

***National Environmental Justice  
Advisory Council Meeting***

***May 10 - 12, 2011***

***Wednesday,  
May 11, 2011***

***National Environmental Justice Advisory Council***

May 11, 2011

**NEJAC Council Members Present:**

Elizabeth Yeampierre, Chair  
John Ridgway, Vice-Chair

Teri E. Blanton  
Sue Briggum  
Peter M. Captain, Sr.  
Jolene M. Catron  
Wynecta Fisher  
Stephanie Hall  
Savonala "Savi" Horne  
Hilton Kelley  
Charles Lee  
J. Langdon Marsh  
Margaret J. May  
Paul Mohai  
Fr. Vien T. Nguyen  
Edith Pestana  
Nia Robinson  
Patricia E. Salkin  
Nicholas Targ  
Vernice Miller-Travis  
Kimberly Wasserman

Victoria Robinson, Designated Federal Officer

**NEJAC Committee Members Absent:**

Jodena Henneke

***National Environmental Justice Advisory Council***

May 11, 2011

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Keynote: “---” indicates inaudible in the transcript.

“\*” indicates phonetically spelled in the transcript.

## M O R N I N G   S E S S I O N

(9:17 a.m.)

**Welcome**  
**by Elizabeth Yeampierre, NEJAC Chair,**  
**Executive Director, UPROSE, Inc.**

MS. YEAMPIERRE: Good morning everyone. Can everyone have a seat? Buenos Dias. Good morning to this beautiful, glorious day in Brooklyn, New York. Welcome back to the second day of the NEJAC. So today, we -- should we go around and everyone can say their name again?

MS. NIA ROBINSON: Sure.

MS. YEAMPIERRE: So, let us just go around for members of the public who were not here yesterday and might not know who everyone who serves on the NEJAC Council is. My name is Elizabeth Yeampierre and I am the Chair of the NEJAC and Executive Director of UPROSE.

(Members introduction.)

MS. YEAMPIERRE: Well, good morning everyone. We are really fortunate today to have Monica Hedstrom joining us. Monica is the Environmental Affairs Manager for the White Earth Bank of Ojibwe located in Minnesota. She is a new member of the National Tribal Council. Welcome Monica. So, before we begin, we are going to go over some of the key issues that were discussed yesterday.

We had quite a few presentations. We talked about PCBs in New York City schools. Judith Enck made a very comprehensive presentation and these issues are being discussed for possible next steps, which will refer to the NEJAC Steering Committee at some point.

So, the NEJAC would like to continue discussing the issue of PCBs in schools across the country, as well as look into more effective solutions for reaching out to various stakeholders to educate them on the issue. We would like to investigate PCB usage in public housing and potentially raise the issue with the U.S. Department of Housing and Urban Development.

On the topic of Plan EJ 2014, while discussing the overview of the implementation plans, what resulted was that the Council shared that they would like to more fully explore ways it could support EPA's Plan EJ 2014 Community Based Actions. As a result of their roles within their communities, the Council members believe they can play an instrumental role in supporting EPA's Community Strategic Planning and Initiatives.

The NEJAC would like to discuss in more detail recommendations for implementing outreach and education strategies, specifically targeting key stakeholders on the state level. Discussions should include options for more effectively engaging the business community regarding EJ issues. On the topic of Plan EJ 2014 Enforcement and Compliance Implementation Plan, the Council should further discuss issues surrounding Title VI of the Civil Rights Act of 1964 and present recommendations to EPA for better enforcement and implementation.

The Council should further discuss the tracking of how U.S. EPA's American Recovery and Reinvestment Act funds were utilized and the impact of our projects, both negative and positive, on EJ communities. There were some discussions

regarding the public comment session. One of our presenters, Laurie Johnson from the Southeast Indigenous Peoples -- the top was local government priorities for environmental justice.

The NEJAC agreed to further discuss ways it can help in visible EJ communities, such as the Southeast Indigenous Peoples, by helping to identify proper regulatory channels and provide technical assistance on environmental issues. Nicky Sheats also did a presentation. He is from the New York/New Jersey Environmental Justice Alliance and Thomas Edison State College and he discussed community impacts and Title VI complaints.

The NEJAC would like to further discuss mechanisms to address community impacts from new forms of pollution and pollution from new technology. The NEJAC would like to discuss specific recommendations it can make to EPA regarding the Agency's need to address the backlog of Title VI complaints in Plan EJ 2014.

Finally, the NEJAC would also like to further discuss the implications of disproportionate affects of wasted energy being defined as a renewable energy source in New Orleans and several other states. Thank you. So now, we have with us -- we are very happy to have with us William "Bill" Sanders, III. He is the Director of EPA ORD National Center for Environmental Research. Dr. Sanders was appointed Director of the National Center for Environmental Research on October 1, 2007.

NCER's mission is to support high quality research by the nation's leading scientists that will improve the scientific basis for decisions on national environmental issues and help EPA achieve its goals. This is actually really exciting. Prior to this assignment, Dr. Sanders served as Deputy Assistant Administrator in the Office of Prevention, Pesticides and Toxic Substances.

From March 1, 2004 to October 1, 2007, he served as Acting Director of the Office of Children's Health, Protection and Environment Education in the Office of the Administrator -- the Administrator. Before assuming responsibilities as the Deputy Assistant Administrator, Dr. Sanders served as the Director of the Office of Pollution, Prevention and Toxics. Welcome Dr. Sanders.

Thank you for joining us. Dr. Sanders will be standing and walking around as he does his presentation so you can stay with him. He needs a mike. Does anyone has mike -- a mike for -- you need to pick up a mike from the table, Dr. Sanders. Thank you.

**Welcome**  
**by Dr. William "Bill" Sanders, Director,**  
**EPA ORD National Center for Environmental Research**

DR. SANDERS: So, I am feeling a little bit crippled by having to sit down because I really wanted to have the opportunity to walk around a little bit and share some things with you this morning but let me start by saying how happy I am to be home.

(Slide.)

DR. SANDERS: NEJAC is home for me -- environmental justice has been a passion. I want to start by providing some context for what we are talking about in environmental justice science but you can see that I have already changed the title.

The title now says EJ Science Tools, Strategies and Actions. If you have had an opportunity read the report, you will understand it is more than just about tools.

It is about a strategic approach to doing the work and including science in the work that we are doing in environment justice. So, let me start with the context -- who is doing the slides? You can do the next slide so.

(Slide.)

DR. SANDERS: So, I wanted to give you a little context and tell you a brief story. This is Dollie Burwell. Many of you have probably heard of Dollie Burwell. This is the year of 1982. I did not know this was going on in 1982. I found out about this story in May of 1993. I heard about Dollie Burwell from a story that was written by a young lady that I had met that month.

Actually, I had met her at the first meeting of the Environmental Justice Constituency Group at EPA and with our new administrator, Carol Browner. She was there from Washington. I met her and she gave me this story. I read the story and I was so impressed by this story that I actually ended up marrying the author of the story.

(Laughter.)

DR. SANDERS: Now, that is true but that is not the brief story I wanted to tell you.

(Laughter.)

DR. SANDERS: So, the story I wanted to tell you is about Dollie Burwell and it really is before 1992. I have already heard of PCBs being mentioned but in Warren County, North Carolina, there was a waste hauler who was hauling PCB waste and was being paid to dispose of it. His method of disposal was to open the spigot on the back of his truck and let it drain along miles and miles of highway.

Well obviously, you had a whole bunch of PCB contaminated roadwork that had to be cleaned up and it was. But, where are you going to put this stuff? Well, they decided to put it in a place called Warren County, North Carolina. They had procured 100 acres to do this in with an option for another 240 acres. Dollie Burwell and folks there in that community said that does not seem to make sense.

Why does this stuff always come in our backyard? Why do we have to take this waste? So, they had a little bit of a protest and it was a sit-down civil protest. So, if you can imagine the scene. There are 200 state troopers there. This had been going on for awhile. They are sitting down in front of all this heavy equipment, hot day in North Carolina and they get a visit from a guy from Washington, D.C. named Walter Fauntroy.

Walter is a Congressman and he had a plane on the tarmac waiting to take him off and Dollie convinces him, "No, come by. We need to have your presence there. You do not have to stay for a long time. Just come by and stay with us. By the way, you are a U.S. Congressman, they cannot arrest you." So, Walter comes.

His plane is on the tarmac and is waiting for him to come jump in it. He kneels down in front of one of these huge monstrous trucks. They start hauling people out. They haul 20 or 30 people and they have 2 troopers pick people up and they go up and they go up and they take them to the truck -- take them to the paddy wagon and they get to Walter.

They pick Walter up. Walter says, "Hey, wait a minute. I am an U.S. Congressman. You cannot arrest me." He is yelling but they are taking him. He is

yelling and they are taking him, "I am a U.S. Congressman. You cannot take me." Well, you know, this is 1982 Warren County, North Carolina. These troops had never seen a black U.S. Congressman and if he were a Congressman, what would he be doing in Warren County, North Carolina.

So, they haul him off to jail and he spends the day in jail. That was part of the start of what we are talking today in environmental justice because, you know, Congressman have a lot of power and you do not put a Congressman in jail. He could not even get a phone call through to his pilot to say, "I am going to be a little late."

