I think once we know what we need to do and where we need to go, we need to sit down with those communities and say, here is what we found, here is what we think we are going to do next, and what do you have to say about that? As opposed to, we know what is right and we are going to do it. We need to go in there and say, what do you have to say about that with your local agency in that community and move forward.

And I think that is part of our plan as we go forward with these final reports which is sitting down with each community and the schools and figuring okay here is what we found, what do you suggest we do and here is what we think we will do and work that together.

So with that I want to turn it over to Vernice to go through her part on the NEJAC.

NEJAC Recommendations

by Vernice Miller-Travis, NEJAC School Air Toxics Monitoring Workgroup

MS. MILLER-TRAVIS: Thank you Chet. And I just want to highlight for folks under the Committee Action Tab in your binder, the first document in the binder is the School Air Toxics Monitoring Work Group, our actual report. Chet and I are giving you highlights from the report and obviously we are not going to walk you through every page; that is why we sent you the report, but we are going to walk you through some highlights.

But first I want to introduce you all to the members of the workgroup and our EPA colleagues. I believe Candace Carraway is here somewhere in the room. Candace is the Environmental Justice Coordinator in OAQPS and she and Laura McKelvey were the two OAQPS staff who worked hand-in-hand with us and were an intimate part of this process.

These are the members of the workgroup; don't panic, we are not all going to speak. That includes also Hilton Kelley, Claire Barnett the Executive Director of the Healthy Schools Network, Alexandra VelValle who is formally the Deputy Director of UPROSE; she represented Elizabeth in this workgroup and she has now moved on to another position but she was also a member of this workgroup so we just wanted you to see the folks who really worked so hard. And Katie, your own Dr. Katie Brown is the Co-Chair of this workgroup. So these

are the folks.

But I also want to take a moment to mention some other people who work for EPA who were part of this process, Victoria Robinson was our DFO as well, Chet you have just heard from who is the Director of the Air Quality Analysis Division at OAQPS, Laura McKelvey and Candace Carraway from OAQPS, Kelly Rimer and Allison Davis who do communications at OAQPS, Dave Guinnup who is in the Risk Assessment and Analysis Division at OAQPS, Cynthia Peurifoy who is the EJ coordinator for EPA Region 4, and Paul Wagner who is also on the staff of EPA Region 4. So we had a lot of people working on this; so I just want you to know that this report is the result of the thinking and participation of a lot of folks.

So now to our part of the report; so we are going to jump right in. These are areas that we think could stand some improvement going forward -- no, let me back up and say a couple other things.

We gave an interim report to the NEJAC in July. We walked you through the website and we took you through a real-time experience of the website. Chet has talked to you about it and Gina talked to you about it. It really is an extraordinary tool and one of our recommendations and findings is that other entities within EPA should look at modeling that website to get technical data out to the community.

The workgroup members feel that we have pretty much

accomplished our charge by the time the July NEJAC meeting had rolled around. That was the original charge to the workgroup which was to help OAQPS figure out the most effective communication strategies to reach the populations and the people in the communities that we were most trying to get this data to; so that was our original charge.

But by the time we got to the NEJAC meeting and had helped to develop those communications tools, we had pretty much executed that original charge.

But then things began to morph. Once the data came back, it became sort of a whole other project, not just about communications but about a real conversation about what that air toxics monitoring data was showing and a real discussion, a real back and forth and push and pull, about what the agency felt the data said and how we felt the data should be interpreted and communicated to the public. So it really became a whole other conversation that went way beyond the bounds of strategic communications and effective communications.

And Chet is going to come back after I finish and talk to you about a proposal for a revised charge; but that is the reason that we think we need a revised charge. Because we are now in a whole other dimension of this project that goes way beyond communications but gets to the meat of what is the data saying, how do you interpret the data, and how do you

then communicate that to the public?

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So now on to our findings. So the first is Areas of Improvement: Early and sustained involvement of, and communications with, the affected communities. That could stand to be enhanced in the next phase of this effort.

Chet already talked about the involvement of students in hands-on scientific research. We think that this could be a real learning tool for young people particularly young people in these schools who are being monitored to know what air toxics are and how it affects them on a daily basis.

Collaboration with other stakeholders; that there is a need to really have a much broader array of folks and entities involved in this process. This is not just about EPA though EPA has stepped out; what about local school districts, what about state boards of education, what is their role in this? What about the public health agencies, state public health agencies and municipal public health agencies? EPA is at the federal level but there are ground level folk who really should be involved in this and monitoring this data. When EPA cannot do it, they should be doing it.

Budget for community outreach and involvement; the agency appropriated \$2 million to purchase these new monitors and put these monitors out there and begin this process but there was no money allocated for the actual communications

process. So that whole portion was sort of a, you know, in-kind donation from the agency and the other people who participated but there was no appropriation for the actual communications effort.

The process for evaluating the effectiveness of the outreach efforts to inform and engage affected communities. That could stand some improvement in the second phase of this effort.

Positive Outcomes: Information on the website that was comprehensive, well organized and accessible to the public. I know we keep talking about this website but we really, really, really like it and we hope you will go in and look at it and see what an effective tool it is.

Posting of monitoring data online that reflected well on EPA's commitment to transparency and openness. And as Chet said in his presentation, that has pluses and minuses because they did quality assurance for the data once the data came down and then they posted right to the website so the public could see what was happening.

But in the case of those 24 sites where the data was incorrect, there was incorrect data now on the website and they had to pull it down. You don't want communities feeling like, well they put it up there and then they took it down, what does that mean? You know, is there something nefarious at foot here?. And there really wasn't, it was just the data

was bad so it had to be pulled down. And when it comes out again it will go back up. But we thought that transparency part was really an extraordinary step forward by the agency.

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Our findings regarding coordination among government agencies and NGOs: Lack of communications between EPA, Department of Education, Health and Human Services and Centers for Disease Control. Claire Barnett who is a member of our workgroup is very, very active and engaged with the Federal Department of Education and when she mentioned to them that this effort was going on, they had no idea what Claire was talking about; they had no idea what EPA was talking about. And they really need to be engaged in the public health dimension of what happens at schools.

DOE, Department of Education, has not really stepped up when it comes to environmental conditions and public health conditions at schools. They do not take that on as a part of their mission but it is a part of their mission. And so there has got to be better coordination between EPA and the Federal Department of Education as well as the Department of Health and Human Services and CDC.

There were some missed opportunities for regular review of the project by the Office of Children's Health and the Pediatric Environmental Health Specialty Units. Though the Pediatric Environmental Health Specialty Units were

communicated with initially about this project, there was not a regular stream of communication back and forth with them about this project as it went forward; we think they could lend a lot to this effort.

There were some missed opportunities from EPA to form partnerships with stakeholder communities and all levels of government. And I mentioned that before, both local government, state government, and other federal agencies.

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Regarding our findings about the project scope and methods: Indoor air exposure was not measured. This is a really big issue and you all know what it is but let me put it on the table squarely.

If we are finding elevated levels of air toxins externally, then the next step is what? You know they are inside the schools. The question is at what level are they inside the schools? How does it operate differently in an enclosed indoor environment? Does it change the characteristics of the toxin? You are in an enclosed environment and the children are exposed continuously over an eight hour period, does that represent a different kind of exposure or a more intense exposure? We don't know because we are only monitoring ambient air, we are not monitoring indoor air. So there needs to be some kind of closed loop or continuation of external and internal environmental

conditions.

Potentially inadequate duration of monitoring and perhaps Paul can say more about this or Nicky can say more about this but we did -- what were the samples that we did, 24?

MR. SHEATS: Paul do you want to talk about this? There was two months of sampling, about 10 to 13 samples.

MS. MILLER-TRAVIS: And the question is, is that an adequate sampling representation to make an annual assessment of what the annual levels of exposure are from those kinds of monitoring intervals? We are not sure and we think we can get more clarity about that.

Outside air toxics around schools are not limited to low-income and/or EJ communities. Many, many, many school are affected by this. Tribal schools were not initially included and we would like to see more tribal schools in the sampling going forward.

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These are our findings around data analysis, interpretation, and conclusions. The project needs to include child-safe standards of exposure levels. So for example, the only child-safe level standards that we know of are lead. We know that there is a differential level of harm when children are exposed to lead under a certain threshold. That is the only toxin that we know what the specific impact on children

is.

But all the other air toxins and other toxins we do not know the difference of how it affects children versus how it affects adults. Children are not just short adults. They have different bodies, they have different developmental patterns, they absorb chemicals differently, and they are outside more than adults are, they are truly different from a biological and physiological standpoint and EPA needs to have data around how toxic exposure affects children.

This speaks to the overall research agenda for the agency. And if the agency is really going to go forward and look at this, the agency needs an appropriation to deal with this. This is a huge, huge, huge issue. We are giving it short shrift in this conversation but this is a really, really big gaping hole for the agency, for the federal government as a whole.

Cautionary interpretation of the data; we have some disagreement that the agency feels that some of the data that has come back that they feel it does not exceed the threshold for harm to human health in the environment. We have some difference of opinion about that so we want some clarity going forward.

Evaluation of cumulative risks; we were looking at specific air toxics in specific areas but we were not looking at the cumulative exposure of multiple air toxics in those

same areas so that is something that we think needs to be addressed.

Consideration of whether children's health, learning abilities and/or behavioral conditions may be caused or exacerbated by exposures to air toxics; that is something that we think we need to look at going forward.

Detailed protocols for data collection, analysis, interpretation and response actions; we think that they could be sharpened going forward.

(Slide)

These are our findings around potential mitigation measures. The effort lacked detail regarding regulatory response to pollution violations. And this is a real biggy for the workgroup. If the agency finds that there are really, really high levels of air toxics once all the data comes back, what is the furthest extent the agency is willing to go to control or reduce or eliminate those toxics? Is the agency willing to revoke a permit?

And as far as we know in our conversations, we don't know that the agency has ever revoked a permit for a facility that has been operating. They have modified the permit, they have gone in and done more testing, but are they willing to go to the nth degree which is to revoke a permit of a facility that is really, really emitting excessively high levels of toxins?

That is a consideration we did not really talk about but we would like the agency to put that in the pantheon of things that potentially could happen given what they find from this monitoring.

Also that there could be the exploration of Supplemental Environmental Projects which can help leverage resources for mitigation efforts.

(Slide)

These are our recommendations regarding community collaboration and education. Develop a community involvement and outreach plan for future efforts that actively engages communities in a hands on way. Engage communities early in the planning process for the next phase of this initiative. Provide adequate funding to support community involvement. Develop a feedback loop to assess the effectiveness of communications during the implementation of projects and provide oversight of how outreach activities are implemented. Promote the school air toxics monitoring website as a model for other parts of the agency. As you can see, we really love this website.

(Slide)

Recommendations regarding coordination with other government agencies and non-governmental organizations and/or community-based organizations; EPA should establish federal interagency coordination. There are lots of other federal

agencies that should be involved in this discussion. We all keep talking about DOT but there are many other federal agencies that should be in this effort with EPA.

Form collaborative partnerships with external stakeholders and ensure appropriate funding for such interactions.

Coordinate with other agencies involved in environmental health.

Engage EPA's Children's Health Protection Advisory Committee in review and discussion of the findings of this report and the establishment of reference concentrations and Minimum Risk Levels or MRLs.

(Slide)

These are our recommendations regarding project scope and methods. That EPA should expand the scope of the monitoring project at schools to include indoor air monitoring.

That EPA should include tribal schools and communities in future air toxics monitoring projects and you have already heard Chet address that.

(Slide)

These are recommendations regarding data analysis, interpretation and conclusions. That EPA should identify areas of uncertainty about the data and analytical results. That EPA should provide caveats and disclaimers to findings

and interpretations and conclusions as appropriate. And the final one is really important for us going forward, to clarify the NEJAC's role in the review of project protocols.

(Slide)

These are recommendations regarding potential mitigation measures. That EPA should fully employ the strengths of its regulatory clout as needed to mitigate pollution sources around schools. That is the revoking of a permit, the restructuring of a permit, all kinds of other regulatory activities that the agency could take.

That EPA should actively engage schools, the Federal Department of Education, and other community members in decisions about how to mitigate identified air quality problems.

(Slide)

These are our conclusions. That EPA should seek advice from the NEJAC on designing and implementing future phases of the school air toxics monitoring project.

That we suggest a change to the charge, that EPA expand the role of the NEJAC and its workgroup beyond communication strategies.

And that EPA delineate a role for the NEJAC and its workgroup to provide meaningful review of all project protocols.

We have three addendums to the report that I want to

share because they are very important and these came up for us on Monday and Tuesday.

MS. ROBINSON: And they were distributed -- you receive a couple of documents at your chairs, at your table today, and one of them is a one-pager that has the addendum listed of the new recommendations.