So, he gets back to Washington, D.C. and you can imagine this guy is livid. The scene that comes to mind for me is -- you all remember the movie with what is her name?

MS. : ---.

DR. SANDERS: No, it is -- no, it is not. It reminds me of -- I cannot remember her name but anyway -- Roberts?

(Chorus of "Julia Roberts".)

DR. SANDERS: Julia Roberts. Yes, thank you. No, it was not that movie.

(Laughter.)

DR. SANDERS: So, the movie that I thought of for this is Pretty Woman.

(Laughter.)

DR. SANDERS: Now, what does that have to do with anything?

(Laughter.)

DR. SANDERS: If you remember that movie, you know, she goes in. She goes into one of these very ritzy shops and I think it was in New York City, actually.

MS. : ---.

DR. SANDERS: Yes, she was a lady of the evening. So, she goes into this shop and she is really dressed down and the sales people just turn their nose up at her. They would not give her any help at all. So, she gets this guy's credit card, Robert Gere. She gets his credit card. He is a millionaire CEO person and she dresses up.

She buys stuff and she goes into this shop and she looks at these folks and they are all coming up to her to try to help her and let me help, let me help you. Do you remember the line that she said to them at that point in time? Do you remember what she said? She looked at them --

MS. : ---.

DR. SANDERS: Yes. She looked at them and she said, "I was in here before and nobody would help me. Big mistake. Big mistake." The reason I thought of that is because of what happened with that Congressman -- big mistake. So, he goes back and he calls the GAO, the Government Accounting Office. He says to GAO, "Look into this. I think there is a problem here."

That gave us, in 1983, it gave us the GAO report on waste. That is inspired another report. That was a report that was written in -- I believe in 1987 and that report was called Toxic Waste and Race, a Seminar Report. The author actually of that report you might all know is sitting over there (indicating), Charles Lee. So, initially Charles Lee -- next slide --

(Slide.)

DR. SANDERS: That is my short story by the way. So, initially Charles



Lee -- that is him in that picture.

MS. : ---.

DR. SANDERS: Yes, he is smiling. If you look at the second row from the top, that is Charles Lee with black hair. That is Paul Mohai is also in that meeting. So, this was my introduction to environmental justice was in 1990, University of Michigan conference on race and the incidents of environmental hazards.

Paul Bunyan -- Bunyan Bryant is in this meeting -- in this picture. So, for the --

MS. : ---.

DR. SANDERS: Paul is right there at the top. You can see Paul Mohai is there, Beverly Wright who was with Wake Forest at the time, Bob Bullard\* is in this picture, you know, dumping a Dixie. I do not know if there is anybody else in the room who was in this picture but I show this to you and I give you this to give you sort of the context of what we are talking about -- the context of the work that we are doing. So, this was my introduction to this particular work. Next slide.

(Slide.)

DR. SANDERS: Somewhere around 1991, I had the privilege of meeting a young woman named Hazel Johnson. Hazel Johnson introduced us all to what was called the Toxic Donut in the southeast side of Chicago. Now, I am showing you a real pretty picture of Chicago and what used to be called the Sears Tower so people can recognize that.

If you go uptown a little bit, you would come to a project called Altgeld Gardens. This is where Hazel Johnson and her family of 12 lived. This is -- was a project that if you visit this site -- and I did go to visit and was one of the many that was - - toured here -- had the opportunity to tour here with Hazel Johnson. The thing that you will know and always remember was the smell.

The smell would knock you over coming to this neighborhood. You would think -- and this was my hometown. I had never been to this particular garden. You think how in the world do people live here day to day with this smell because it was coming from all of the factories, all the pollution around this and it was called the Toxic Donut.

Since then, we have heard of Cancer Alley. We have heard of Anniston, Alabama and you all know these places. We have had lots of these places around the communities, so what are we going to do about it? Next slide.

(Slide.)

DR. SANDERS: So, I am very happy to say that the Agency did start work on this. This was the first thing that we did in the Agency was at the request of our then administrator, Bill Reilly -- we did a report. The report name changed and if we did it again, it would change again because when we first started talking about this, it was not Environmental Equity.

It was Environmental Racism. That is what it was called. Many people still call it that. Then it became Environmental Equity. Then it became Environmental Justice. That is the term we are using today but this was the first report that we did and that was 1992. Next slide.

(Slide.)

DR. SANDERS: I can tell you how pleased I was to see this journal that

the Agency did in 1992. This was groundbreaking. This was an EPA journal that talked exclusively -- exclusively about environmental justice issues. Paul wrote in this journal and a number of other folks had articles in this journal. Most of the work in this journal is from folks outside the Agency but folks inside the Agency, as well.

It really set the tone for all of the Agency to begin focusing on environmental justice and I really the sign here, "Clean Air is My Dream" and I think it is still the dream of a lot of folks in a lot of these communities. Next slide.

(Slide.)

DR. SANDERS: Over the years -- and I am not going to go through any more of these. Over the years, there have been an awful lot of these types of slides -- these types of documents that have talked about the issues we have with environmental justice. This was one that was looking at African-American communities and looking at air pollution around the country.

But we have seen, time after time after time over the years, these kinds of documents. Next slide.

(Slide.)

DR. SANDERS: So, the issue for us, as we look at this -- and recognize that we have made progress here. I think that we would all agree that it is not enough. It is not enough progress. We need to do more. We need to do better. We need to do more. Next slide.

(Slide.)

DR. SANDERS: So, here is the good news. So, the good news is that there is a new generation at EPA and around the country that are entering the struggle and I see evidence of some of that new generation sitting at your table and in the audience. I can tell you -- I mentioned Hazel Johnson. I do not know if some of you may know probably by now that we lost Hazel Johnson in January of this year.

She was a member of the NEJAC and we lost her this year. Her daughter, Sherrill, is taking up the fight as the next generation. I am pleased to say that in EPA, we have people taking up the fight, as well, on the science side. I want to mention two people in particular and I will show you why in the next slide.

(Slide.)

DR. SANDERS: That is Dr. Devon Payne-Sturges, who is -- you can leave it there. It was not right but that is fine -- no, it is okay -- who is in the audience with us today and I am going to ask her to come up to the table when I am done. She is our Assistant Center Director for Human Health and as I am a passionate advocate of not only of environmental justice but of EJ science.

And someone that I know you also know, Dr. Machee -- Ana Machete who I am sorry is not here today but I know you all know her who is now in the Office of Environmental Justice. I will get to why they are important in a minute but that -- they represent not just the new generation but the new generation in science. So, let me talk a little bit about the old way that we have used over the years to try to address these issues.

When I say "we" I mean we at large. We recognize, I think, early on geographic proximity and I think would recognize that that is good but that is not enough. Next slide.

(Slide.)

DR. SANDERS: Then we look at single pollutants. Even if we had numbers of pollutants around a source, we looked at a single pollutant and we actually oftentimes looked at just one thing coming out of the stack not recognizing that we do not know what we do not know. There is an awful lot coming out of these stacks, by the way, that is not captured by our toxic release inventory.

So, how do you ask the question about health and document what the health effects are when you do not know what the chemicals are and you certainly do not know what the health effects are and you certainly do not know what the health effects are in combinations with what goes on in the environment and what the exposures are. So, this is not sufficient. Next slide.

(Slide.)

DR. SANDERS: We always want to find the smoking gun. You know, we always want to say, you know, is that company on that day did the emission that caused my brain tumor and it is not going to happen. Science is not going to be there, I think, any time soon to find that. Though we spend a lot of time looking for the smoking gun and being very frustrated, all of us, in not finding it. Next slide.

(Slide.)

DR. SANDERS: So, I should tell you that I love epidemiology. It is a fine tool but we go into communities and we do epidemiologic studies and we do health studies. We tell communities, "But you know something? Didn't reach a level of statistical significance that allows me to say there is a problem in your community."

But guess what? Folks in the community understand there is a problem. You did not need the study to say that and you certainly did not need to say you do not have a problem. So, no problemo but we know that really is not the case. I think the issue is we are using a blunt tool that was not meant to do this, trying to apply it and it is not working.

It often times is not working and all of us are disappointed. Next slide.

(Slide.)

DR. SANDERS: You know, I know that you probably all experienced this and that is discounting community knowledge. Oftentimes, especially in the early days and I think we are getting better, we meaning federal and state government, at this but I know I have gone to meetings and I have heard folks talk down to people.

I have heard people, you know -- if you do not have a number of letters behind your name, I cannot really hear you. You probably do not know what you are talking about. Guess what? People do know what they are talking about. They really do understand. They just talk in different ways. By the way, what we do not tell folks is that if the letters behind our names are in different disciplines, we do not talk very well to each other either. Next slide.

(Slide.)

DR. SANDERS: This is one of the biggest concerns and the biggest problems I think we have had along the way as part of the old way. That is ignoring socioeconomic status. Not understanding that coming into these communities, people are actually at increased risk. They are at increased vulnerability. So, you cannot take the same chemical exposure and apply it to these communities.

But, how do I account for that? You know, how do we take cognizant of the fact that there is increased vulnerability in these communities. That leads me to the

next slide, which is the new way of doing business.

(Slide.)

DR. SANDERS: So, I think what we have learned over the years and what we are learning more is -- and we have been practicing this for awhile, not just with EPA and other agencies as well, but community based participatory research is very, very important -- something I like to call residential wisdom. Understand that there are people in these communities that know their communities, they know what is going on.