MS. MILLER-TRAVIS: Let me just say one thing about the delineated role for the NEJAC and its workgroup to provide meaningful review of all project protocols. We got into a real debate with the agency about our ability to speak forthrightly to the issue of data interpretation and analysis. And we dragged Victoria into this conversation and it became a really big conversation because, as you know, the NEJAC as a chartered FACA is not a peer review FACA. There are other FACAs of the EPA that are peer review FACAs but the NEJAC is not. As a workgroup of the NEJAC, we are therefore also not a peer review body but we wanted to be able to say something specifically about the data as it was coming back, how the data was interpreted, and how that interpretation would then be communicated to the public at large.

We got into a bit of a tiff with the OAQPS scientists because they pushed back pretty hard that we were not a peer review group and therefore had no role or right to speak to the data interpretation or analysis. And Victoria was very helpful in helping us understand that that was not

our role.

But I want to say this to you all, this is the NEJAC; we never limit ourselves to whatever is on the page, right. We always go beyond what the page calls for us to do and so we did that. But we didn't do that because we didn't have anything else to do. I want you to know these are some really busy people, me included. We did it because once the data started coming back, we didn't want the agency to say definitively to communities the air is safe to breathe, you have no problems. We don't know that yet. We don't know all the characteristics. We don't know what is going on inside the schools. So before the agency can say definitively that the air is safe to breathe, we think we have not gone the full nine yards yet to really figure that out. So this became a really bit point of discussion.

We were really happy to have a conversation with Chet on Tuesday that really, I think, worked through a lot of these concerns and gave us the space to figure out what we would do in a second phase of this project.

I also want to say that we had a wonderful conversation with Assistant Administrator Gina McCarthy who joined us in the workgroup conversation on Monday and talked through a lot of these issues with us and heard our concerns. And you see how forthright Gina is and she reflected a lot of that dialogue she had with us in her report back to you

earlier.

So these are the addendum to our data analysis in our report, that EPA should include demographic data of the communities around the selected schools in the final report of Phase 1 of the School Air Toxics Monitoring Initiative.

This is our addendum to the project scope and methods recommendations. As EPA moves forward on Phase 2, it should consider environmental justice factors (such as race, income, free and reduced-price lunch, prevalence of asthma, and special education needs in the student population) as part of its criteria for selecting schools and other monitoring sites.

And finally in the coordination among government agencies and NGOs recommendations, that EPA should coordinate with the Centers for Disease Control and the Department of Education to obtain health data (such as asthma rates, and hospitalization and emergency room visits) and collaboratively achieve consensus on how to incorporate these data in its monitoring site selection criteria.

And there you have the report from the workgroup members. And Chet has one final component of this.

MR. WAYLAND: And based on that feedback, EPA has a proposed new charge to the NEJAC SAT Workgroup and so I guess I will actually read through this as opposed to paraphrasing it.

(Slide)

Although the parameters of the next Phase of the monitoring project are not yet defined, in other words we are not sure where we are going next completely because we are still evaluating the first phase, EPA wants to assure that the needs of all the children and especially those in low-income, minority, and tribal populations are identified and addressed in the next effort. The purpose of this charge is to gain insight from the NEJAC about -- we had to put this on three slides to get it on here.

(Slide)

1. Elements to be addressed in any future school air monitoring projects, for example, community oriented and/or focused on schools and childcare centers.

2. How to best identify and address the concerns of the EJ communities in the context of the monitoring effort; and

3. How to effectively engage communities in collaborative approaches to addressing problems identified in the monitoring projects, for example, how to apply best practices on community engagement in the context of monitoring. The NEJAC would be asked to answer the following questions.

How should the next phase of this initiative be structured, with a particular emphasis on assuring that

environmental justice communities benefit from this initiative?

What steps should EPA take to identify and address the concerns of educators in EJ communities?

What are the best mechanisms to build collaborative problem-solving capacity to address the EJ issues/concerns among the federal agencies, states, and communities that are impacted by EPA's new monitoring projects?

And then last, what are the appropriate analytical approaches and methodologies to ensure EJ and children's health concerns are adequately considered?

And that is part of the new charge to the workgroup.

Deliberation

MS. YEAMPIERRE: Thank you and we have 15 minutes to do all that. So really we are not going to be really doing the question and answer thing. The question on the table really is to deliberate on reaching an agreement to move this report forward. The NEJAC needs to act on this report if you are ready. And if you want to provide suggestions for final language and agree on principles and establish a process of finalizing the reports later, that is fine.

There is an enormous amount of work that these people have done. I mean it is staggering. I remember when Alex VelValle from my office was on those conference calls. I could watch her head spinning. It really is staggering and

these are people that are invested at a level that is pretty amazing and they really need to be applauded and supported because I completely defer to their leadership and their guidance on this matter.

One of the reasons that I have to really move quickly is that they only have about 15 minutes unfortunately.

MS. MILLER-TRAVIS: Elizabeth, let me say I have to go; they can stay.

MS. ROBINSON: So what we are looking for is do we have any comments or questions from the members about the report itself, any suggestions or revisions, much like we did with the goods movement?

MR. RIDGWAY: Thank you very much, this is very comprehensive and helpful. I do have to ask just one very small clarifying question. To the reference to the one school that did not want to have monitoring, is there any lesson learned from a school that says "I don't want you checking out what is going on here" that gets to communication, how we approach the schools?

MR. WAYLAND: It was a very, very small Christian school that probably had 20 students. They just did not want government on their property; that was the message.

MR. RIDGWAY: Was there any suggestion that you could set up a monitor ten feet off their property?

MR. WAYLAND: Well, that is what we offered and as

it turns out 20 feet off their property was where the next school started so we got both. But we worked very carefully with them and tried to make it work and they just said "we don't want you here." And we were like, well, we will just go as close as we can then. With air quality, that works. You know, 20 feet away nobody is going to know the difference.

MR. RIDGWAY: Thank you.

MS. BRIGGUM: That was really impressive and one thing I wonder if you would think about as you are going on the next phase of your charge is that there are many other situations much like schools, remedial sites and that sort of thing where good communication of accurate data is really important. So to the extent you think that what you did has some best practices that could be replicated in communicating other data within the agency, I think that would be very helpful.

MS. CATRON: I have been listening in to the tribal teleconferences about this project and just have not really been able to participate at the full level that I wanted to but just kind of listening in.

I think the big question that I had, and this is something that you covered, was the effort lacked detail regarding regulatory response to pollution violations; so basically what happens to the data once you find out what is happening there?

I know when tribes are in the process of treatment as state and how that kind of puts a political damper on everything that is happening as far as their quality goes. You know, that is specific to my area but it might be happening to other tribes and other tribes dealing with air quality. I don't represent tribal government so I cannot speak nationally as far as what other tribal governments are dealing with, the treatment of state process, but I know how it is affecting us at the community level specific to my community.

And then the other thing is about SEPs, and tribes do not have access to SEPs when it comes to the -- well we don't have access to SEPs I believe is what the situation is. Because specific to my community again, Chemtrade was fined by EPA for an issue and I don't know that it was specifically a SEPs that was issued in that process, but the Northern Arapaho were a party to that process. And even though there were states that were also part of that national process, the tribes were not given any funding for that.

So then it goes back to this whole where the money is, the community should be involved kind of thing. You know the impacted community should be involved in that process and a lot of times there aren't a lot of tribal grassroots community organizations working directly with their tribes. And so I can see how it would be difficult to be getting that

money back down to the community level; but all the same, it would be interesting to start kind of thinking outside of the box in how SEPs can work with tribes and community-based organizations and how you do get that money back to the community.

MS. MILLER-TRAVIS: I want Laura to answer this question but I just want to say that after we made the presentation to the NEJAC in July, Jolene approached Laura and I and really pointed out that there were no tribal schools and then Laura and Jolene worked together and others to make sure that there was the inclusion of tribal schools. So Jolene I want to thank you for pushing us to make sure that tribal schools were included.

MS. MCKELVEY: There were a lot of questions there but on the TAS situation, I think the TAS -- and for those that do not know what TAS is it is treatment as states and it is a term of art that we use as an eligibility determination to show that the tribe is eligible to take delegation of elements of the Clean Air Act. And in this situation the tribe has put in for this eligibility determination and it is in the process. So I think the concern is that until that is done, there has been some hold up on activities on some of the air quality situations. I think it happens differently in every different tribe and then in some places we have been able to continue to move forward on activities with the TAS.

We need to talk about your situation offline just because there are some political issues with the state that are involved there.

But we have federal authority that we can act on air quality situations where the tribe does not have that eligibility determination. It is the responsibility of the Federal Government to implement the Clean Air Act in those situations. And so if there is a situation where we find a problem at one of these schools in a tribal area, then we can work with the tribe either under their authority or under our authority or looking at voluntary programs to see where we can address it. So I am hopeful that the TAS situation should not prevent us from addressing a real air quality problem where we find it.

As far as where we are with the tribal school program, the tribal workgroup is made up of tribal environmental professionals largely. They have come up with a strategy to do communications and outreach to tribes across the country, not just with air programs but looking more broadly. We want to talk to NCAI, we are going to work through the Regional Tribal Operation committees and other places because we want to make sure that tribes that have a situation that we might not be aware of, we can pull them into the process.

The group has put together a form that the tribe can

fill out that will let us know what their concern is and then that information will be submitted to the TAMS Center, the Tribal Air Monitoring Support Center, and that steering committee which is made up of tribal environmental professionals will prioritize where those monitors go next. And so it will be a tribally driven program.

And so we are in the process right now of doing that outreach so that we can move the monitors. The first two schools are just now packing those monitors up to send to the TAMS Center so we are in the first round of identifying where we are going to go next.

And on SEPs, I am not an OECA person but there are times that tribes can get access to SEPs. It is a matter of is your project in the queue to be presented to the industry and so that is something that we can bring back to our OECA folks and make sure that it is part of kind of the ideal list. And it differs from state to state.

MS. McCABE: Yes, I can help you on that. There is no particular rule that I know of Jolene that says that tribes are ineligible to receive the benefits that can come from SEPs. If EPA has an enforcement action against a private party for a violation of the law and that defendant wants to do a Supplemental Environmental Project, there is no reason it could not benefit a tribal community as well as any other community that I know of.

MOTION

MS. YEAMPIERRE: Omega if I may, I would like to move for a vote to see if everyone is in agreement with the basic recommendations and findings before Vernice leaves.

MR. RIDGWAY: I will second the motion.

MS. YEAMPIERRE: Everyone in favor?

(Chorus of "ayes")

MS. YEAMPIERRE: Okay, any nays?

(No response)

MS. YEAMPIERRE: Okay, cool.

MS. ROBINSON: Just for point of clarification, you are adopting the report as amended by the workgroup with the one-page addendum, correct?

(Committee members nodding of heads)

MS. ROBINSON: All right, thank you.

MR. WILSON: I would like some clarification and help from our esteemed research staff, university researchers Nicky, Paul and Katie. A couple of questions relative to -- I know the indicators are pretty clear about identifying whether we can measure the increase or incidence of asthma and of course we have on here special education and I am not sure of the difference where they separate special education as being academically high students versus the ones who have special needs, whether that is going to be used as a measurement indicator in these schools.

And the other question has to do with the growing population of schools either placed around confined animal feed operations from coast to coast or those who are already there and the animal feed operations are growing near them. Where the major air quality problems, whether they will be defined and identified separately from urban rural versus what kind of industry is next to them including the animal feed operations?

MR. SHEATS: Chet was saying do I want to address the first part, no, not really. But I think Omega the answer to the first part is I do not know. That whole issue of the schools and the populations you are talking about, I think Claire is really the expert on that.

But I wanted to say on both parts I think it is really up in the air how these things are defined going forward. And I think that is the real opportunity that our workgroup and NEJAC has. That in the second phase, I think we can be in on really defining or helping to define what happens in the second phase. I think in the first phase a lot of us felt that it was going forward and we were asked to jump on board and sometimes that can be uncomfortable. Where I think in the second phase, in the second part you outlined about CAFOs and I think that is a great question and I think that is something to be considered and we can all work on how that should be defined so I think we have that opportunity.

MR. MOHAI: Yes, let me just add to what Nicky said. I think there is the opportunity to look at those other kinds of environmental problems and I am hoping that we will delve into those questions if and when there is a new charge to explore those further.

But, you know, just so that you all know and I suspect Chet and Laura can speak to this better than I can, that the sample included only 65 schools and they were schools that were identified -- my understanding is at least partly from the *USA Today* article and their ranking. And that article used air pollution data from the Toxic Release Inventory that was modeled into what some people refer to as the RSEI data. Anyway, so my understanding is that sample is fairly limited. I mean we have over 120,000 schools nationwide and it was a question our group and I think we addressed this in the report and Vernice highlighted it, that this is not necessarily a representative sample and what does this mean for the 125 some thousand schools that were not included in the study? So if the next phase works, we look at that question, where do we go from here in terms of expanding the sample, I think that would be a good opportunity to bring in some of the issues that you mentioned Omega.

MR. MARSH: Lang Marsh from National Policy Consensus Center. Just a very quick question. On the lessons learned that Chet you read, one of the things that caught my

ear and eye was that the school focus may not capture the maximum air toxic exposure in the communities. I did not see anything explicit in the workgroup recommendations nor the charge, though are they not necessarily not there but I did not really see it as something that you -- how you plan to address that if there are future samplings or even as a cross-check on some of the sampling that has already been done.

MR. WAYLAND: I will let the workgroup speak for themselves as they have commented on this. But I think when the charge was -- if you look at elements to be addressed in future monitoring projects, community-oriented and/or focused on schools and childcare centers. It may not have been as explicit, but one of the issues that we really want to get feedback on is are we monitoring in the right place? And are there bigger problems in the community that if you fix that problem, the school will benefit from it? But if you monitor right at the school, you may not realize you have that problem. And I think that is one of the things we found preliminarily in this is that focusing just on schools, we may be missing bigger problems in the community.

And so one of the things we want to do through the working group and I think as Vernice said CPAC* and others. You know should we be expanding this a little bit and thinking a little broader than just on schools. Not that schools are not critical and obviously the focus of this project, but are

we missing something by not looking a little bit broader in the community base.

MR. RIDGWAY: John Ridgway, Department of Ecology. Following on this conversation, I completely agree that the Toxic Release Inventory should not alone be the criteria by which the selection of a next phase would be considered, at least not on its own. Because as you noted, there were errors in the data, one; and two the data was three years old; three, it is only looking at larger industrial facilities for the most part which does not get to the point that Omega brought up; CAFOs are not reported under the Toxic Release Inventory.

So in consideration of what to do next, absolutely it should go beyond the Toxic Release Inventory.

MR. WAYLAND: And if I could just clarify to make sure that everyone understands this. *USA Today* used TRI as part of the RSEI model results to do their ranking. We used that in addition to the National Air Toxics Assessment which is the National Toxics Inventory which is a complete inventory of mobile sources, area sources, and stationary point sources. And so it does have TRI imbedded in it but it also is supposed to bring in all the other sources as well. And it also breaks out risk by cancer and non-cancer where the RSEI approach kind of merged that together. So we used both sets of data to do our rankings. And the schools that we picked from *USA Today*, we picked because we felt we needed to at least look at some

of their schools in their rankings. But a lot of the other high ranking schools did come from the NATA analysis.

But I will be honest, it has the same issues. The Toxics Emissions Reporting to EPA is voluntary other than TRI. TRI for the large sources comes in from industry. There is no requirement for states to submit emissions inventory data to EPA, we get it all voluntary and some states it is very good quality and some state it is not as good a quality. And I think that is a fundamental issue we need to fix down the road which is we have to have better quality emissions inventory or our risk models are not going to give us good accurate information.

And I think we found that pretty clear in this process that you go to a school and, you know, wow, there is nothing there and it turns out the source was off by an order of magnitude. I will say that some of the schools we went into look at in the *USA Today* analysis as well, we found out they had been shut down for two years. So the school's database itself was old and so having current data is critical for anything you are going to do along these lines.

MS. YEAMPIERRE: Well thank you, particularly those of you that volunteered -- oh, is there another, oh I am sorry.

MR. MOHAI: Thanks Elizabeth. I just wanted to amplify Chet's comment about the need for better data. I

think when you look at the available air pollution data, there are flaws in any of the databases that you look at including NATA which is much more out of date than the RSEI data. In fact a 2002 NATA database just came out last year. So at any one point in time it is eight years out of date.

And I also want to emphasize too that it does not seem to me at this point in time that air quality monitoring is enough because they are very expensive, you have to know what you are matching the monitor to what chemical, and if you made the wrong match you are overlooking what may be really the risky thing that is in the environment and wasting time and money. There are only 40 air quality monitoring stations in all the state of Michigan and we have 125,000 schools so it does not sound like a feasible thing to put an air quality monitoring in every one especially if you don't know what it is that you are supposed to be monitoring for.

So I see it as a very daunting task. But I really appreciate Chet's point about the need for these data. I think when you understand how limited the current data are, you can really see the need is very, very dire for better data. So I just want to amplify that point, thank you.

DR. BROWN: I guess before we break up here can we have some feedback relative to the new charge?

MR. ROSENTHALL: Are you looking for feedback from NEJAC or from EPA?

DR. BROWN: NEJAC. It would be a charge to the NEJAC, which the NEJAC would then give to the workgroup.

MS. YEAMPIERRE: It seems as though the NEJAC has agreed with the basic recommendations. I don't know if there is more that they want to add at this time. It may be that they want to look at it and do it at a later time.

MS. MCKELVEY: Can I just be clear that the charge was a negotiation between EPA and the workgroup so it is something I think that we have pretty much consensus on.

MS. YEAMPIERRE: And there seems to be consensus from the NEJAC as well. You are asking that it be expanded. Okay, so thank you.

(Applause)

MS. YEAMPIERRE: Well done. Now we are moving on to an exciting part of the agenda, Building Blocks to Creating Healthy Communities; Mustafa Ali is going to be moderating this part where we are going to have the recipients of the 2009 EPA Environmental Justice Awards discussing what they have learned so this is really a cool part of the agenda.

Building Blocks to Creating Healthy Communities

Moderated by Mustafa Ali, EPA Office of Environmental Justice

MR. ALI: Good afternoon. We wanted to take this opportunity to actually highlight the 2009 Environmental Justice Achievement Award winners. We are going to -- we don't have as much time as we had hoped to go through the

presentation so what we are going to do is we are going to have all five of the award winners present their information and then we will open it up to questions from the NEJAC.

Just to give you a little bit of background information, the 2009 award winners, there were five that were selected and they represent over sixty organizations. And I wanted to take this moment also to recognize Lisa Hammond who is a Program Manager who has really been very, very instrumental in helping to make sure that the program was successful.

(Applause)

MR. ALI: Also there were a couple of things that we asked from the award winners to present today. First is an overview and a background of their project and their activities. And then also we asked them to also highlight the results in the public health and benefits from the respective projects that we are going to be hearing about. And then the final aspect of today is that we asked them also to think about some of the building blocks that are necessary in moving forward and creating healthy communities.

So real quickly some of those building blocks, and we understand that these are not all of them, but one of them is building sustainable partnerships where communities are equal partners. The next one is creating a sustainable product. The third is capacity building, attracting and

leveraging resources. The next is identifying leaders and maintaining their support. The next one is building a youth involvement and developmental aspect to the projects. And the last one that we had identified was broadening education around issues and marketing of the project goals.

And the five presenters that we have with us here today are Elizabeth McDade, The Coalition to Prevent Lead Poisoning; Steven Groner, Fish Contamination Education Collaborative; Harold Mitchell with the ReGenesis Project; Wannetta Mallette, Mitigation Agreement Commission/Low Country Alliance for Model Communities; and Thomas Jelenic from The Clean Trucks Program.

So what we would like to do now is start with Elizabeth and Elizabeth if you could give us your presentation.

Presentation

by Elizabeth McDade

MS. MCDADE: Well first of all thank you very much for the opportunity to present to you this afternoon and certainly the Coalition to Prevent Lead Poisoning in Rochester is absolutely thrilled with receiving this award. It was a very exciting afternoon.

So first I thought I would talk about identifying leaders and maintaining their support because one of the things that Rochester has been able to do is really rally a

number of community members in ways that are pretty significant.

(Slide)

So just to give a little bit of a background, in 1999 a school district principal who also happens to be a Coalition to Prevent Lead Poisoning Board member realized that the children that were in his special education classes were all lead poisoned and had ug/dL of 10 or above. He started talking to the Department of Public Health; he started talking to local legislators and really started getting the word out.

In 2001 the Coalition was formed. And the Coalition was formed out of a variety of different people, so there were legislators, there were Empire Justice attorneys, there were educators, as you can see this whole entire list going through in all of this, but committees were formed using best practices of all of those individuals.

So the education and outreach people were talking to educators, government relations were actually crafting the legislation that we eventually passed, screening and professional development, our healthcare workers and doctors et cetera who are then talking to other healthcare providers. The Housing Committee was looking at how you address all of this. The Finger Lakes Health Systems Agency decided to become the fiduciary agents and all of the decisions and policy recommendations that were put forth in all of the

different aspects that we were looking at, all the different prongs of this conversation were all evidence-based, were all scientifically evidence-based.

The other thing that came out is that the Coalition formed a board and that board is consensus based, it is not majority rule, and there I think the percentage is over 33 percent of the board members have to either be living in or working with populations who are directly affected by lead poisoning.

(Slide)

New York State's housing stock makes this situation pretty shocking. In New York State 43.1 percent of the dwellings were build prior to 1950. I don't have to explain, I hope, about lead paint poisoning to this group. And so Rochester, typical of those types of homes along the canal, a route in New York State, had seen a significant decline in the types of housing. We had a huge dilapidated and deteriorated housing stock.

(Slide)

No surprise, all of those zip codes that were the highest percentage of lead poisoning in New York State, 78 percent of the Latino children and nearly 80 percent of the African American children in the city of Rochester under the age of five were living in those zip codes.

All of this type of research was used to actually

start educating and working with all the different various leaders that we wanted to get on board including getting the United Way for greater Rochester to designate eradication of lead paint poisoning as a number one public policy issue.

These different points that I am going to look at really actually served to really get the ball rolling on all of this.

(Slide)

In 2004 they had a Community Lead Summit conference and there were over 500 attendees including the Monroe County Department of Public Health. We are lucky that our Director of Public Health was actually a pediatrician at a health center in one of the zip codes that had the highest concentration of lead paint poisoning in the city. The University of Rochester, the University of Rochester Medical Center is a wonderful resource that our community is lucky to have and many of the people who worked or continue to work with the Coalition actually have come out of the U of R and their community health initiative.

Empire Justice did a lot of the crafting of the language for legislation, really looking into how do we make policy, how do we enact these laws, how do we use things for example, like at this point, the City of Rochester has a Lead Ordinance but we are looking at some of the ways of how do you enforce that. So we are actually looking at creating a

Housing Court and we are looking at doing what is called a Judicial Warrant which is separate from a regular warrant.

So there are a number of different things that go into us and people like the attorneys at Empire Justice are working on that.

The City of Rochester, actually they have to enforce the Lead Ordinance and they found that as we go along that it is a lot easier than they thought it was going to be.

We got written commitments from all the leaders in the community. We also were lucky enough to begin working with the Ad Council for Greater Rochester and a local multi-media corporation called Roberts Communication to develop an awareness campaign.

Part of this is also -- I mean one of the things we are looking at in terms of collaboration is the idea of being able to create materials. We have brochures and we actually have a DVD that we produced in collaboration with the local PBS station; it is 10 minutes program in English, Spanish and American Sign Language and now all of these are posted on YouTube. And there are things that we share with whoever asks us.

But you are also seeing in those pictures community leaders from CBOs in the affected neighborhoods. That is Bruce Emphere* is on the top right and that is the Mayor and the Country Executive on the top left.

(Slide)

So we started working with all of these groups. You see the Mayor with the kids; that was a campaign for doing letter writing and they made a chain of them and they surrounded City Hall with it.

The volunteers got the grassroots organizations to go and start really working on City Council Members to get this Lead Paint Ordinance passed. It was a long haul and they spent a long time working on it and really staffing meetings and making sure people were there.

They eventually passed this historic Lead-based Paint Poisoning Prevention Ordinance which as I said was written by some of our attorneys on our volunteer staff. And again getting Monroe County to address issues of lead hazards in TANF housing was again a pretty big step.

(Slide)

We started working with a lot of local legislators so Assemblyman David Gantt and Senator Joe Robach, a Democrat and a Republican respectively, introduced a cooperatively written state-wide legislation which has never passed but we keep trying. WIC started getting their questions in there. We started changing -- the Screening and Professional Education Committee started using their influence to change the wording on forms. So the WIC Recertification Program has the lead testing on there.

Monroe County Department of Public Health started working at levels beyond the New York State mandate which at the time were 20 ug/dL to start doing an investigation when there was a child with a confirmed venous of 15. Monroe County has now recently just reduced that to 10. And New York State is going to 15.

We have actually help support getting grants into Monroe County, for example, to give the county \$3 million to make 370 housing units safe. Senator Hillary Clinton was in Rochester. She came and actually viewed one of our sites and we have used that quote of calling us "a national model" to death.

(Slide)

At the bequest of one of the major funders in Rochester actually, the Create Lead-Safe Monroe County Plan was written, a cooperatively written document that was my responsibility to put together and it was not an easy process but we got all of the community organizations to sign off on it eventually and it is now being used as a blueprint for how we are addressing all of the different issues that need to be addressed within the community. And we had the support of area funders and insurers as well. Because what we are doing is we are -- I mean we have the scientific evidence to prove that what we are doing is evidence-based and that it is a reasonable thing to do. We also got passed the Comprehensive

Rochester City School District Lead-Safe Schools Policy, again one of the few initiatives in the United States that addresses school districts.

So the person who is in charge of doing that at the school district for example sits on one of our committees and she has recently trained over 160 maintenance workers in lead-safe work practices and has written a manual that is being used throughout the school district.

The Screening and Professional Education Committee getting child and daycare forms changed to again include requests for getting blood lead levels.

We are also then using the best practices that we have learned out of all of this and are doing things -- last year we partnered with the U of R to do education to highly affected areas in upstate New York to help them create lead coalitions like we have in Rochester.