We have to educate ourselves and understand how to talk to them.

Cumulative impacts -- very important. Life does not happen in a vacuum and we have to recognize that that we cannot look at a single component in a vacuum and take the toxicology that came out of a rat study and try to apply it. It does not work. So, how can we do this better?

Non-chemical stressors we now are beginning to understand, this is how we bring in the work that we need to do. This is how we begin to recognize the impact that these particular communities have and why we need to pay attention to non-chemical stressors and how we match that up with the chemical stressors that we understand a bit better -- not perfectly but a bit better. Next slide.

(Slide.)

DR. SANDERS: So, this brings me to the symposium. In March of last year, we had a science symposium and we talked certainly more than science. The reason that I mentioned the new folks in the Agency, Dr. Payne-Sturges and Dr. Ana Machete is that these two young brilliant ladies worked on this in preparation for two years before this symposium happened.

They had a vision of thinking through new ways of doing work on environmental justice science and one of the keys of that was bringing in real people and listening and understanding. I am hoping that you will see that a lot of the information in your package, a lot of the information in the 2014 Plan evolved from listening and really trying to engage with folks and what is going on. Next slide.

(Slide.)

DR. SANDERS: So, we are trying to build on progress. So, this is a really funny video that I am not going to show you. I wish that I could but, you know, when you do a computer presentation, you have to understand there will be a glitch somewhere. So, this is my glitch for you today. I am not going to try to give you the joke because I -- my wife tells me, "Don't tell jokes."

So, I won't try to pretend to be Stephen Colbert but I will tell you the lesson that came from here and why I wanted to show you this slide. We had -- we do grants from NCER. We like to say that we fund the best in academia to do the research on the environment and human health. This particular grantee -- and I cannot remember the university but Dr. Pope.

I cannot remember the university he is from but he was doing research on particulate matter and what he found was that luring the exposure to particulate matter, over the years as we have done through our regulation, has resulted in expanding the lifespan of basically everybody for about seven months. That is pretty significant.

The cool thing to me was about, you know, we made the Colbert Report in research and science so that was pretty cool. So, what Colbert did in explaining this, and he did not say all of that of course -- and he basically said, you know, if reading

particulate matter gives you the ability to extend life by seven months, I will put a bag over my head and stop breathing and I will live forever.

(Laughter.)

DR. SANDERS: Now, I am sorry you had to hear that from me, all right, and not from Stephen Colbert because he does a much better job of that. That was my glitch. Next slide.

(Slide.)

DR. SANDERS: So, why does science matter in all of this work that we are doing? Why do we bother to do the science in particulate matter, ozone and all the other things we do? Next slide.

(Slide.)

DR. SANDERS: So, I will go to our administrator and I am very pleased to say that, you know, the administrator has seven priorities. I think you all know this but one of them is expanding the conversation and environmental justice. That is a huge thing for us in the Agency because it gives us the ability to do -- those of us that are really are passionate about this, it gives us the ability to put more time and attention and work on this. Next slide.

(Slide.)

DR. SANDERS: I do like to talk about the science advisor to the administrator. This is really why science is so important. You know, Paul Anastas often says -- if you ever hear him talk, he will probably tell you this, as well. The administrator does not make decisions on regulatory issues, on new regulations on policy without the science being there.

When I say the science being there, it means that the scientist is in the room informing the decisions, informing the discussions. So, the basis of just about everything we do in the Agency comes back to science. The key thing for us on this is science is not done. Science never quite gets done. So, if you look at, for example, our criteria on pollutants on the Clean Air Act, we are always revising them.

We are always revising them as new science comes in and then the level is lowered because we understand more about the effect on human health and the environment. That is the way it works and that is the way it is going to work in EJ, as well. Next slide.

(Slide.)

DR. SANDERS: I mentioned that because of one of the comments that -- but I really understood about something that we are doing that I have been tremendously excited about. We recently have lowered -- awarded \$8 million in grants. \$8 million in grants to 7 different grantees. I can tell you that one of the requirements for each of these grants was a strong component of community based participatory research.

It had to be there and it had to be active and it had to be engaging. So, we have done 7 grants, \$8 million to study cumulative impact and social stressors. So, I talked about the new way of doing business, looking at accommodating social stress -- non-chemical stressors -- actually, that is supposed to say "Non-chemical Stressors" not "Social Stressors".

So, my apologies to that but looking at cumulative impact and non-chemical stressors, the question is how do you do that? We can recognize as an

issue and I know how to deal with toxicology. I know how to deal with chemicals. How do I put both of these together in a way that I can understand what the impact is on the community.

How do I bring that science to the table when the administrator is making a regulation, when in the regional offices, they are trying to do something to protect the folks in your communities? This is the path for it -- for doing this. This is going to give us the ability to have the robust set of science that we need to take the actions that we also -- we all want to take.

One of the comments we got on this, and I completely understand it, was we are being researched to death in these communities. I am so sick and tired of people coming in my communities and researching us. Why don't you take that \$8 million EPA that you are spending and move people out of these communities? Do something active?

Why are you coming in and doing more studies? I understand that but the point here is that I am hoping that the studies in these seven or more communities will actually do some good for those communities but we are looking at the science doing good for all communities. If we can do this correctly, we can really tap -- which we are trying to do the best that we have in this country in academia to be on this problem and we can develop those robust science tools.

We can take these tools to every community and not have to say, "I understand the chemical stresses but I can't really account for your socioeconomics. I cannot really account for your non-chemical stresses." That is a key part of what this research is about -- the key part of the strategies that we have. Next slide.

(Slide.)

DR. SANDERS: So, turning the page, I finally did get to the five EJ strategies. I wanted to give you some context to get here -- why this is important. Next slide.

(Slide.)

DR. SANDERS: So, we do have a vision. You have -- I should have mentioned when I started this, by the way, that my presentation that you have in your package is not the presentation I am giving. So, if you have been trying to follow along, we tweaked it a bit so that it is a different presentation.

However, the points that are made there gives you more information and it gives you a lot more words on the page relative to what we are talking about. So, you have more information on that. So, I have shortened this. So, my Cliff Notes version of the vision that we have -- and for those younger folks in the audience, my Twitter version of the vision that we have, is science enables decisions.

That really is what it is all about. In the paper, you see a lot more words but that is really what we are trying to do. Next slide.

(Slide.)

DR. SANDERS: So, five strategies. How do we get there? How do we get from the old way to the new way? Next slide.

(Slide.)

DR. SANDERS: So, I do not want you to pay too much attention to this thing called Integrated Transdisciplinary Research. That is a researching term that should not mean a lot to you but I want to tell you the importance of it to the research

community. It is a different way of doing business.

When I first came to the Agency, people focused on the hard sciences and completely ignored what we called the soft sciences -- the social sciences. So, we did not understand. Now we are beginning to understand that everybody needs to be at the table and the importance of this is that when I am thinking about the social sciences, I am particularly thinking about behavioral sciences.

I have been convinced, and there are a number of us that are convinced, that we actually cannot do environmental justice work without bringing in social scientists, without bringing in behavioral sciences, so we can understand what is going on in the socioeconomics and marry that.

So, integrating these disciplines, it is not just give me a report on behavioral science, it is how do I take all of these disciplines that are at the table and come up with a more robust and forward thinking solution to the problems that we have. So, it is a new way of doing business and certainly, community based participatory research is part of our Strategy 1. Strategy 2, the next one --

(Slide.)

DR. SANDERS: -- is active engagement. One of the things that you will see in the plan is engagement with the National Institute of Health, the National Center for Minority Health and Health Disparities. We are looking to do a partnership with them. The partnership would be to create centers of excellence for environmental health disparities research.

I did not -- and that is not the exact title but that is basically what we are looking to do and that is going to give us yet more ability to actively engage people in the communities. Next slide.

(Slide.)

DR. SANDERS: There are lots of examples in the strategy that you will see. Federal partner collaboration, we are really beginning to do that. There are several places where we are already at the table -- I won't go through them -- that we are already at the table talking to each other. By the way, this is not new. I can remember going to federal programs back in 2005.

This was the subject. How can, as federal agencies, work better together to do the job that we need to do. I think a lot of this is coming together around health disparities in the work that we need to do there and the health work that we are doing with children's programs, as well. Next slide.

(Slide.)

DR. SANDERS: So, one team across agencies is a vision that we have and I think that we are making progress on that. Next slide.

(Slide.)

DR. SANDERS: So, vision four is something that really is very important in strengthening science capacities. It is one thing to develop these tools. It is another thing to understand well, how do chemical stresses marry with non-chemical stresses? What do I do with that? So, we need to understand and bring it out the realm of the researches, bring it into the realm of people that are actually doing the work and making the decisions.

So, it is that translational piece of the research that we need to do and we understand we need to train ourselves. There is more training that needs to go on

within the Agency on how to use these tools. There is more training that needs to go on in the Agency and how to really actively engage with people in communities. Next slide.  
(Slide.)

DR. SANDERS: We are up to that challenge. We also understand that there is still, to this day, a need to strengthen the stakeholder technical capacity. There is a lot of capacity out there but the more you understand in the communities what we do, what we have to work within our limitations, the better it is we are going to be able to work together.