(Slide)

The numbers speak for themselves. In 1999 there were 1,698 children with a blood lead level of over 10; in 2008, 363. We don't have 2009's numbers yet. You know that is of course of the children that were tested. While we are awesome in Monroe County, that is only 60 percent of the one and two year-olds who are being tested. So we are working very diligently to start identifying other populations and making sure we are getting the word out.

(Slide)

So the good news, it has gone down. We did get passage of that Gantt/Robach bill with the State Coalition; however, Governor Paterson vetoed it last year.

Ninety percent of the properties are passing the city inspections. So the problems and concerns that came out with landlords et cetera; really, really vehemently against this ordinance, we have been able to prove by using a third-party actually in terms of evaluating all of this that their fears were unfounded.

We got the wording changed in all of the labs that were reporting how the blood lead test -- it used to say actually that your child's blood level was normal, that was the actual language on the form, and we have changed it in Monroe County, all of the mutual labs

Then Wadsworth which is the state testing lab for New York State actually sent this recommendation on to all of the labs within New York State.

Again working with Roberts Communication we won the W.B. Potter Award and we also won, which I forgot to put on here, a national award, the EAR Award, with Roberts last year which Roberts was awarded \$25,000 and they ended up donated that to the Coalition to Prevent Lead Poisoning.

But again, other organizations and other groups are looking at the collaborative nature of what goes on in

Rochester and identifying that.

(Slide)

So we shifted the battle to primary prevention instead of waiting until kids are poisoned. We are actually trying to find -- we know where the houses are, we know how to fix them, so let's get off our butts and do that.

The Lead Ordinance is proactive. Childhood lead poisoning is a top of the mind concern. Many people are aware of what is going on and what needs to happen and so forth, and part of that is the collaboration with all of the medical providers, all of the educators, working with a group that are willing to help pay for advertising, et cetera and we are then sharing these best practices throughout.

The thing also with what we have been able to do, because we have been able to demonstrate that what we are doing is actually resulting in good things, that then leverages the benefits for other organizations. So the City of Rochester just got a new HUD grant, Monroe County just got a new HUD grant, the University of Rochester Action for a Better Community just got lots of money through all of this. And it is all about the types of collaborations and the work that they are doing to address the issues that we have identified that need addressing.

Some of the things that are ongoing in terms of maintaining this type of support, for example, the City

Council that enacted this Lead Ordinance, all of the members of that City Council are gone so we need to go back and reeducate the current City Council Members.

The role that the Coalition serves at this point is monitoring and maintaining. We also have a neutral table, so we have representatives from the City of Rochester from the Monroe County Department of Public Health, et cetera at our table talking about some of the issues and concerns that they have that they might not be able to act on in their job capacity but because the Coalition is there and because we can do those types of things, we actually are being used as a leverage by those organizations.

While we are still doing a great job we still have a lot of work to do and we are consistently looking at what we have done together, how do we make that better, how do we improve upon -- and again always using best practices and always using people who know what the heck they are talking about to do the talking.

I think that is it for now, thank you.

MR. ALI: Fantastic, thank you.

(Applause)

MR. ALI: We are going to move on to Stephen.

Presentation

by Stephen Groner

MR. GRONER: Okay so what I am going to talk about

is the Fish Contamination Education Collaborative. It is a program that was coordinated with EPA, EPA Region 9, for the Palos Verdes Shelf Superfund site that they have off the coast that was created from the out-fall of the sanitary sewer, from the release of DDT and PCB into the water there.

And my firm, I run a communications firm, we were asked by EPA to help them with this educational collaborative to engage the communities that were being affected in the different areas by this contamination issue. It is a big program and we have a short amount of time to talk about it, so what I am going to do is focus on one issue that we are dealing with and I am going to try to tell this through kind of two stories.

One a story about how we designed the program that we designed based on some information we learned and then talk about how we applied those results.

(Slide)

So go back, if you can imagine, to the 1990s, all the rage was the anti-teen smoking campaigns that were going on. It was just kind of the start, there were these national campaigns, the Federal Government was sponsoring them, there were local and state campaigns, and all across the nation smoking rates were going down.

(Slide)

Except for one group which was the young people who

these campaigns were targeting. And their rate of smoking was actually going up.

(Slide)

Well some people were studying this problem, specifically this one Professor, Professor Vasquez who is a Harvard Economist, and he had kind of an ironic quote if you will, "why do we think the key to educating smokers is education?"

(Slide)

And what he found was in studying this problem essentially -- and this is not just to smoking, I don't want to just kind of rag on them if you will, this is a model that programs across the country to this day are really using and it is what we call the Knowledge Deficit Model. And essentially it kind of goes like this; that people doing something that is wrong, lets say smoking, because they do not know and all we need to do as smart people is educate them, fill that void they have with information, and they will magically change.

(Slide)

Well that is a big question mark and he wanted to study that. This was again back in the 1990s and that was kind of the assumption, that was the model that most education programs, and a lot of education programs today, follow.

(Slide)

So what he did was this little experiment and he gathered up a bunch of young people that just started smoking and he asked them a simple question, basically the question kind of goes something like this, if you smoke throughout your life, how much shorter would your life be? Well he knew what the answer was.

(Slide)

The answer was about 6 1/2 years. If you smoked from 20 all the way to 80 years old, you would lose about 6 1/2 years of life. So he asked the students. And now assuming this model is correct and the fact that they were smoking, so probably they think maybe one year, maybe two years, so they would probably be way underestimating the amount of, if you will, the shorter their life would be because of smoking.

(Slide)

And so the answer he got was they thought it was 9 years. Not only did they know that smoking was a problem, they actually overestimated the shorter their life would be. So imagine if they actually knew that it was 6 1/2 years, perhaps even more people would be smoking. So obviously there is a disconnect with this model, this Knowledge Deficit Model.

(Slide)

So what he found was knowledge may be part of the equation but it is not the full thing and really the key piece

is to simplify what research since then has really learned.

(Slide)

Really what we need to focus on is the motivators and the barriers of the individual and understand what moves someone to act the way they do, the behavior they take on. If we want to reduce the risk, we have to understand what motivates a person.

The second thing we have to realize is that there are barriers. There are internal barriers and there are external barriers and if we don't address the barriers, no matter how motivated they are they may not change and essentially their risk will not be reduced.

(Slide)

Now knowledge does come into that, it can be a barrier if there is lack of information or lack of knowledge. It may be a barrier to changing your behavior but it is not the whole equation. It is just a piece of it. And the problem is a lot of public education programs just focus on that piece, knowledge. And what we need to do is understand the full complement, the complexity of the issue with the audience we are trying to reach out to.

So now that is the model that we used for addressing this program through the FCEC program.

(Slide)

And so what we used is a program we call Community-

based Social Marketing and essentially it kind of -- I am not going to go through the whole complexity of this but what we do is we use research to understand what are the barriers, what are the motivators of our audience, understand that, pilot it out and see if those assumptions are true, and then evaluate and then broaden the program.

(Slide)

So in the Palos Verdes Shelf Superfund site we have a couple of different dimensions of the program, I am just going to talk about the Angler Outreach Program. We actually completed a study, we actually are going to have an academic paper that is coming out in March on the project that we did.

(Slide)

So we did outreach to the angler community which is a very mixed community but one of the key groups that we are trying to reach was Latino anglers. This is a picture on the Santa Monica Bay and the Superfund; the yellow is the Superfund area. And for about five to ten years the program, previously before we got involved, was doing just a traditional education if you will and we actually set up an experiment. So where they had done it is the area we see, Belmont with the green star, and they had been in the traditional education for years. And what we did was hit an area where they had not yet done outreach, Rainbow Harbor which is our intervention site, and so we set up kind of a

control experiment where we did outreach through community-based social marketing in one area and then they had the traditional outreach going on in the other area.

(Slide)

And so this is actually the White Croaker, the fish in question that is contaminated.

(Slide)

And we did outreach to the angler community. We worked with two community-based organizations and we engaged the community, the anglers, in asking them both qualitatively and quantitatively what are the barriers, what are the issues, what are the perceptions that are going on, what are their motivators, and understanding from their point of view what the issues are.

(Slide)

At the same time, we actually did some scientific research where we actually counted the amount of fish leaving the pier. We actually did samples, chemical analysis of the fish leaving the pier so we had an understanding of how much chemical exposure was occurring in these anglers.

(Slide)

So based on all that information, we actually developed a full-scale program. This is actually just a copy of the brochure, the collateral piece that we used. And two key pieces that I will kind of highlight that we learned from

the community.

(Slide)

The one, it kind of says there the focus needed to be not on the angler's health. You talk to the anglers, "I have been fishing for 30 years and this fish is not going to hurt me." They did not care about their -- they were very stoic; they didn't care about their health. But if you framed the question in terms of their children's health or their family's health, all of a sudden their ears open, their eyes get wider, they become engaged.

(Slide)

The other issue was identification of the fish. There is a big problem; there is a lot of collateral material that talked about the White Croaker. Well the problem was we were dealing with different languages. And even within the language, different people called it different things. So to call it a White Croaker, even the translation of a White Croaker, did not always resonate. We needed, what we found from them, is that we needed a picture of the fish so they can I.D. what they were catching.

(Slide)

And then the other thing we found is that we wanted to figure out a way -- here is a picture of all these different fish that are locally caught. What is a way, don't just give them a brochure and they look at it once and they

throw it in the trash, but something they would hold on to. And what they were curious about and what they wanted to know was, they wanted to know about the fish they were catching. They wanted to be able to I.D. what they had. So we created this thing on the backside so that they would hold on to it, keep it in their fishing tackle box or what have you and they would be able to use this as a reference guide for them. So it became a useful piece for them above and beyond just the message we were trying to get across.

(Slide)

So this is the Spanish language version of it. The other thing is we made sure we developed it in Spanish. However, we did not do a translation of the English version. We actually worked with them on understanding what was the vocabulary, what were the terms, the words they were using. We were dealing with people from different regions, from Central America, from Mexico and we had to make sure we had the vocabulary right. So it was not just a translation of the English, it was actually developing something in language for the anglers.

(Slide)

So we ended up doing the outreach. We engaged the community through the program.

(Slide)

We did some follow-up surveying of them to find out

what the results were after we did the outreach.

(Slide)

We then did a bucket analysis.

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Counted up the fish, did chemical analysis of the fish.

(Slide)

And so here are the results. So this is self-reported results. Number one we wanted to decrease the amount of fish they were eating.

(Slide)

We are actually decreasing it from 26 percent down to 4 percent, this is self-stated. The amount that they would take home and give to friends and family, because a lot of times they had more than they needed for themselves, was down to zero. And we doubled the amount that they actually -- for catch and release which was the goal, that was the one behavior that we wanted, we wanted to keep it simple in what we were asking them to do. All we wanted them to do was to catch the fish and if it was a White Croaker, release it back, we doubled that.

(Slide)

Now here is the analysis of the project for the control site versus our site. The Rainbow Harbor we had a late start.

(Slide)

On the right you have Rainbow Harbor, we started at 64 percent. We were able to reduce the behavior of the fishermen actually catching the White Croaker and taking it back to the community by 56 percent; almost 5 times the level of Belmont which was the control site where they had been working for five to ten years regarding the traditional outreach. So the traditional outreach worked to some degree but you can kind of see the difference in what we were able to accomplish.

(Slide)

So let me leave you -- keep it simple, keep it to two points in summary. Don't confuse knowledge with behavior change or risk reduction, number one. And two, you have to start with research; you have to understand what the audience knows and what is their point of view. And then of course, end with evaluation. So that is all I have.

(Slide)

That is the website if you need any more information. We will actually be publishing a paper on this in March in an academic journal, *Social Marketing Quarterly*. And this was actually peer reviewed and we worked with a Professor down in Cal State regarding this project. Thank you.

MR. ALI: Great.

(Applause)

MR. ALI: Thank you Stephen. Let's move on to Harold.

Presentation

by Harold Mitchell

MR. MITCHELL: First of all before I get started Mustafa, I wanted to first thank the NEJAC for this opportunity to present before you. And it was kind of ironic that it was at a NEJAC where I first was introduced some 13 years ago in 1997, coming in like many of the members that we saw come in testifying, where I was able to find some answers to our community and begin that long journey and process to where it has brought us here today. So I just want to tell you thank you for the NEJAC itself and what you present to communities as far as opportunities.

(Slide)

What I am charged with today as far as the five is looking at the leveraging of resources. And the ReGenesis project is one that is basically of a vision of the two Superfunds for Brownfield Sites that were impacting the community. And the visioning was the most important thing with this process. Many times communities that are impacted, we focus only on the environment and not the holistic piece of how this really impacts the community.

(Slide)

This is where in the beginning of this process that -- the center focus was EJ but we saw where things were overlapping as far as the economic, social environment, and health. And this is where we began to look at the visioning within the community and building a structure to where we knew we did not have the capacity as far as the neighborhood organizations to administer the grants and the funds so it was a thing that where we started out with the first \$20,000 small grant from Region 4 that allowed us to build a partnership of the local partners that we knew that we were going to need to fulfill this master plan.

(Slide)

So these were the issues that we began to see when we were meeting with the communities. Because of the sites, the abandoned sites, the environmental problems with the abandoned sites created an incubator for illicit activities and that is where you would see with the poor housing, the crime. When you add all of that together as an incubator with these facilities, the housing conditions we saw that our homeowners became renters and the renters couldn't deal with it and they left, and so then you are stuck with a bunch of abandoned homes within the community there.

(Slide)

So out of, after identifying and finding the issues, we began to craft out with Region 4 some sherets(sic). And

after looking and trying to divert some of that energy parallel with the process of the clean-up, because the clean-up, once we found out that it was going to be a long process and not something that was going to be overnight or once you have identified -- now they are going to come in and dredge, clean, and remove, began to look at some of the things that I saw within our community and that was that what we were lacking after urban renewal we lost about 70 black-owned businesses on the South side of Spartanburg.

And so that is when we began to look at the different elements that -- after the executive order was signed, it was at the NEJAC where I saw with the executive order many of the federal agencies and the interagency working group, that EPA was not the agency that was going to deal with my housing issues or my transportation and health issues. So I began to look at some of these agencies and the initiatives and the funds that they had to see if we could bring it back to implement it into our project.

(Slide)

And that is the good old Margaret Mead Division.

(Slide)

This is the project area. What is in yellow was the housing. The green is basically some of the abandoned facilities. And the purple are facilities as well. And that kind of big yellow line is actually the railroad that divides

the community. And behind the railroad, this is where we began to see in the beginning with -- we knew we had the environmental problems, we knew of the crime problems that we had there. So those were two of the agencies we addressed in the beginning, were EPA Department of Justice -- because of the transportation issue there was a situation where the fire trucks could not get into the community for a fire, a simple little house fire, and by the time the train was able to move, they found the lady and her two kids charred to the couch. So DOT and FHWA, after the executive order, we saw that this was an environmental justice issue so we were able to pull them on as well as looking at the impact of health within the community. So there were four agencies and then that is when we were designed one of the demonstration projects with the Federal Interagency Working Group.

(Slide)

With that we began envisioning, because that alternate access that we didn't have, we began this process of visioning what we wanted the community to basically look like. And at that point the partnership with our city and county governments -- because the city was actually the responsible party for the landfill within the community. So it was a thing where we had to constantly keep pushing the residents forward rather than wanting to file the lawsuits. And basically we had to put that out for the community in the

beginning because that was the route they wanted to go but after seeing what would happen and what we would get out of this lawsuit with suing the city of Spartanburg, you know, it was really enough that would probably for every household allow them to go to Burger King and split a Happy Meal. And so we figured that was not the route that we needed to go.

(Slide)

Part of this as far as in the visioning, we knew that we wanted the recreational opportunities.

(Slide)

So this is the Old Mill Village that led to the former textile mill which ReGenesis was the first in the state to enter into a voluntary clean-up agreement for hazardous and petroleum substances. We had to first sign off on cleaning up the actual textile mill right below this Mill Village. But each one of those houses there which was one of the problems when we brought in the weed and seed to the community, there was a lot of drug activity that was going on. And where I am taking picture at, right there, right behind me, was the old recreational facility but going down the street you could see AK47 shells because it had these wantabe little drug dealers that were -- I mean the entire Mill Village itself, there were 24 homes there and so we were able to get a HUD grant to purchase those homes and working with the Housing Authority and the city to clear that out.

(Slide)

And this is what we have there today which is a HUD-202 that we replaced in there in that community.

(Slide)

This is part of what -- out of the abandoned housing that we would constantly see people would go in and, you know, not being able to pay the rent, get thrown out. But these houses were often used -- and the way it is boarded up, people would just slide the boards and slide in. And the way you see the debris outside on the streets is the exact same thing you would see inside the homes. So this is part of the visioning that the community had as to how would we recapture and reclaim the Mill Village and this particular area here.

(Slide)

Part of that was this facility here.

(Slide)

Is the reality today of this new green facility, our recreational facility, that replaced that section across from the 202 that you saw before in this.

(Slide)

One of the things out of the IWG was looking at the health. Now a lot of times people think that we just entered right into this but we ended up with the fight with ATSDR in the beginning after coming to NEJAC. We knew that was a route that we didn't want to go for our health consultations and

health surveys to validate the problems that we knew that we had within the community.

So we partnered with Texas Southern University where we could depend a little more as far as having epidemiologists and toxicologists to validate what we were saying and seeing in the community. And this is what ended up landing us our grant for HHS as one of the community health centers.

(Slide)

With that, because of the growth of the facility, our hospital system turned over this \$4 million facility to ReGenesis because the indigent population of a 330 community health center was the bread and butter for the community health but it was a problem for the hospital system; it kept them in the red. So we went from a 4 or 5 room facility to the 19 room facility here. And with our Community Health Center Initiative we now have -- it is the fastest growing in the state, so now we have four centers; a pharmacy, dental where we have taken over the migrant care for the upstate. And we found that the number one reason that kids were not in school was oral health and we partnered with another Medicaid dentistry to provide that as well. And we are a part of the National Diabetes Collaborative because a lot of the people that were in the area that we were treating, the diabetics, how we were able to turn that.

(Slide)

Out of the Hope VI this is what -- the top left hand corner in our public housing, one of the things that we saw that the Mill Village at that top picture is just right around the corner but this was an area where crack, heroin, prostitution was number one and we are the poster child for criminal domestic violence in South Carolina and we happened to be the poster child here. And there is a study that I will submit to you that the University of South Carolina is putting together on this entire project and we are going to submit that to the NEJAC because I think it is an important document for you to see how these pieces overlap.

But we envision how do you get rid of and replace this public housing, the dilapidated housing there, and we went after this Hope VI grant and we were able to build some 600 units.

(Slide)

And these are some of the homes that we were able to build and put back into the community. And at the same time, you know, you are looking for the job training grants, well we actually created our job training grant partnering with the Department of Labor's One-Stop Program and our community college and we basically trained -- had four different trainings of residents within the community.

Our first one was on the public housing where we trained the residents on asbestos abatement and we found that

there was a change order of some \$400,000 because of the asbestos and mold that was there in the unit.

(Slide)

Because of the -- as I stated with the urban renewal where we lost all of our businesses, no one would invest into this community because when you do an economic impact study there is not enough to support. So after getting this Hope VI, turning the community around, putting more housing into the community, we were able to attract Save-a-Lot that came in and now that is one of their, as far as stores and production, it is one of the best that they have as far as being able to deliver the goods and services that we are doing here. And we have our credit union and this is where our new dental facility is opening up as well here.

But the residents, as far as the seniors, would have to pay \$25 roundtrip to go to the grocery store because there was nothing in that community for them and they were on fixed income anyway.

(Slide)

And this is part of one of our training classes here.

(Slide)

That is the asbestos abatement training class. And the lady down at the bottom right, before this training class, had never worked before. She had three kids, went through the

class, everybody passed with their certificates. Four went to Katrina, two went to the Pentagon to do asbestos abatement work but she went on with two more of the classes that we were able to help her with, got her certification, was able to do the heavy equipment certification and did the grading on that same site to where she is now a home owner on that site of the pictures that you saw earlier.

(Slide)

And that really helped a lot of the women there within the community itself because they saw that if she could do it, they could do it.

(Slide)

And basically this are the lessons learned from, you know, how to build the community itself. And totally, looking at this, we were able to basically, as I said, start with a \$20,000 small grant and leverage that with three universities which included Texas Southern, George Tech, and USC Upstate. Because a lot of times we saw that it was more so the technical support that we were able to get from the colleges and universities that when you look at it, leveraging, was a whole lot more than just some of the grants that we were trying to go after from some of the agencies.

(Slide)

If there is one thing I could say to the NEJAC itself for the record, the importance of the interagency

working group and especially in this administration with Administrator Jackson and the President, with the recovery dollars that are out there, I think we are missing an opportunity for communities that are out there needing this type of assistance. And it was stated earlier, I think Vernice stated it, that some of the dollars that are geared right now that could be of assistance to the communities, it was the presence of EPA Region 4 that really kept the ball rolling for us and enabled us to partner with some of these other agencies that we have been able to move to the \$300 million plus mark. And I think it would be a terrible waste if we turn our back or not pursue moving forth with the interagency working group because I know at the Clinton Administration that was the end and then that next eight years you didn't see anything else and so now I know that that is something that they are thinking about.

(Slide)

And since I know with timing Mr. Ali I will cut it there. I just wanted to say thank you. And because of you and NEJAC and being able to create this as a model, we were able to do what I came into NEJAC 13 years ago and that was to try to help other communities. And because of you and what you were able to do with us, we have legislation in the state where we are replicating the NEJAC that I got passed to create an Equitable Redevelopment Advisory Council on Environmental

Justice so I want to say thank you for all that you have been able to do for us and that you continue to be a helping service and light to others.

(Applause)

MR. ALI: Thank you Harold. Just one quick announcement, if there is anyone in the room from Region 2 could you please come to the staff table right away. If you are here from Region 2, please come to the table. I'm sorry, Region 2 EPA person. Thank you.

Okay, moving on; Wannetta.

Presentation

by Wannetta Mallette

MS. MALLETTE: I want to thank the Advisory Council for giving me the opportunity to share our story with you this evening and also acknowledge two committee members I have with me this afternoon, Dr. Sacoby Wilson representing the MACT Board as well as Herb Fraser-Rahim representing LAMC. And also the efforts of EPA Region 4, particularly Cynthia Peurifoy and also South Carolina DHEC who nominated us for this award.

I am going to be presenting A Building Block Creating a Sustainable Product.

(Slide)

The impetus of our project began over 20 years ago when the South Carolina State Ports Authority selected

Daniel's Island as a preferred site for its proposed new terminal called the Global Gateway. Daniel's Island at that time was owned by the Guggenheim Foundation and it was primarily a pristine farmland virtually inaccessible to the mainland.

In about the mid-1990s, South Carolina DHEC built an interstate which connected Daniels' Island to the mainland and the Island was subsequently annexed to the City of Charleston.

The City of Charleston sponsored a planned development sustainable neo-traditional design competition and the first home was built on Daniel's Island in 1996. Daniel's Island was developed as a very affluent community, lots sold in the area for between \$300,000 and \$500,000.

In 1997 the public permitting process began for this terminal during fierce opposition from the residents, environmental groups, and South Carolina lawmakers. In 2002 the South Carolina General Assembly directed port expansion to the formal naval base in response to the opposition.

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To the lower left that is Daniel's Island where the state's Ports Authority purchased roughly 1,300 acres for the development of the Daniel's Island port. Up to the north is Clouder Island which was one of the alternatives but it was a dredge spoil area and the lower left is a terminal adjacent to the City of North Charleston on the formal naval base.

(Slide)

The impact study area for the new terminal DIS located in North Charleston, at that time the scoping process included over 40 neighborhoods. Those neighborhoods were primarily defined as EJ populations.

(Slide)

In 2005 the South Carolina State Ports Authority completed the North Charleston Terminal Draft Environmental Impact Statement and as a result LAMC formed in October 2005 as a direct result of the new port terminal relocation.

LAMC had no advocates other than the city of North Charleston defending and supporting their opposition to the port development on the former naval base.

Also in response, LAMC wanted to identify themselves as their own community group. They had the city -- was represented by numerous special interest groups and individuals asserting themselves as representatives for the community and the state Ports Authority did not fully evaluate cumulative, social and environmental justice impacts in the Draft Environmental Impact Statement.

(Slide)

The areas highlighted in yellow are the seven LAMC communities. As I indicated before, over 40 neighborhoods were identified in the scoping process, however, because of the lengthy public participation and public comment period,

the majority of those neighborhoods self-excluded themselves.

LAMC representatives, over the course of this entire process, have put in over 35,000 volunteer hours. During this year and a half public participation, public comment period, which was extended over three times, LAMC representatives met three to five times a week for a period of six months.

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Over 800 comments were submitted from interested parties including the city of North Charleston neighborhoods and environmental groups. And the resulting draft, at that time, the original community mitigation plan included \$600,000 for the creation of a two-acre park and limited job training opportunities.

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In addition to the port pulling their permit, a port access road permit had to be pulled for DOT. And South Carolina DOT's preferred alignment was Alternative 1C which bisected one of the LAMC communities, Union Heights.

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After extensive review of the Draft EIS and Executive Order 12898 in addition to NEPA, LAMC decided to partner with the city to develop a formal response to the community mitigation plan outlined by South Carolina State's Ports Authority. LAMC categorized, prioritized, community impacts and identified the responsible parties. The city and

LAMC met with the South Carolina State Ports Authority and DOT to develop a viable mitigation measure.