So, we are about helping -- and there is lots going on in the Agency and I am talking about five science strategies. I have given you a couple of examples from the Office of Research and Development but this is going on across the Agency, you know, Superfund program reaching out to communities. The Air Program looking to understand the impact of socioeconomics when they make decisions on criteria area and other air pollutants.

So, across the Agency, you will see that we are enlarging, we are looking, we are trying to do more community engagement. This is the thing that the regional offices have been doing for a long time. We need to make sure we give them the science to do the best job possible. Next slide.

(Slide.)

DR. SANDERS: So, there are some opportunities and I am going to close with this and we will open it, but there are some opportunities that I want to point out to you. The Office of Research and Development is going through a major, major change in how we approach research. There are four particular areas that we are looking to do.

All of them touch environmental justice. So, the first is air, climate and the environment. So, we are taking a bunch of programs and putting them together. I think you all, right now, understand the impact that global warming has on people of color and lower income communities. So, we need to make sure that we are at the table when those discussions happen.

The next one is safe and sustainable water. Water is going to be a huge deal in this country. It is in places. You might remember a couple of years ago in Atlanta, the water shortages -- those of you from that area. There have been problems all over this country. It is only going to get worse. It is not just a U.S. problem but a worldwide problem that we are now beginning to recognize.

It is going to be an environmental justice issue for us if we do not recognize it up front and right on. The third is safe chemicals for sustainability. Third research program and if I am thinking of what the vulnerabilities are as we begin to assess more and more chemicals, the question is where should environmental justice play in here and should it be at the table.

My answer is it absolutely needs to be at the table. Then the fourth, I am going to go to another slide -- and I will tell you why. Next slide.

(Slide.)

DR. SANDERS: This is the fourth one as safe and sustainable communities. This is where, I think, even though I think environmental justice needs to be at the table for each one of these research areas that we are starting out on, this is the place that excites me the most. This is the place where we are beginning to merge human health, sustainability and ecosystem services.



Where we are trying to put it all together and figure out what the impact is, this is where behavioral sciences, this is where social sciences, this is where economics, this is where it all comes together. Now, the reason I bring this up is because we are just starting this new journey in ORD. We are engaging the rest of the Agency.

We are engaging other folks but we need to engage environmental justice in this, as well. So, we are at the part where we are sort of formulating the problem. What is the problem formulation? What, you know, if you step back from all of this and you try to understand -- what is our ultimate goal in the work that we do in the Agency in the science, what do we need to do?

Those of us who have been working on this want to ensure that part of that discussion is environmental justice across the board, but particularly on this one. So, next slide.

(Slide.)

DR. SANDERS: So, I am hoping that there is an agreement that science does matter and science is very important here. One of the things that we are going to be looking to do is to ask for and try to have a working group from NEJAC on environmental science. We think this will be a good way to help us recognize what we need to do as feedback from you -- not the only mechanism that we need.

I think this is going to be one of the most important mechanisms we have for engaging not just -- and a safe and sustainable communities but all the environmental science research that we do within the Agency to understand what it is we are doing. My last slide --

(Slide.)

DR. SANDERS: -- is just recognizing where we are and giving you a URL. So, that is my presentation. Thank you very much for actively listening. I appreciate it. I do feel that I am home. I do want to bring Devon Payne-Sturges up to help with the questions, but I am actually hoping that more so than questions, that we actually get comments.

I am really interested -- we are really interested in what you think and I know a number of you have had the opportunity to read all the details in the 2014 Science Tools Plan. So, we are really interested in hearing your feedback, as well, on what do you think, do you have recommendations for us, is there more that you think we need to do? Thank you. Devon?

MS. YEAMPIERRE: Well, thank you very much. That was really exciting and really speaks to my passion and my heart. Our organization is intergenerational and we have got young people, 15 and 16, using state of art equipment measuring levels of PM2.5 NOx, SOx and Carbon Monoxide, doing water testing.

We think it is important to take science out of the silos and break it down and make it accessible at a grassroots level. So, what you are talking about is really, really exciting. I am certain that the minute that I click off, I will look around and the cards will be up. Yes, they are. Okay. Well, thank you very much for joining us.

Thank you for sharing that history, which is really important. I do not know if you know that in New York City, in the 1970's, when New York City was facing bankruptcy and there was economic disinvestment in communities of color, developers - there was a lot of white flight. Developers were basically burning down buildings.

We grew up in the middle of these brown fields and the young lords at that time, in the 1970's, were fighting against the Department of Sanitation because they were not cleaning up in communities of color. So, EJ goes way back. It goes way back and so I think those struggles have been reflected and exist in a lot of our communities. So, thank you for sharing that with us. Lang?

***Comments, Questions and Answers  
Comments by J. Langdon Marsh, Fellow,  
National Policy Consensus Center, Portland State University***

MR. MARSH: Thank you. A very great presentation. I really appreciated it. I just had a couple of comments. One is I really enjoyed your focus on sustainable communities and I know the Agency is doing a lot of work of the Partnership for Sustainable Communities for the other agencies and I guess I would just encourage that you continue to focus some of the research priorities across those agency boundaries to focus on the needs of people's health in those communities.

One thought was that there are a number of showcase communities that have been identified by a number of programs, climate, EJ, the brown fields and so forth throughout the Agency. I am just wondering if those -- if targeting some of the research toward those communities might yield some good results because there are so many other efforts at integration going on in those pilot projects. So, that is one comment.

The other is I am a big advocate of lifecycle sciences. I am wondering if there are not some opportunities to incorporate some of that thinking into more of your research. I am thinking two particular areas. One is in products, the major application of lifecycle sciences, looks at the impacts from the mining of materials through the processing and transportation, the use of the materials during its entire useful life.

Then in disposal of waste in the end -- whether there is some research that EPA could do to compliment the research, most of which is proprietary that is being done by the companies around the country that would reveal a couple of things hopefully relevant to the environmental justice concerns. One is, you know, are products in daily life causing problems for communities where minerals, for example, are sourced or transportation -- processing takes place that might not show up in an ordinary kind of analysis of a particular product or service.

The other is when, for example, through NEPA, National Environmental Policy Act, agencies like HUD and DOT and others that are required to do NEPA on their actions and EPA, which does its own reviews of its actions and of those other agencies, if there is not a useful application of lifecycle science in NEPA review to look to see if some of the upstream impacts -- upstream and downstream impacts on other communities.

That the -- you know, NEPA is usually done by the project in a particular location; a highway segment or a housing project or something. But if you take a lifecycle view, you might find that there are other communities, which are really suffering many of the impacts because of where the materials are sourced or because of where the waste is ultimately disposed or where the energy is generated in order to produce the, you know, heat or light for the project.

It just seems to me this is a growing area of science that is much more

holistic and integrated and looks to a number of different communities that could potentially be impacted. So, we were talking yesterday about invisible EJ communities and this is one way to find where those are. Thank you.

DR. SANDERS: So, thank you very much for your comment. I want to mention a little bit about one of the last things you talked about is lifecycle analysis and materials management and where the waste comes from and goes. But the first question I have for you is have you been talking to Paul Anastas?

MR. MARSH: No, I have not.

DR. SANDERS: I ask ---. But the reason I ask that question is, you know, lifecycle analysis and systems thinking is key to what we are trying to do in ORD now. So, when I talked about those four broad planning areas, research areas, all of that has to do with sustainability. You cannot do sustainability without lifecycle analysis.

So, you have to pay attention to the materials, where the materials came from, who is getting exposed and when they are getting exposed. There was a really good report and it was about this thick (indicating) and I cannot remember the title of it. It was a red book report and it amazes me that we have not done more with it.

This book, it came out about 25 years ago, and the report was on products. It was asking the question, where do all the toxic materials go? So, we did a lifecycle analysis. It was not in the emissions and you know what the answer was? It is in the products that we are being exposed to. A lot of those materials are in the products -- things that you do not want to be exposed to in the products.

So, I think we have known about this for a long time. I have been convinced for a long time that the area that you are talking about in materials management is absolutely important to what we are doing. I can tell you that our Office of Solid Waste changed the name of one of the offices to recognize that. It used to be the Office of Solid Waste. It now is the Office of Research, Conservation, and Recovery because they are looking at where these materials go.

I will also tell you that I think it is so important to do this that after the first time, we brought a materials engineer onboard within my center to be able to do the work that you are talking about doing. So, we are being forward -- trying to be forth thinking on this and I think we understand what the issues are. But the key to us is that systems thinking; that lifecycle analysis that has to be core and part of everything that we do.

So, thank you for your comments and we will take your other comments, as well. Did you want to add anything?

MS. YEAMPIERRE: Thank you. Wynecta?

***Comments by Wynecta Fisher, Member,  
NEJAC Gulf Coast Ecosystem Restoration Work Group***

MS. FISHER: Good morning. Thank you for providing us with this report, as well as the presentation. I have a couple of comments and a question. On page --- Activity 3.1, where it talks about the Federal Collaboration on Health Disparities -- and this is somewhat linked to what Lang just said.

If it is a -- if there is a way that you could expand this where you either have a group that is comprised of business and industry because when you think about

the supply chain that they use to create their products, there is a waste but when they are getting -- when they are using these raw materials, how do those materials, once they put them together to make this product, how does that impact our health?

I think if we can get ahead of the curve a little bit by finding out where the problems might be, we can help them change their --- their manufacturing process and then I think it would also be a good idea to -- maybe if you could have your scientists look at some of the substitutions because a lot of times people will say well chemical X is bad.

Like right now there is a big -- there is a big push for things being paraffin free and glycerin free. Okay, but what does that mean for a consumer? If you are substituting it with something, because the consistency is the same, what is it that they - what did they use and how did that impact our health? So, that would be one thing.

Then under Strategy Five, you have activities. It says Activities 5.3, Increase Citizen Participation in Science and Decisions. I thought this would be a neat way, especially in EJ communities -- a lot of the science communities say that there is a lack of minorities that are interested in science. I am thinking that this would be a great way.

Every kid has to do a science project to get them involved. So, they are not -- they do not -- you would not necessarily feel that I am just being studied and researched over and over again. Elizabeth, you know, has her young people doing this. But, you give them an opportunity to actually be involved in the research from the very beginning.

I mean they learn how to create a survey. They learn what, you know, our statistics -- why should I be concerned about statistics? What do they mean? You can begin introducing that at a young age and getting them involved. Then the other I had was about the research with the universities. You mention in your report that -- it is Activity 5.5, that you are going to establish a universal community partnership. I think that is great.

I would also say that when you look at establishing this universal community partnership that you just do not look to the science department but you look at the business department because the people that are working on their business degrees, you know, they are -- you are taught about a supply chain. You are taught about profit.

You are taught about supply and demand and generally, in that profit model, you are actually robbing natural resources or you are taking a lot from natural resources but we do not really learn how to restore them and keep them going. Then finally, finally, my question is when research is conducted, generally you conduct your research.

You have your findings and then you present those findings to the community. You had a slide up there. I think it said -- it was the second slide about the meeting about the old way. So, what I am thinking about is sometimes, especially when you are dealing with scientists, they are not really touchy feely people.

A lot of times, when you go into an EJ community, and I have witnessed this, when you say, "I'm Jane Doe. I have a PhD from Harvard. I have conducted dah dah dah" immediately you put that wall up, although the intention is not there. So, maybe if you, you know, if you can try to retrain how they introduce themselves before

they introduce their findings that would be great.

DR. SANDERS: --- discussion is because this young lady is on that committee that you mentioned so I thought she wanted to -- the health disparities. That is the one you are on isn't it?

MS. : ---.

DR. SANDERS: So, I thought she might want to mention that but she does not. So, let me respond to a couple of things. First of all, thanks for your comments and your recommendations. I will start with the last thing first and I understand that oftentimes we do not do a very good job in communities. I think that we sometimes come in and we give you that to say, "I am credible."

I think maybe that is a defense mechanism that a lot of us have. The second thing is you are right about scientists. You know a lot of folks (laughter) -- a lot of folks went into research and went into science, I guess most people know this, because they really do not want to be bothered with people. I am sorry to say that but it does happen.

So, it is -- it is, you know, give me my layout and give me experiment and I will give you the answer. So, the personalities sometimes gravitate towards that but it does not have to be that way. I think we just need to figure out ways, and I do think when we talked about training and capacity building within the agency of Science, that is exactly one of the things we are talking about is being able to do that better.

You had mentioned -- a couple of things I want to follow-up on. The substitutions. You know, we have been doing green chemistry for a long time. Substitutions have always been a very key concern for us because what happens is, if we -- and we are always weary of this. There is a chemical that is in the environment; baby bottles for example.

It gets a bad reputation -- probably deserved by the way but a bad reputation and there is a lot of attention to it. Then there is a rush to substitute something else for it. The problem oftentimes is the devil that you do not know. So, we pick another chemical that we do not have the toxicology on, that we do not know what the human health effects are -- we really do not but it does not have a bad reputation.

Nobody said anything bad about it so we stick that in. Then, through this experiment -- this epidemiologic experiment that we are doing on each other, years and years later and litigation later, we find out that chemical was a problem to. So, we are weary with that.

So, that is where, when we started talking about things that we are doing like green chemistry -- and we are going to have a RFA, a request for an application, to do a center on this by the way just so that folks know is an early warning that we would really want to understand how do we develop, better than we do -- how do we develop green chemicals so that you do not have to worry about the impact on the person ultimately using this.

Chemists do not think about this. Chemists are not trained in toxicology. So, they are trained in how to manipulate the molecule but they are not trained in how to make sure that molecule does not hurt you once they manipulate it and they untrained and worrying about the waste products for even developing that. So, we know that there is work that we need to do on that.

You mentioned training students and we are spending a lot of time

thinking about that too. I want to mention a couple of programs that we have because I am not satisfied with how much we are reaching into these communities without programs. We have a program within the National Center for Environmental Research called Great Research Opportunities.

It is a fellowship program and is intended for underrepresented students to fund, and this is a great thing, their junior year, their senior year and a stipend for work in the Agency between the junior and senior years at the Agency. It is a wonderful program. It is a great program. This is generating the next generation and there is a lot of money there on the table.

I am convinced we are not reaching half the folks that we need to reach that could benefit from this because we are not sufficiently getting the word out but that is a mechanism for bringing folks in. Then, at the graduate level, what we are still not seeing, as well, we actually have a Star Fellowship program that funds two years of master's degree, three years of doctoral degree.

You can apply for that. It is very, very competitive but I am not seeing the numbers of underrepresented students that could best use this money coming to programs. So, there is work that can be done there too. So, that is something that we can engage all of you on. So, I did want to mention that. You mentioned something about research with university.

That is sort of our forte but there is a lot more going on with that and we have been doing partnerships with the universities around the country for a very, very long time. We are now trying to figure out a way to do it in a more coordinated way in the Agency. So, I think that you will see more and more of this going on in the Agency. So, hopefully that helps with a couple of your comments.

MS. PAYNE-STURGES: If I could just follow-up on a couple of things?

DR. SANDERS: Yes.

MS. PAYNE-STURGES: Sorry ---.

***Comments by Devon Payne-Sturges, Assistant Center Director,  
EPA Office of Children's Health Protection***

MS. PAYNE-STURGES: Thank you so much for your comments and your encouragement. I just wanted to follow-up on a couple of points you had mentioned about the collaboration on health disparities research -- just wanted to mention that this is a consortium of all the federal agencies. So, it is called the Federal Collaboration on Health Disparities Research and we have representation from HUD, from DOT, from EPA and obviously all the other HHS entities.

We have DOJ. We have Labor. We have Commerce Interior. So, what I am thinking is I am really interested in taking back the comment that you just made about expanding and bringing the business into this and I am thinking that perhaps our other sister agencies who have more of this direct influence and interaction to also bring up this particular issue that you are mentioning.

That is one way perhaps we can get that on the table. What is really interesting about this group, it is relatively new and it is chaired out of the National -- it is now an institute actually. The National Institute for Minority Health and Health Disparities at NIH. We are just beginning to know each other and understand what our

various roles are.

It is interesting to hear what each of them will say when the words health disparities are put in front of them to help ask them to explain where they see their role in addressing inequities in health. It is right now a little bit superficial because they talk about -- for example, the Department of Energy talks about mostly well, you know, we are very much involved in doing weatherization.

But I am thinking there is a whole lot of other things that you are responsible for that are having huge impacts. So, I am hoping that we will get to those harder questions and harder issues. I just wanted to mention that. Another thing on training, and maybe other people will make comment about that, is again on this idea of scientists not knowing how to best interact with people outside, people living in communities.

We are actually trying to develop a capacity and training plan for ORD scientists, particularly for the people who are involved in one of the program areas that Bill had mentioned, Unsustainable and Healthy Communities. We have actually developed a survey instrument to sort of gauge what their understandings might be around some of these issues.

We just administered it last weekend and we particularly talked a lot about how community based participatory research methodology is something that would really be useful to them and bring up their awareness about interacting with people. It was interesting to find out that a lot of them had never heard of that terminology before. So, I think we have a long way to go.

MS. YEAPIERRE: Thank you. Stephanie?

***Comments by Stephanie Hall, Senior Counsel,  
Environmental Safety and Regulatory Affairs***

MS. HALL: I think there were a few other cards up before mine. I am happy to defer if you need me to?

MS. YEAPIERRE: I try to call people --

MS. HALL: Okay.

MS. YEAMPIERRE: -- in order of their participation and since I have not heard --

MS. HALL: Okay.

MS. YEAMPIERRE: -- from you for awhile --

MS. HALL: Okay.

MS. YEAMPIERRE: -- you got it next.

MS. HALL: Okay. Thank you. I appreciate it very much. I really enjoyed your presentation. It was very insightful and I am always intrigued by science, not having a science background. So, I was curious if there are situations where with respect to exposure and regulation, do you find the science to be black and white or does the Agency find itself oftentimes in the arena of battle of the experts on the science?

I was also -- I think the work that you are doing is very important in that regard. Sometimes I see a difference of opinion between the various sectors. So, I was curious as to your thoughts on is it black and white? Is it a battle of the experts and who

wins in the end because as you know in a court of law, it is all about which expert can convince the judge or jury at the end of the day.

Then your reference to -- I think it was social and behavioral science. I was wondering if you could just elaborate a little bit more on that and your view on that plays out. Thank you.