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The result was the LAMC Community Mitigation Plan, a \$4.8 million mitigation plan, the first of its kind in the state of South Carolina and the nation. The plan calls for \$1 million allocated to the development of affordable housing, \$100,000 for ongoing environmental protection, \$250,000 set aside in an education endowment, \$600,000 for the creation of a Maritime Training Institute so that residents could be trained in jobs related to the port industry and green technology, \$350,000 for the development of economic development opportunities particularly assisting small businesses and vendors in bidding procedures and providing vendor assistance, \$500,000 for accessibility healthcare and the creation of health centers, \$300,000 for the development of a Master Revitalization Plan, and \$680,000 that was put into a contingency fund.

(Slide)

A separate mitigation plan was also established with SCDOT to impact the port access road impacts which include education and employment opportunities. In addition it also included the rail impacts which included enhancing rail crossing and designated certain areas as rail quiet zones and also streetscape enhancements. It also advocated and includes

a school-to-work program for 16 to 22 year-olds, college scholarships, pre-employment on-the-job training opportunities, and specialized disadvantaged businesses, services and goals.

(Slide)

This was our agreement signing ceremony. There was a tri-party agreement between the city of North Charleston and LAMC and also the city of North Charleston and the South Carolina State Ports Authority.

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Highlights of the tri-party agreement include that the city and LAMC will establish a mitigation oversight committee and a working group. The working group is tasked with carrying out the data-to-day operations of implementing the CMP while the mitigation oversight committee is primarily made of industry and other stakeholders which will leverage the CMP mitigation funds. The city provides overall physical administration, project management and technical assistance. And the working group establishes a yearly budget and directs expenditure outlays, publicizes and informs residents of ongoing mitigation program opportunities and activities. And the State Ports Authority is the enforcing entity of the CMP implementation and publicizes its RFPs, bids and job announcements in LAMC community centers and places of worship.

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The implementation status to date is that the LAMC Revitalization Plan was recently completed this past November in 2009 and we anticipate the city approving it, adopting it and including it in its comprehensive development plan some time in March. To date LAMC has awarded over \$13,000 in scholarships and it has identified an affordable housing strategy.

As you had heard previously during the EPA School Air Monitoring Program, LAMC has guided the Air Community Monitoring Study in its areas. And it has also developed a partnership with the College of Charleston, University of South Carolina, and Clemson University to leverage administrative, technical, and financial resources.

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Project results: The South Carolina State Ports Authority Draft Environmental Impact Statement was the catalyst that led to unifying the LAMC neighborhood leadership. LAMC is now recognized as a primary community stakeholder in the southern end of the city.

The Community Mitigation Plan is the South Carolina State Ports Authority's formal commitment that negative human environmental impacts will be mitigated on an on-going basis.

And finally the LAMC Revitalization Plan will ensure that the community benefits will be realized and sustainable.

(Slide)

Again I want to thank you for giving me the opportunity to present our story and also EPA for the Collaborative Partnership Award. We had an award ceremony held December 17, 2009. Thank you.

(Applause)

MR. ALI: And our final presenter; Thomas.

Presentation

by Thomas Jelenic

MR. JELENIC: Good afternoon. My name is Thomas Jelenic; I am the Assistant Director of Environmental Planning with the Port of Long Beach. I would like to thank you for the opportunity to present on the Clean Trucks Program and our CAAP stakeholder group. It is an honor to be recognized for the efforts that we have taken to improve the environment and the port and the local communities. It has been a long process to get here but we have had tremendous success in doing so. And part of the theme here is building sustainable partnerships where communities are equal partners, and that is our CAAP stakeholder group.

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To give you some background, in 2006 the Port of Long Beach and the Port of Los Angeles teamed to develop the Clean Air Action Plan. There was a recognition at that time, prior to the current economic situation, the ports were growing quite strongly and in terms of cargo volumes, but we

had been unable to modernize any of our facilities because of significant community, local, and political opposition. A lot of that was the result of air quality impacts from port-related operations that impact the surrounding communities. The communities of Long Beach, Wilmington, and San Pedro are significantly impacted by port-related operations. There are five major source categories, ships, harbor craft, locomotives, cargo handling and equipment and trucks that all impact these communities.

And trucks have a particular impact because they move through the communities. And one of the first programs that came up was the Clean Trucks Program. But the recognition by the ports that air quality problems were a major impediment to moving forward with modernization of facilities led to the Clean Air Action Plan.

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The Clean Air Action Plan's primary goal is to seek significant reductions in port-related emissions. You have heard earlier today some information about the Clean Air Action Plan but it had a goal of reduction of nearly 50 percent in emissions by 2012 for our five-year plan.

The heart of the Clean Air Action Plan is establishment of performance standards for each source category. Heavy-duty trucks, we established goals for what we call frequent and semi-frequent trucks that were serving the

ports. One of the things that was recognized by the board of Harbor Commissioners for both Long Beach and Los Angeles was the need of public participation in the implementation of this plan.

When we developed the Clean Air Action Plan, it was circulated for public comment; we received hundreds of public comments that we responded to and revised the document as a result of. But the crucial step was actually implementing the plan.

And our board presidents established a CAAP stakeholder group. That stakeholder group was then appointed by the Mayors of our respective cities of Long Beach and Los Angeles to provide input on the implementation.

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We established a very diverse group of organizations and a broad cross-section of stakeholders who have a lot of interest in port operations and the impacts on the communities and on the businesses involved in goods movement in the port.

There are a number of environmental organizations. East Yard Communities for Environmental Justice, as you know, Angelo Logan is here today at this meeting. He is one of the representatives on that stakeholder group. The Natural Resources Defense Council, Coalition for a Safe Environment; Jesse Marquez represented that organization and is also here today, Long Beach Alliance for children with asthma, Coalition

for Clean Air, and Center for Community Action and Environmental Justice.

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We also have, of course, industry organizations. The Port of Long Beach and the Port of Los Angeles are landlord ports; we do not actually operate any of the equipment that move through the ports. We act essentially as a developer and lease facilities out to those involved in goods movement and they are responsible with complying with laws.

Generally we have only acted as a developer and we did not historically get involved in some of these environmental issues. Obviously as the ports grew, our relationship with our tenants changed and so they needed to be a part of this stakeholder group as well because it is their actions that are resulting in the emission reductions we need to achieve to make the port a sustainable member of the community.

These organizations include Pacific Merchant Shipping Association which represents terminals and shippers, the American Association of Railroads, the Waterfront Coalition which represents shippers that move cargo through the ports, Majestic Realty which is a property developer that owns a great deal of industrial/commercial real estate in Southern California that is involved in warehousing and goods

movement, Transport Express, International Warehouse Logistics Association which represents port trucking, and FuturePorts a broad organization of port construction groups and other port stakeholders.

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We also realized the Clean Air Action Plan impacts those who work in and around the ports and so labor also had an important role on this group. First and foremost was the International Longshore and Warehouse Union; they represent the labor that work directly in the ports and their members move cargo in and out of the ports, International Brotherhood of Teamsters has an interest obviously in port trucking, the Harry Bridges Institute, Los Angeles Alliance for a New Economy which is concerned about how our policies shape the economic lives of people who work in and around the ports, Los Angeles County Federation of Labor and the L.A. and Orange County Building and Construction Trades Council.

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And government and academia also played a role. First US EPA, the California Air Resources Board and the South Coast Air Quality Management District were our regulatory members of our group. They are also very special in that they were our partners in developing the Clean Air Action Plan.

As the two ports developed the plan, representatives of these three agencies were in every meeting discussing the

source specific standards, the project standards, and the port-wide standards that we were trying to develop as part of a Clean Air Action Plan.

We also included academia; USC, the School of Civil and Environmental Engineering, UCLA's Occupational Medicine, and again USC Community Outreach and Education. Some of them have been key stakeholders in port development issues.

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The roles and responsibilities of the stakeholder group; the advisory group's goal is to provide input on CAAP implementation. It also serves as a forum for the stakeholders to discuss implementation and provide feedback on the actions the ports are taking.

We do not expect a group as diverse as this to reach consensus on these issues. In fact, many of the organizations that represent our stakeholder group have diametrically opposed positions on how some of these programs should be developed. What staff sought from this group was a constructive forum where we could draw out the major issues that these stakeholders saw for the programs and try and distill that into a single coherent policy recommendation that the staffs of the Port of L.A. and the Port of Long Beach could make to our respective board of Harbor Commissioners.

The first task up was the Clean Trucks Program and by far that has turned out to be the most controversial

program of the Clean Air Action Plan so far.

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There have been a number of issues that were discussed in the stakeholder groups. Concessions versus registrations, one of the key questions was how do we implement this program, what sort of mechanism do we use? And there was a lot of discussion about do we use a concession agreement? Many of the stakeholders felt that was the strongest way to exert control to reach our goals for the Clean Trucks Program. Others felt a simple registration process would be sufficient so long as clear requirements were spelled out in the Port Tariff; the Tariff being the rules of our respective ports.

There was a lot of controversy with regard to diesel fuel trucks versus LNG. Should there be a preference by the ports for which trucks should serve the port? Should there be a preference for port funding for these trucks? And it was a significant controversy; a lot of stakeholders recognized LNG as being an environmentally superior alternative. But a lot of folks were also concerned about the cost of liquefied natural gas versus diesel, at nearly twice -- depending on the vehicle, a LNG truck can cost 50 to 100 percent more than a diesel truck and there is a real cost-effective question that had to be addressed.

There were questions of employee requirements. This

has probably been the most controversial aspect of the program. Should the ports set any sort of standard for the employment of the people who drive the trucks? In the typical drayage model, there is some mix but usually greatly leaning toward what is called the independent owner-operator that works with a dispatch company. Most truck drivers are not employees, they are independent businessmen.

There has been disagreement between the ports as to what programs should do here. Long Beach chose to not set a requirement with regard to employment where the Port of Los Angeles set a glide path to make a requirement that all drivers must be employees of the respective trucking companies within five years.

There were discussions of security requirements. Were federal requirements sufficient? Did the ports need to go above and beyond those requirements? What was the role of TWIC, the Transportation Worker Identification Credential? Maintenance requirements for these vehicles, truck company accountability; a lot of this goes back to the question of concession and registration. How would we hold trucking companies accountable for meeting the standards? And there was even discussion about living-wage requirements for people driving trucks. Remember the Clean Air Action Plan is a program to reduce emissions; that was the sole goal of the Clean Air Action Plan and through the stakeholder process all

of these additional issues came in and started being discussed about the program.

(Slide)

The original goal for the CAAP for heavy-duty trucks was in hindsight arguably modest though at the time we were developing it, it was farther than anybody had ever sought to go. It was a mix of fleet replacement and retrofit depending on how often trucks came. We sought to require the cleanest trucks for trucks that served the ports frequently; at least three times a week or more and require retrofits for those that were less frequent.

As a result of the stakeholder process, the requirements were ratcheted up quite a bit. We now have the most aggressive standards probably in the nation. All trucks must meet US EPA 2007 standards by 2012.

We also committed to that 50 percent of port-funded trucks be LNG.

TWIC requirements were incorporated and within our respective mechanisms, there were concessions for the Port of Los Angeles and the registration agreement for the Port of Long Beach, we have truck company accountability standards.

(Slide)

The results of the program; we are nearly two years ahead of schedule from where we thought we would be. Seventy-five percent of the new trucks have been funded by industry

without public assistance. This is no small effort. We are approaching nearly 7,000 new trucks serving the two ports. That represents an investment of approximately \$700 million in less than 18 months for new trucks and most of that is being funded by the industry without public support.

The reason that happened is one of the key aspects of our program was establishment of a clean trucks fee that penalized trucks that did not meet the 2007 standard with a clean truck fee. Trucking companies wanted to avoid it, they understood what the standards were, and they stepped forward to start bringing the trucks into service to avoid that fee.

Also in terms of meeting our goals for funding, 85 percent of the trucks that Long Beach funded are LNG. Unfortunately most of the trucks were privately funded so that only amounted to about 6 percent of trucks serving the ports on a trip basis are LNG.

And we are approaching nearly 80 percent reduction in emissions compared to 2005 for heavy-duty trucks. By the end of April, when some exemptions expire for some trucks, we will hit 80 percent or above and the number of trucks that will meet EPA 2007 standards will be over 90 percent by the end of April; currently being at 75 percent.

And I believe that is it.

(Applause)

Questions and Answers

MR. ALI: All right thank you everyone for the presentations. I guess what we will do now is we will open it up for some very brief questions or comments. I do reiterate "brief."

MR. WILSON: Quickly I would like to say I am very, very proud to be in your company because I was among one of the first EJ Awardees in 2008. So I didn't know what I was getting into but I am very, very proud; you make me feel really good.

The question has to do with partners and collaborative partners? I think I am going to start with Thomas and maybe we can go all the way around but at what point -- and how did you get your partners involved, what was the criteria, and what did they do and did they know what they were doing; that kind of thing?

MR. JELENIC: The partners were selected by the Mayors of the respective cities. But these are folks that have been active stakeholders in port-related issues for a long time. Most of them had been folks we had been very familiar with; they are active either as community representatives or industry representatives. But in the end, it was the selection of the Mayor's office of both cities that established the make-up of our committee.