DR. SANDERS: So, of course the answer to the question of black and white is it is never black and white. It is always shades of gray and there is always something in science to argue about. That is the nature of the game. It is one of the reasons why whenever we do science that needs to be recognized, you will always see it in a peer review journal.

So, that there are other folks looking at the science before it gets recognized to say somebody else looked at this and believe what you wrote. But even when you do that, you will find that people are going to disagree. I guess the best example I have of that is when you talk about black and white and science is global warming.

There is a huge contingency of folks in this country that do not believe in manmade global warming. A lot of them are in the Congress. I won't name any particular parties but a lot of them are in the Congress who feels this whole thing about global warming is wrong, that it is not man caused and we will bring you the science to prove that.

Now, the scientists that usually you bring up -- I mean you can buy science. That really is what I am getting to. You can buy your expert and, you know, the courts do this all the time so -- but when you look at the preponderance of evidence and that is where we like to look. We look at the weight of the evidence. You will see that most of the science is here (indicating) and then you have a little bit of the science here (indicating).

So, that is really what we try to do is that weight of evidence thing to figure out what is going on and what the real deal is. One of the things I learned when I was in --- and Toxics and we would do risk assessments, particularly chemicals, is that I -- if I did that analysis, had one of my assessment folks do an analysis two years apart, I would probably have a different answer.

If I had two different analysts do the same chemical using -- looking at the same science, I would probably get a different answer, as well. The reason for that is, for example, what research do I choose? So, I have got 20 studies out there. Which ones you select to be the basis is going to influence what your final results are going to be and each of those research errors, they are going to be different.

So, then we get involved with the details and well, let us see, the rat study was not good. There were not enough rats, you know. I did not believe this result or the controls for this study were not done properly. I mean you get into those kinds of details and those kinds of arguments.

So, whenever there is -- and really the bottom line here is whenever there are economics involved, somebody is trying to sell something and we are looking at it, you are going to have an argument. You are going to have different science. That is okay. What I like to think that we do in agencies, not just in EPA, is to be objective folks.

Now, people oftentimes, if you are in industry, do not believe that we are



objection by the way because we are EPA and we are for the environment, and we are, but it is our public responsibility to be objective about things and not to sway the science in favor of the environment because -- or human health but to say here is what it is.

I know that may not be the reputation we have but that is what it is. So, behavioral sciences. So, let me tell you one of the things that influenced my thinking about behavioral science. It is a book called Nudge. Any of you read this book called Nudge?

It really is about behavioral science and it is making the point of how we, in public positions in particular, nudge people to make decisions in one way or the other and how so often, by the words that we use and how we approach things, we nudge them in the direction opposite of what we wanted to nudge them in and because we do not understand the behavioral sciences.

We do not understand how people react to certain things. We do not understand how the message -- what it is we want people to understand. So, I can tell you that, you know, global warming is something that is going to hurt you and I can give you all the statistics. But you know something? That does not work with most people.

It works with scientists that are sort of thinking up here (indicating) but the reason we are losing this argument with a lot of people is it is an issue about here (indicating). It is a heart issue. So, when you have the folks that are coming to the table and they are speaking passionately to other folks, who do normal people listen to?

They listen to the folks that are very passionate and are not listening to the logic -- that they may not understand the way we are presenting it anyway. So, it is understanding that behavioral science aspect understanding the social sciences and how that impacts behavior in what we want to do is a thing that we need to bring to the table.

When we go into communities, if we have a better understanding of that then it allows us to listen a lot better to what people have to say because we know it is not just about the chemical. We know it is not just about the hard science that we know. It is about other factors, as well. So, that is why I think it is important.

I should also tell you that we are actively engaged in developing a behavioral science research agenda, not just for NCER, my organization, not just ORD but for the Agency. So, we have engaged science to science activities, discussions with a number of people in the behavioral and social sciences already, I think there is a session in a couple of weeks, around the world to inform us what is the impact and the implications for behavioral sciences in the work that we do in human health and the environment.

From that we will have additional workshops with federal agencies and with our clients in the programs for us to begin to understand what is the research agenda we need to do in behavioral science and how does that begin to influence what we are doing.

I did mention in part of the presentation that I really do believe that if we are going to do environmental justice work, science, and understand what that means, you cannot do it without environmental -- without behavioral science. You cannot do it without social science. You cannot do it without recognizing these socioeconomic non-chemical stressors. That is where the behavioral science piece comes in.

MS. YEAMPIERRE: Thank you. Vernice?

***Comments by Vernice Miller-Travis, Vice Chair,  
Maryland State Commission on Environmental Justice and Sustainable  
Communities***

MS. MILLER-TRAVIS: Thank you, Elizabeth. So, first I want to say that I loved your implementation plan and I think I gleaned from what you said, Bill, that Devon has been working on this implementation plan since 2008. So, you had a bit of a head start but it -- I thought it was the most well developed of all of the implementation plans for PLAN EJ 2014 that we have been asked to look at.

I just want to say a word of congratulations to you all in the Office of Research and Development and to Charles, who has been working on trying to bring this forth for so very long. I just want to lift you up and say that. Well done. Truly well done.

There is so much in here I cannot talk about all of it but I think you might want to think about doing a webinar with the NEJAC for the Environmental Justice constituency to walk people through the various elements of this so that the broader public can get a sense of what you are trying to do and that there is a place for them that you really want the community in partnership with you in this process.

It is just so dynamic and I think many, many, many people have been waiting for this day and would like to know that there is a place for them to enter in partnership with the Agency. So, then I had a couple of thoughts and many of them are from the experiences that we have around this table. One is about changing the culture of the scientists who work at EPA.

This is an incredibly dynamic document but it is only going to work if the people who are doing the science and research at EPA and them making the regulatory decisions truly come to a different place about how they treat and value people who have expertise that is outside of the agency and expertise that is born from living in the circumstances that are degrading their health.

I say that to you because we had a really difficult time in the School Air Toxics Monitoring Workgroup -- such a difficult time working with the scientists that I felt the only way we could go forward was to ask for help from people up line from the scientists so that they could break through the log jam.

The log jam was that they told us to our faces that we were not peer review experts and that information that we were giving them was of no value to them and in fact, it was going outside of our purview, which you know just sort of opened the barricades to say, you know, if you want to throw down about this we can throw down about this and we did.

We had plenty of scientists and plenty of PhDs and plenty of MDs and plenty of MPHs and community folks who are living through these circumstances but our value, we were told that we were not valued in that process. So, I just thought it was important to do what the administrator wanted us to do, that we had to have someone come and break through that log jam.

The person who came was Chet Wayland, the Division Director for Air Quality and Analysis Division OAQPS. I just want to refer back to and ask you to look back in the record of the NEJAC meeting from July of 2010 and November of 2010

when Chet Wayland came before us and said to the NEJAC and on the record that he was changed as a human being because of his experience of working with us.

That he was changed as a scientist and as a regulatory because of sitting down at the table with us. It was the most extraordinary thing I have ever heard an EPA employee say but I thought it was extraordinary of him and generous of his spirit to say that he did not exactly know what this was until he came into a room and spent time with us.

So, I do not know that every scientist at EPA is going to have that transformative experience, but it is going to take something of that magnitude to get them to a move to a different place. So, I just want to say that I do not know how you are going to do it but that is a whole other piece of work in order to make this happen.

Child Protective Environmental Standards, which is something that we came to in our workgroup. It is one thing to say what the potential health impact is of exposure to adults. It is another thing to say what it is to children. The Agency does not have child protective standards. The Agency does not have a research protocol for the experience and exposure of children to toxics, to hazardous substances and to carcinogens.

We are looking at an adult research model. But children are very different and children are experiencing it very differently and will bear repercussion for generations to come that is very different than those of us who are an adult. So, that is something that came out of our work that we think the Agency really needs to turn its attention to.

Development of Environmental Quality Index Tool to measure county level environmental quality -- extremely important. You are going to need some assistance to get county government to be open to these measures and to be open to allowing communities to know what they are really being exposed to. It is like Fort Knox trying to get this information out of county level government.

Bill, I would just lift up -- the county next door to where you live, Prince George's County, could care less about everything you have put in this document. So, when you are ready to test it, please come to Prince George's County, Maryland.

(Laughter.)

MS. MILLER-TRAVIS: Lastly, I want to ask about when politics trumps science and that the thing that comes closest to mind right now is the struggle around the coal combustion waste rule. You know that the constituents from coal ash are toxic. That is why you picked it up out of Kingston, Tennessee, put it on a train and then took it to Perry County, Alabama.

But, if it is toxic in Kingston, Tennessee, what is it when it gets to Perry County, Alabama? We are fighting right now. We have done the science independently. You have done the science. The Agency confirms that coal ash is a toxic substance. You are right now at the place where you can give communities the relief that they need from exposure.

In Maryland, we have many communities that are drinking water that is contaminated with the substances from coal ash. They cannot drink the water coming out of their taps. You know that. We know that. The Office of Water knows that but the politics of the moment is stopping the Agency from doing what they know is publicly protective of human health. What happens when politics trumps science?

DR. SANDERS: Do I need to answer that last one?

MS. MILLER-TRAVIS: No.

(Laughter.)

MS. MILLER-TRAVIS: No.

DR. SANDERS: So, let me just do a couple -- first of all, thanks Vernice for your comments. I really, really do appreciate it. That is very uplifting to us and it is uplifting to us to hear that one of us, at some point, got it. That there is a passion and it does change the way you do your job.

It does change the way you look at all the statistics and all the science that you have when you have in the back of your head that we hope that most of the folks working for the Agency have. We are here to protect people and we are here to protect the environment. I think sometimes we get into this mode of but I have got to write two permits by the end of the day that we kind of forget that and that is when you get that response.

So, it is good to hear that most of us are getting it. When I say science underpins the Agency decisions, it is a starting point and it is strong basis of making decisions but there is always something else that goes with it. The something else that goes with it is the policies, because there are some things that you need to do. It is the practical recognition of can I get to where I need to be.

I mean I can do a regulation that says zero emission of particulate matter, and I would love to do that, but it would not be a practical thing to do because that would shut down everybody and you do not really need to go that -- but we know that that would be the best thing to do. So, we do recognize we have those issues.

Unfortunately, we do recognize that politics, you know -- we saw that. I should tell you, in the last administration, politics has a lot to do with what we do in our jobs. I can only tell you that people elect our politicians, you now. You get what you elect. So, we elect folks though. We get who we elect. So, I obviously do not have a good answer with that but I did want to mention one thing that is a particular conundrum in the research community.

Both Devon and I spent a lot of time in the Office of Children's Health Protection. When you spend time in that place and you go someplace else, you take that with you. So, you are always focused on that. We are both focused on that, as well. The conundrum we have though is that when we set standards, a lot of it is based upon human health exposure and a lot of it is based on, to be honest with you, over the years a 70 kilogram white male human health exposure right?

That is how we have done this over the years. But, we do not expose babies. We do not expose children purposefully. So, the type of research that we do to figure out what should be that result for protecting human health, we end up, you know, going down from there. But we also recognize that babies are not just little people.

So, you cannot straight-line based upon age go down to those results and yet when we figure out a way to do it in modeling, you know what we are going to get? We are going to get pushed back because we want to lower the standards and protect these children but people whose jobs and industries and the products we are impacting are going to come to us and say where is the science?

Because they do. Where is the science that says that is the level you need to have to protect children. You are extrapolating down from other science and

that does not work for us. I just give you that as one of the problems that we are having to deal with but I can tell you that, you know, what we want to do is in the right place but sometimes we struggle with this because the science is not there.

***Comments by Devon Payne-Sturges, Assistant Center Director,  
EPA Office of Children's Health Protection***

MS. PAYNE-STURGES: Thank you Vernice for that support and those good comments. I wanted to -- I want to start with the last issue about, you know -- the issue about politics trumping science and I do not really have a solution for that, as well. We all recognize that that does go on but I think what we need to do more.

What I am hoping to be able to see more of is that we have to do a better job of documenting how EPA arrived at the decisions that they arrived be transparent about those thought processes, make that part of the public docket so that the people on the outside can follow the rationale and the reasoning. I wanted to share with you a little experience about that that relates back to children's health because, you know, we were both in that office.

Years ago, we had developed a Rule Writer's Guide on incorporating the considerations or, you know, unique susceptibilities to children and children's health issues in rule making. We got pushback on that. I am just going to be honest with this - - pushback on that from OMB on that guidance.

Our feeling was this information, even if the Agency arrives at a decision that okay we did the analysis and maybe we do not really see a concern but at least that information is out there, you know, to provide that to the public to explain ourselves. What I am really hoping with another activity that is sort of akin to that -- I think all of you are aware because it is somewhat described -- it is described in the Plan EJ implementation plans is to also develop approaches and guidance for rule writers on addressing inequities, environment and health.

A colleague Machete --- and I, you know, we are in a process of trying to pull together similar kind of guidance document to direct rule writers this is the analysis that you need to do and that that would become part of the record of a decision. I am hoping that by doing that, we create a demand for more science and information to support and to allow the EPA program offices to do a better job of understanding these inequities.

That brings me to the other point about evidence that actually the children's health issue has been actually very successful. We have been funding large research endeavors on children's environmental health since 1998 in partnership with NIEHS. Those centers and that research have produced an amazing amount of information about how chemicals in our environment are really impacting children that we did not know about from before.

What is so exciting is that a lot of that information is making its way into the regulatory decision. It is making its way into the program offices and it is having an impact. In addition, it is also having an impact on the outside where there might be decisions that are made maybe at the state level or the local level. I would like to look back at those children's centers as an excellent example of creating the demand for that information and really building that evidence base.

I personally feel that on the issues of health disparities and equities, environment and health and environmental justice, I feel that we need to be putting as much effort into building that evidence, as well. In some sense, learning from that experience on children's environmental health and getting that information into our decisions.

MS. YEAMPIERRE: Thank you. Sue?

DR. SANDERS: So, just one additional comment on that. So, you see why I need to have this young lady at the table.

MS. YEAMPIERRE: I was just thinking she warmed up and she is in it. She is bringing it now.

DR. SANDERS: She reminded me of, you know -- I was talking about the one regulation I had in mind where we were not successful and the problems we had in the research, not being able to do what we wanted to do, but she reminds me and us of the tremendous amount of progress that we have made. Now, the one thing I wanted to add is that we actually did a 10 year report on this.

I wanted to let folks know that so if you want to see that report, it documents all this work that is going on and the importance of it and how much progress we have made on children's health.

MS. YEAMPIERRE: Absolutely. Sue?

***Comments by Sue Briggum, Vice President of Public Affairs,  
Waste Management, Inc.***

MS. BRIGGUM: Sure. I would like to echo what Vernice said about the incredible impressiveness of the strategic plan that you did. It has been clear that for a long time, ORD is really kind of that precise underpinning of the regulatory options that are out there and it is wonderful to see that captured. I was really intrigued by one element here that apparently is going to be available relatively soon.

EJ Wizard that NEJAC has done some work with. Data arrays and analysis with -- I would love to hear more about how that would dovetail with some of the other tools that we are familiar with.

MS. PAYNE-STURGES: Yes, the EJ Wizard. I am not sure if I like that name. I am really hoping they will change it but there is a little bit of history to this. You know, the Agency has been really wrestling with this concept of cumulative risk and cumulative impacts. I kind of find it interesting that we are still kind of ringing our hands. What do we do? What do we do? What do we do?

But in 2009, the National Academy published a report called Science and Decisions and that whole report was aimed at providing advice to EPA about how it can improve the use of risk assessment in decision making. There was a whole section of that report focused on cumulative risks and sort of redefining what cumulative impact -- well, what cumulative risk assessment would be defining cumulative impact.

So, now the Agency's Risk Assessment Experts have come together to finally review that report and talk about how can we respond to those recommendations, particularly around the cumulative issue. So, there is a little group of risk assessors who are thinking about developing some kind of tool around cumulative risk assessment that could maybe more easily allow agency program offices and EPA risk assessors to

do cumulative risk assessments and have it all in one place as a click and point tool.

They are in the beginning stages of this work. In other aspects of things that are described in Plan EJ '14, there is a lot of interest and emphasis. I know we are, on the whole issue of cumulative impacts so we are sharing information and talking across so that what product they come out with will be in line with some of the thinking that we have like myself and Machete.

For example, the work that we are doing on the EJ technical guidance, for example, because we are certainly interested in promoting people to consider baseline exposures, pre-existing health conditions, social stressors and we would like to see this cumulative wizard also address that. They are building this tool off of something that they had developed as part of Care program.

I do not know if people are familiar with something called See First. it was a way to sort of access and organize information that the EPA person who is in the region working with a Care grantee, to organize information around exposures or health concerns but that tool does not -- that See First does not necessarily do -- how should I say it?

An analysis or an assessment or how do you pull -- what does it mean that all these things are happening in one place and pull that information together? The desire now is that this wizard will actually be able to make sense of all the different information about health, about exposure, about vulnerabilities, about whatever is going in a particular location.

I can say that the people who are in the midst of developing this wizard tool are very interested in getting feedback and input from this body, from people on the ground working on these issues. So, I do not know what is the right mechanism for that but I think something in the future, maybe, we could suggest that those individuals come and give a run through or presentation of what they are thinking and get feedback from here.

But also I think they need to work with people on the ground because I know what happens is that they can be in their offices doing the best they can from where they are sitting but it is not necessarily, how do I say reflective on what is really going on out there in the world from the ground up? So, I have been commenting on that with them. So, again, they are kind of in the beginning stages.

MS. YEAMPIERRE: Thank you. Thank you.

MS. BRIGGUM: It is a way of analyzing the inputs that the user provides, as opposed to using the EPA databases.

MS. PAYNE-STURGESS: No. No. No. No. They would -- the idea is that they would have -- you would be able to access existing EPA data sources but as well as some kind of flexibility where if you are also in possession of more localized information, you can input that information into the system. It is sort of a step by step -- their vision is a very step by step process from the very beginning of, you know, what is the issue that you are trying to arrive at?

What are the various concerns that you are wanting to address to even identify well who are the people that you need to be in partnership with to pursue this analysis, et cetera.

MS. YEAMPIERRE: We have about 12 more minutes left. I am going to take four more members and then we will have some concluding comments. Margaret?