MS. BRIGGUM: I would just like to mention to some

of the newer members of the council that it was a NEJAC recommendation in the pollution prevention report a number of years ago that these kinds of awards be established in order to recognize and show appreciation for and lift up the understanding of excellence in terms of collaboration and achieving environmental justice in communities. And it is really terrific to hear these presentations and see the good work that is being done. And also I think we would be remiss if we did not thank Tim Fields who is sitting back there and none of this would happen but for his hard work.

(Applause)

MR. MARSH: Thank you, Lang Marsh from Portland State. These are all extremely impressive accomplishments and I wanted to thank you all and I am glad that we have this opportunity to spread the word about the kinds of things you have done so that they can inspire others.

I had a question for Representative Mitchell on the -- what was the collaborative model that you used to bring people together and in particular were you the person around whom everybody coalesced or did you use other, at that time, elected leaders or community leaders to convene the folks that you had? And how did, over such a long period of time, were you able to keep that group together?

MR. MITCHELL: The answer to that was we had absolutely no support and were truly hated because the land-

fill, according to the state, did not exist. The Superfund sites, the problems that we had there -- but to get to it, it was the creation of the organization itself and looking at the do's and don'ts here at NEJAC of the testimonies. So we saw the power was creating and organizing the community and it was the community's vision and looking at some of the initiatives with some of the other agencies. With EPA at the table, being the head, which is what I mentioned on that whole thing of the IWG, we created a vehicle where other agencies wanted to put their initiative into the project. So I think by creating a kind of atmosphere to where, you know, even having the local government involved and as a partner it just began to spin one after the other and we were able to leverage different agencies.

MR. KELLEY: Good evening everyone, my name is Hilton Kelley with the Community In-Power and Development Association. I commend you all for the hard work you have put in and for what you have done for your communities and kudos to all of you.

But I am particularly impressed with Harold. You know I first ran across your work with the Environmental Protection Agency. There was a conference in Dallas that I went to and we got a packet which your information on it, it was on a CD. And I think the work that you have done in your community -- and your community sort of reflects thousands of

communities across this country and the plight that they face, and it was inspirational to me when I saw all the work that your organization had done and it inspired me to continue, sometimes when you feel like giving up. But I am pretty sure your story and all of your stories are an inspiration to thousands of people across this country and it lets us know that hope is not dead; just keep hope and keep moving forward, thank you all.

MR. ALI: I think our final question is Jolene.

MS. CATRON: My name is Jolene Catron and I am Executive Director of Wind River Alliance, we are a community-based non-profit organization and so I just wanted to thank you all for your presentations. They were very information. And to mirror what Hilton just said, I was very impressed and very inspired by the work that you all have accomplished and especially I have been keeping track of the ReGenesis project and how you have been going over the years. I have heard you present a couple of times and each time it is a little bit of a different update. A lot of the issues that you saw in your communities, we see across Indian country a lot. Certainly we have to deal with a whole different level of government and a whole batch of different federal agencies in trying to accomplish some of the work we do. But we work with young people a lot and they have that same kind of visioning; it is like you vision forward instead of thinking about all of the

litigation and the Happy Meals you can buy with the outcome of the money that you get from that. And so I am just really inspired by all of your stories and I just wanted to say thank you.

MR. ALI: I just want to thank everyone for allowing me to participate in this and I hope that we will carry these stories, these projects on so others can find out about them and hopefully support them and to help them to continue to grow and be successful. So at this time I will turn it back over to our Acting-Chair.

MS. YEAMPIERRE: I am going to defer this to Victoria.

Farewell to Retiring Members

MS. ROBINSIN: Now comes the time on the agenda -- I know we are running late but I think it is a very important time to recognize all the hard work of six of our members who after tomorrow's meeting will no longer be an active member of the council. I am going to turn it over to Charles who is going to make some remarks and we are going to present awards that we have as our appreciation for all their efforts. I know it does not make up for all the volunteer hours you have put in but it is a token of our apperception; so I will turn it over to Charles.

MR. LEE: Great, thanks Victoria. You know I guess this is, as the Director of the office, this is one of my

duties but it is also a real privilege to present our tokens of real deep appreciation for those members of the NEJAC that are coming off the committee.

And I guess this is a sad time because everyone has gotten to know each other and has bonded in such a way that we are all family. But it is also a time to really celebrate the kind of contributions that each of them have made.

I used to say that, and I still do, but when I ran this committee I used to tell every incoming member that my measure of success is that when someone leaves the committee, when their term ends, they will look back and say they have been really proud to be a member and that they are really proud of the accomplishments that were achieved during their tenure on the committee and that they were truly gratified by the kind of progress that was made.

And I think that this has really been true and we could not have done it, you could have not have done all the things that have come forth in terms of the real mature advice that has come from the NEJAC without the contributions of those persons that we are now honoring.

Four of them are not here for different reasons so I will just mention them and say a few words and then I would recognize the two that are here. And then there is a particular person that I think we all would like to, even in absentia, truly recognize.

The thing that I would do is just go through these, present these awards, and then if anyone else wants to make testimonials we will open it up to do that and then we will close out. And I want to do this as quickly as possible but, you know, I think everybody has a lot to say about these different individuals.

So the first person is Greg Melanson who is not here. I think Greg came to this committee -- we wanted him and we really were very pleased because he had a community-development banking background, a finance background, and I think we really needed that. He was the Director of Community Development for the Bank of America. He is moving on to a different job and so therefore his tenure had to be concluded.

The second is Chris Holmes. Chris has a really interesting history because, for those of you who do not know, Chris is now working in the non-profit world first at World Wildlife Fund and also at the Global Environmental Technology Foundation. But before that many years ago he worked at EPA as the Assistant Administrator for the Office of Administration and Resources Management and in that capacity he oversaw the creation of the Office of Environmental Equity in 1992. So he has a real history here. And when I asked him to join the NEJAC, he was just really eager, happy, and enthusiastic about coming back and being part of this committee. He had, what I think could be said was a lifelong

dedication to environmental justice.

The third person is William Harper and Bill is the Vice President of Pacific Gas and Electric. And I am not going to say anything because Deidre Sanders who is from PG & E wants to read a statement from Bill. So Deidre if you could come up here.

MS. SANDERS: Thank you Charles. This is a really brief statement. Bill just says "To Charles and my NEJAC colleagues, I regret that I am unable to attend the final meeting of my term on the National Environmental Justice Advisory Council and to be there to offer a more personal farewell. It has been an honor and a privilege to serve on the council these past three years on behalf of Pacific Gas and Electric Company. While I am personally leaving NEJAC, PG & E is committed to continuing and deepening our engagement around environmental justice issues. We look forward to ongoing collaboration with EPA particularly as we make the transition to a green economy. My best wishes, to you, NEJAC, and the Office of Environmental Justice staff as you push forward with your vital work to ensure a safe and healthy environment for low-income communities and communities of color, Bill Harper."

MR. LEE: We do have something for bill which we wanted to give to you on his behalf. I have been trying to figure out how to do this because -- and so in the interest of

time we want to take pictures. So after we get done with all this we will go back and get pictures taken.

The next person is John Rosenthal and John is the President of the National Small Town Alliance. We asked John to be on the committee because we really felt that there needed to be a small town voice on this committee. And he has done a lot of other things, a long history in environmental justice, going all the way back to the NAACP days in the early 1990s. But he is the one that organizes the annual State of Environmental Justice in America conference and he has done a lot of work not only with EPA but with other federal agencies. And the one thing I do note about John is on every single conversation he raises the issue of working with other federal agencies. And so John we do have something for you which we will give you later.

Omega Wilson is our next to last person and Omega I think has come to us -- first we met Omega through a grant that we gave to his organization for collaborative problem-solving and since then the bond between Omega and the Office of Environmental Justice and the entire environmental justice community has been really remarkable. And Omega you bring to this a passion, a sense of sensitivity to communities, a perseverance, and an indomitable spirit. And we really -- the kind of work and effort you put in, you have been a member of two workgroups, major workgroups, on EJ and screening and

around goods movement. And I think the kind of impact that you are going to make through your work here is just beginning to be seen. Like I said, you might be leaving as a member of the NEJAC, but you are not going anywhere.

And then lastly, I know he is not here, his presence is actually always here and that is Richard Moore. And Richard is of course your Chair; he is the Executive Director of the Southwest Network for Environmental and Economic Justice. And he is I guess I would say one of the real elder statesmen of environmental justice. I mean there is no way that I am going to recount all the kinds of contributions he has made to this area. He has always come at this from the point of view of being a community member, a grassroots leader, and a multi-cultural leader and I think he has this tremendous ability to work both with communities and with government agencies understanding how to bring them together. And that I think is one of the real strengths that he brought to being the Chair of the NEJAC.

When we asked Elizabeth to be the Acting-Chair when Richard fell ill, her first words were "so you know I cannot do this without Richard being there." So and that I think is a statement in itself.

So I am going to stop there and open it up for any testimonials anyone would like to make and after that we will go out in the back where the cake is and have pictures taken.

MR. RIDGWAY: John and Omega, you two have been outstanding in your contributions. You are mentors, both of you, and I just want to thank you. And for the record the same applies to Richard. His ability to switch from advocate to a balanced Chairperson and a networker and such a graceful man full of humility has been outstanding as a role model for all of us. And so for the record and any POD recording he might hear out here in the future, I just want to say thank you very, very much on behalf of the council and from me personally.

MS. BRIGGUM: I am going to choke up a little bit, forgive me, because Richard is ill which means he is not the current Chair but I believe he will be a future Chair again. I think his contribution to environmental justice and to this group has been immeasurable. You know it has been a long haul with the NEJAC. It has been a long time and people sometimes do not realize what a difficult process it is because it is very important that people from every perspective embrace what the NEJAC is doing; that is why the work products are meaningful to the agency. And I do not think you can understate how much we were able to come to consensus and fair minded -- I mean brutal, honest, really hard hitting talking about the issues and then working toward common ground and that was largely because of Richard's sense of constant fairness.

You mentioned that he was terrific at always representing his perspective and his community base with authenticity. Never a false moment but at the same time such kindness to others. And I think that EPA is dramatically the better for the contribution he has made and I am just so eager to see him back again as soon as possible.

MS. FISHER: Yes, I would like to bring up Richard, Omega and John as well. Two things come to mind with Richard, the very first time I came before NEJAC and presented some testimony he was the Chair. And I don't know if he remembers this but he taught me the importance of being balanced because it is very hard when you are an advocate not to show your emotions but to give everyone an opportunity to say what they have to say and basically it is all about being impartial and he actually showed me that. And he actually gave me a little renewed strength when I heard him speak in July and how passionate he was and how sincere he was and I am sitting here thinking, this man really is a fighter in more ways than one and so I admire him and wish him the best.

And Omega, interesting enough, I never ever thought of CAFOs the way I do now until I heard all the testimony about the farms and that is because it is not in my face. And I really appreciate that because you have opened up my eyes and you have made me look at some EJ issues that I have never considered.

And John Rosenthal, well, that is another story. I remember the first time I met John Rosenthal, that I was a little surprised when I first met John. And John and I have worked together on a couple different projects but he has been a mentor and he has actually offered me some very sound advice especially after Katrina and I appreciate that. So I will miss all of you guys and thank you so much for your contributions.

MS. HENNEKE: Like Sue this could be a little difficult for me. I cannot even count -- I have tried it once or twice and it makes me just feel terrifically old so I have stopped, how many workgroups and tasks and you get that call from Charles and you know you are going to do it, that Sue and Richard and I have sat on together.

And one of my fondest memories is of Richard as an advocate, pounding his open palm on the table, yelling for my Chairman's resignation which was kind of charming because that was the first time that I met Richard in the early 1990s. And having grown up in Indian country, it does make life a little easier to have some of the appreciations from whence he was coming, but it was interesting for a first meeting.

However the two of them did become quite good friends just to make a story a little shorter. But the work that this group does is incredibly meaningful and needs to be done and must be done but it is grueling as I said yesterday.

And it is also one of those things that it is -- I watched Richard almost on a dime go from being an advocate to being a facilitator of a discussion, a Chairman of this group, and it is a very different skillset with which you have to do that.

Most of us that are here, in fact all of us that are here are advocates in some shape, form or fashion either for the agency that we work for and the community that we represent. And when it comes to communities in my home in Stephenville, Texas I live a half a mile from a 1,500 cow dairy and I have a degree in agriculture so I do know what CAFOs are. It is an interesting world that this committee works in and the work that you all do is so worthwhile. And in watching, and working and being mentored by Richard is one of the highlights of my environmental career and I will be forever grateful to him for that.

And the man can drink an adult beverage with the best of them. I am not saying that he mentored me in that; I am just saying I observed it once or twice, how is that.

MR. MARSH: I think I first met Richard in the, I guess now all but forgotten Title VI FACA from the 1990s where a number of you also served. And I was incredibly impressed with how passionately he could express his views and how he could still be your friend and willing to listen and try to work things out and I just had not seen that in many advocates of, you know, whatever background or calling they had. And I

think he brought that capacity here to the NEJAC.

I guess my image of him is a person with an enormous heart but also a brain to match. And that he could open his considerable pipes to talk about something with tremendous conviction and at the same time be able to make you feel like you are part of the discussion and your views will not be excluded. And his ability to bring people together is unmatched.

I learned from all of the members who are retiring and from Greg, Bill, John and Omega and I guess I just wanted to say that one of the great experiences I have had on NEJAC is working on the workgroup with Omega who really opened my mind to how things actually work on the ground and how they should work on the ground. And I think there is a great deal of him and his thinking and experience in that goods movement report and I am very pleased to have been able to work on it with him. So I will miss you guys a lot, but hope you will not be lost to us for very long.

MS. YEAMPIERRE: When I came to the NEJAC, I don't know how familiar any of you are with the journey or the struggle that brings a person of color to a table like this but I came with tremendous humility and feeling the responsibility, the weight, on my shoulders of what this responsibility meant. And not knowing what to expect, we are sometimes in spaces that we have never been before. We have

not been schooled and we come here without any experience but with a warrior spirit and hoping that somehow our words and our actions are going to advance an agenda that is going to lift our communities. And we do this, not because we hate people or circumstances, we do this because we love our community, because we love our people and so it is an act of love.

And working with Omega for me was one of those joyous things, that he walks into the room and he brings it and he is in my view an authentic organizer; somebody who can genuinely talk about environmental justice because he is working at a grassroots level on a policy level. We have to work on so many different kinds of levels and I don't know that many people know the kinds of personal sacrifices or how difficult it is for us to do it because we have things that we have to do locally, we don't have the capacity and we don't have the resources.

And with Richard, well you know, I have known Richard for many years and he represents for me a warrior spirit and a diplomat all those things in one. I know that those were difficult shoes to fill and I am a woman which makes things so much more difficult because we do know that often times both men and women treat women differently because both men and women have been conditioned to do that. And so I am part of the generation that comes after Richard. And there

was a way that Richard had of communicating where you could actually feel his spirit and I am a very spiritual person and I would feel it and I would feel his energy and I just knew that that spirit had been around in this world for a long time and that it was a spirit that had been back again and again fighting the good fight.

So while he has been going through this, I have been trying really hard to live up to that bar that he raised so high because he had this beautiful way of really reaching out to everyone and to making people understand that they were all part of addressing issues of justice, of calling the question and making you feel like you were part of the solution. And I have profound respect for him.

I often -- and my experience is very different it is very urban, it is very New York centered, it is very Brooklyn. I am often thinking okay what about the global south, what about the Southwest, what about California, what are the things that Richard would say if he were here and trying really hard to make sure that I do that properly and it is really hard to do because we know sometimes when we are in the presence of someone that is really so special that there are just not a whole lot of people like that. There are just a few people like that in our world. So I think we have been very blessed to have him and I think that in a few months we will have an opportunity to work with him again.

And I just also want to say that I have been deeply honored and grateful to have been given this opportunity. I don't know that you know much about me but I can just share some very personal things because I think that sometimes people are judged without knowing what someone's trajectory is.

And I come from a house where -- I lived in the South Bronx when it was burning. And I never share this publicly but I think you need to know who the environmental justice activists are and why I connect so much with the people that are sitting in the back. My father was a heroine addict who spent most of his life in and out of jail. He died from complications from AIDS. My mother worked cleaning apartments. And when I was in law school I would come back to help her do that.

And so for me to be in this space with people that are doing this is really an honor because I never thought when I was a child that I would have these opportunities. But I do think that I have had these opportunities because one, I was blessed, and two because people struggled to make these opportunities possible for me. And that I hope that while I have been doing this, that I have been exercising leadership in a way that honors the work that Richard has done and that I have been zealously representing the interests of all the people that are not here because Richard is in my mind and in

my heart all the time.

And so I just wanted to share some very personal things with you because I don't think sometimes that you know what motivates people to do the work that they do or if you hear anger or if you hear frustration that you know where it is coming from; and I just wanted to share that with you. So I want to thank you for the opportunity for serving as Acting-Chair and I think there is just with some of the people that are going to be gone, Richard, Omega, the hole is so big, that as overwhelmed as I felt when I stepped up, I am more overwhelmed now; but thank you so much.

MR. KELLEY: I didn't know Richard but listening to the testimony from you all I feel like I really know Richard. I know so many people like Richard. And it is a blessing to be around folks that really care about other people that they really don't know. But because you care about the human spirit, you care about nature, you care about your communities, you are the unsung heroes.

Believe it or not, we are all heroes and we know sometimes late at night when you are up reading a document because you are trying to get a better understanding of an issue or you are out there campaigning on the front line because there was some large spill that hurt children, you know, it feels like you are alone but you are not. You have the spirit of other people that are out there doing the same

work that you are doing and we appreciate that work even though we don't always see everything that you do.

You know there is a song that comes to mind called "Heroes." And the song is by Lionel Ritchie and I just want to sing a couple of bars of it; I know it is a little unorthodox but I like doing that because it freshens things up.

(Mr. Kelley singing "Heroes")

MR. KELLEY: Thank you all.

(Applause)

MS. ROBINSON: Thank you Hilton.

MR. ROSENTHALL: Well, thank you so much for allowing me to say a few words. I can still remember when I first received the call about the possibility of being named to NEJAC. My first thought was "you have to be kidding" simply because I had been around NEJAC since the inception and the people who were on NEJAC were the people you read about in the newspapers and you see on TV; the real true heroes of environmental justice. And I just could not believe that I was being invited to sit on this particular body. And it has been a real thrill and a real pleasure and I am still amazed that I was invited to sit on NEJAC.

I have been around environmental issues for a long time. The first issue for me was in the early 1980s when there was a waste to energy facility sited probably three-

quarters of a mile from my house. And they told us there would be no problems but then at night at 2:00 in the morning you see all this smoke coming up. Now my community is not your typical EJ community. So we got involved and we tried to shut it down. We wound up, it is funny today we were talking about the school monitoring, we wound up putting air monitors on the school and this was in the early 1980s. And then when my kids graduated from elementary school, well, that facility didn't bother me as much as it did when they were in fifth and sixth grade. But the monitors are still on the school.

And Charles mentioned my work at EPA, oops, NAACP, that is where I worked; never worked at EPA. I spent a lot of time there but I never worked there. And when I went to the NAACP I truly had no idea of what environmental justice was. I had no idea what I was getting into and I was the NAACP's point person on environmental justice; can you imagine that.

And here by the virtue of me being in that position, I went to the top of the heap for a lot of stuff and I caught a lot of opposition and flak behind that and some people went to Dr. Chavis and said you need to fire this guy, even before they met me, before they knew who I was or anything. And I can still remember that night in February of 1994, I had been there since November, and we were in a hotel in Crystal City, a very contentious meeting had just occurred and when Dr. Chavis walked down the hall, everybody just rushed toward

him and I was walking with him and one of the EJ activists said "you know, this guy Rosenthall, you need to fire him." And I am standing right next to him and she had no idea who I was. Never met me, never saw me and that is the way it went. And there were a lot of people who felt that way.

And Richard and I sort of -- well we were on the opposite side of an issue, a very contentious issue. I had my job and they had their job. And I did my job and apparently I did it well, I got paid well for doing it, so I guess I did it well and they did their job well but there was still that -- it wasn't tension it was just outright hostility. But Richard was never -- he was always a gentleman. Now some people were not. I mean the woman who looked me in my face and called me the devil, literally, she called me the devil as I am standing there and she had no idea that that was John Rosenthall she was talking about. Just like, Wynecta, I turned out to be taller than she thought I was. Just had no idea that this was me, called me the devil and accused me of doing things that I wish I had the power of doing and I just never could do them. And Dr. Chavis said "I think I will keep him." That is all he said "I think I will keep him." And he and I to this day have never discussed all the anger that people pointed. And Richard was a member of that anger, that hostility team but as a person-to-person, now I don't what he said to other people, but I know when he talked to me it was with respect. And then

when I came on NEJAC and saw Richard, I said "Aw man, not 1994 all over again" because I didn't know if I was able to take that. But he and I chatted and we talked about our differences. And at first, the first year of NEJAC we were professionally, how do you say it, respectful of each other. But then as we got a little bit closer we started having lunch together, we started having dinner together and you know I probably think I like him. And I don't know whether he likes me or not but it was okay.

And I never knew Charles that I mentioned the other agencies as much but the only reason I mentioned the other agencies was because it always baffled my mind that people would be so angry at EPA for what it was doing in environmental justice when the other agencies were not doing the things that they should be doing. But because EPA was out there trying, they caught all the flak.

And the other thing that really baffled me about EPA and still does today, is that EPA is a small agency. EPA has a very small budget. And people over here are beating and grabbing and trying to get EPA's money when these other agencies have, you know, 2, 3, 4, 5, 10 times as much money as EPA does and they don't go to these other agencies to beat upon them for their money.

I mean that is -- what did Jesse James say, why did he rob banks, because that is where the money was. And so it

amazes me still. And I think it is right that we should bring these other agencies to the table to get them to participate. There should be projects funded by the agencies together. Your Showcase Communities could have ten times as much money if these other agencies were participating and they really should participate. And so while we as a community don't beat up on these other agencies to get their money and really beat up on EPA, that just baffles me. So that is the reason why I always mention the other agencies, is that we really need to get into their deep pockets.

And it has been a real pleasure to serve on this body. Some of you I knew before I was fortunate enough to serve here and some of you I have met here and it has been a pleasure to meet and to call all of you associates. And I look forward to maintaining some relationship with you in the future.

(Applause)

MR. WILSON: I would just like to say that I am extremely proud. Of course it is very surprising to me to be selected from a place where I would say "I am from Mebane," and they would say "who?" Even somebody asked me what country that was in. I thought that was pretty interesting. What is it close to? I could never find a place close enough to make them remember.

But one of the things I proudly remember about this

relationship is I have had a chance to be on workgroups and I worked officially on two and contributed to a third one with John and some other people. And I think every time we had a chance to exchange something that was controversial, we always had a chance to talk about it with Paul, Lang, Hilton, and John. And Jolene has provided much, much information for the Native American cultural information. I think that has been wonderful. And Sue, Sue has been the diplomatic buddy on the workgroups when she could not --- look Omega, lets talk about this; she was always the diplomatic voice.

One of the special, special connections of course was Charles and Victoria when they would come with our collaborative problem solving grant and Victoria was very, very concerned whether or not Charles would like the progress we were making on it because of the way we structured it. And after Charles came to visit a couple of times, I think Victoria too said well would you consider being on NEJAC? And of course, that was it, that was it.

It is always a blessing to have people to come visit you. And one of the people I had a chance to sit beside in my very first meeting was Elizabeth and we both looked at each other and she said "what kind of name is Omega?" and I said "what kind of name is Yeampierre?" And before we got three words out, we hugged each other and started laughing and we knew right then we were going to hit it off and we have been

very, very close since that time and I love that. And it has been a great, great opportunity.

One of the special stories I like to tell is somebody who came to see me and visit Mebane and that is Katie. I love Katie. Katie came to see me to see what was going on in Mebane and get an eyeball look for herself and a lot of people have not done that. And we had lunch together and toured the community and everything and had a wonderful, wonderful time.

And when we were saying goodbye we were sitting in our little conference room around a round table and I kept looking over her shoulder and every time I craned to the left, she craned to the left. I guess she was wondering what was going on but there was something going on right outside the street and I was not sure what it was, but when the blaze got to the top of trees I knew it was a fire. So I was yelling and screaming "Natasha, Natasha, Natasha" and Natasha is my partner in the office, Natasha Bumpass, "call the fire department."

So Katie looked out the window and the fire was leaping and the smoke was black and everything and we went outside after the fire department was called and we were walking on the other side of the road from the fire to see it, we got very, very much too close, and it was a crack house burning. And interestingly enough some of the crack people

were in the street directing traffic; I thought that was very humorous. And they were directing traffic and there were three fire trucks from three districts and everything.

And we looked around and we couldn't find Katie, I said "where in the world is Katie? Katie got lost or the drug dealers kidnapped her or she got run over and crushed by one of the fire trucks." And we looked across the road and Katie was crawling up the bank behind the fireman in all of their gear. I thought she was going to put out the fire. You talk about passion and excitement. I don't think I could beat -- and I was fumbling for my camera and I was so nervous worried about whether or not we were going to have to send you all a very terrible message about what happened to Katie in Mebane. I couldn't get a picture of her. I got pictures of the scene and the fire trucks but I couldn't get a picture of her because I was so nervous I couldn't get a picture of Katie crawling up in the bushes right behind the fireman. I said she is going to crushed by the pole, or by the water line, or they were going to back over her and step on her and mash her. And everybody wanted to know who that little white lady was that was after the fire. And I said she was an empirical researcher studying environmental justice spontaneous fires in low-income minority communities.

(Laughter)

MR. WILSON: Thank you, thank you; I appreciate all

of you. Thank you very much.

(Applause)

MS. ROBINSON: We are going to gather outside by the registration area. We have a cake and some mixed nuts and whatever and have a nice little reception. But as a reminder to the members, we have about 25 minutes before we need to meet in the lobby to go to the Restaurant.

(Whereupon the meeting adjourned at 6:34 p.m.)