***Comments by Margaret J. May, Executive Director,  
Ivanhoe Neighborhood Council***

MS. MAY: Thank you. I will be very brief. I appreciated the clarity and relevance of your presentation. I do not know if I should make a comment or ask a question. Probably it is more politically correct from your standpoint just to make a comment. I have shuttered over the past few months as the discussion about the -- from Congress about the budget has been underway.

I am very, very concerned about where we are going, where the Agency will be able to go. You are right where you need to be as far as the issues you are looking at, the relevance of community involvement and -- but I shudder to think about what happens with all of this should some of the drastic things that could happen with the budget actually occur.

I won't ask you to answer. I understand that sometimes that is a little awkward but on a personal basis, I think it is okay for me to say I am very concerned.

DR. SANDERS: Actually, I do have sort of good news. Even with everything that is happening in the budget with EPA, it looks like the work that we are doing within the center is actually going to be okay. So, the things that we are talking about doing I think will ---.

(Applause.)

MS. YEAMPIERRE: Okay. Jolene?

***Comments by Jolene Catron, Executive Director,  
Wind River Alliance***

MS. CATRON: Good morning. Jolene Catron. Thank you for the presentation. I really appreciated the information in there. I just have a quick comment. I was thinking about your statement about the \$8 million to 7 grantees and that they had to have a strong community based input into part of that. Then on the report, the 5.2 Activity to build tribal community capacity to monitor air quality, I am aware of ITEP and the work that they do and NAU.

I would also like to just make the comment that, you know, tribal -- tribes have tribal colleges too and I think it is really important to include them in that process but really, you know, I speak from a grassroots community based perspective and not the tribal government perspective.

So, when you are funding an entity like ITEP, they are reaching out to the tribal environmental professionals, the ones that work in the tribal agencies -- environmental agencies and there is not necessarily a mechanism for them to outreach to their community members.

So, we are the invisible EJ communities too, you know, the grassroots level and so our opportunities for funding to build community capacity really fall back on really highly competitive programs -- funding programs like the environmental education -- EPA environmental education, the EJ small grants and the Care program.

I mean those are three that are very highly competitive and, you know, potentially the capacity of the community grassroots organization does not have a, you know, the ability to apply for that kind of funding. So, you know, we are really left at if



our tribe -- if our tribal agency does not have the funding or the ability to reach out to their community members and the community members want to build capacity within themselves, where do they go?

It is really a difficult thing. So, I would encourage you to think about that when you are talking about community outreach and community based input and to really consider tribal colleges.

DR. SANDERS: So, thank you for the comment. I want to point out, and I want to turn it over to Devon because we actually have a request for applications coming up. I want to have her talk about that but I want to point out another person as part of Devon's program in our staff who is in the audience that also is a resource for us that is going to be leading the effort.

That is Maggie Breville. Where is she? Right there. So, I point her out so that is another source who is leading up the efforts our Native American part of the program and doing the research there. So, she is another resource that is here. So, let me ask Devon to talk a little bit about the RFA.

MS. PAYNE-STURGES: Your point is so well taken and in fact, we certainly heard those kind of comments before both at the symposium that Bill mentioned that we held last March, but also at the National Tribal Science Council conference that happened last June about, you know, what about involving the tribal colleges and doing more outreach in that way.

So, one thing I can say that I am very proud to say that EPA's National Center for Environmental Research really is unique in that we have a program focused on the environmental health issues of tribal communities and tribal populations and we have been doing funding in this area for some time and Maggie Breville is the program lead for that.

We are actually in the process right now of developing a new solicitation, an RFA, for research grant funds and I think there will be some ways that we can do a better job of encouraging, promoting, requiring partnership with tribal colleges in that grant solicitation.

I mean there are some, how do you say, approaches one can take to -- if you think -- if you have a vision of who is it that you are really trying to empower through your research dollars, there are ways you can achieve that and that by either really focusing in on hey, you need to have a community based participatory research component or hey, you really need to have a grassroots partner in this RFA or --- majority university, no you need to partner with a tribal institution.

MS. YEAMPIERRE: Nicholas?

***Comments by Nicholas Targ, Co-Chair,  
Environmental Justice Caucus***

MR. TARG: Thank you. Thank you so much for your wonderful presentation. The work that you are doing is so important. In my view, it represents not the engine of the Agency but is the steering mechanism for the Agency. Without that mechanism, the Agency both cannot track where it has been and is going to have a hard time placing resources and making assessment prospectively.

Again, in some ways maybe analogize it to the brain of the Agency and

God speed. One of the things that I have noticed in Plan 2014 is there is a consistent reference to an EJ screening tool and an EJ screening tool committee. I was wondering if that lives in your shop. If you are participating on -- the relationship between that screening tool and the EJ CRA Wizard, which I agree should have a new name.

There is no wizard. It is all hard work. With respect to the rollout, either the EJ screening tool and of the EJ CRA Wizard that that be done in the peer review if that be done. Again, gives public away as possible. I noted that there is going to be a beta test of the EJ CRA Wizard in -- at the end of 2011. I would recommend that that be applied to a really meaningful and robust set of questions and that that process be conducted in a public way. Again, thank you.

MS. PAYNE-STURGES: The Wizard arose independent of the Plan EJ 2014. It was something that folks were interested in and providing methodology for doing cumulative impact assets, cumulative risk assessment but something they were really interested in doing. It is very much independent of the EJ screening tool and even though we are all very much aware of each other, I have participated in some of those discussions.

The purposes though seem very different -- are very different. Whereas one is really hoping to perhaps have this idea of one consistent geographic mapping tool that everybody builds off of, I guess, to maybe assist with targeting or screening versus something that is really about analysis. But, they probably do need to talk to each other because maybe one can learn from the other.

So, I certainly can take that message back to the folks who are working on that. I like your point about a very open process of BETA testing and public reviews. So again, it might be another opportunity to also have the creators of that tool sort of enlist your advice on that. That would be good.

MS. YEAPIERRE: John?

***Comments by John Ridgway,  
Manager of Information Management and Communications Section,  
Hazardous Waste and Toxics Reduction Program,  
Washington State Department of Ecology***

MR. RIDGWAY: Thank you. A couple of quick comments. Number one, I absolutely support this plan and the detail and the thought and comprehensive work that went in there. So, I also support this very, very much. A couple of specifics. I am also interested in the -- that gray area between the science and policy here and I hope that this Council can help that.

Number one, the TSCA reform is an issue that maybe later or in your work you can address at least to how this work may be able to be used by EPA to support TSCA reform so that you -- we have more information on the chemicals that would help this process in the loc terms.

Related to that, a recommendation, if you have not already looked at, that would be to utilize whenever possible similar work in other countries where you may have different political acceptance of this kind of work and specifically the Reach program in Europe where they are going to be gathering all sorts of information that will not be required here but may help your work.

Third, it would be very interesting if you could think about how this might apply to pesticides understanding these are different, you know, regulations that EPA may not have a direct lead on but some opportunity for influence. It is a huge issue we hear about in this Council all the time for obvious reasons. Your specific recommendation, 2.2, to utilize this Council, I think I can speak collectively to that.

We support that, we welcome that and you have mentioned setting up a workgroup and generally that could evolve in the process of thinking about some critical questions we can help you with. So, invite that. I will leave it at that. Thank you very, very much for the good work.

DR. SANDERS: --- do TSCA. So, thank you for your comments and thank you for recognizing the work that we talked about as well as a mechanism. I just wanted to mention a couple of things, in case folks are not familiar with it, that TSCA reform is going to be a real issue for us. This is the oldest statute that we have.

It has not worked the way it was thought to work and I am talking in particular, you know, these hundreds of things -- tens of thousands of existing chemicals that are still out there. We do not have the toxicology. We do not know what the health --- are. We do not have the information. I think that --- that is going on, you know, in Europe is going to help that quite a bit let me tell you, it is only going to scratch the surface because this information takes a long time.

There are an awful lot of chemicals out there. The industry is under the gun and the chemicals that are being marketed over there are being marketed over here, as well, which is why the U.S. industry fought so hard against ---. I won't even tell you what our Agency position was at the time but it was not my position. So, there are some issues there.

I am not thinking we are going to get real TSCA reform personally any time soon but what I wanted to mention to you is that there is a part of the Office of Research and Development that is dealing with the issue of chemical toxicity and the huge number that we have.

The approach that is being used is computational toxicology and the thought is we have to get away from the single chemical at a time, taking five years to do all kinds of research on the single chemical and sacrificing all kinds of animals in the process and handling only some of the in points that might be of concern. Then it is the next round.

So, we do not have the resource. We do not have the lab capacity that -- the computational toxicology approach to this is to be able to understand what happens at the cellular level and to understand how a chemical might disrupt some of these mechanisms once there is an exposure of a particular chemical. So, it is giving us an ability to look at hundreds of chemicals at the same time and thousands of chemicals that we are going through.

So, it is a high technology throughput or something it is called of that nature. I cannot remember. I am probably saying the wrong thing but is a technique that we are beginning to use now and there is a lot of research that is going on that is going to give us ability to understand at a better way to toxicology so we can get away from this one chemical at a time.

That is the thing that I think is going to inform the TSCA reform because I think we will be able to get a lot more information. I am hoping we are not going to

spend a lot of time on litigation because even as we develop these technologies, the question is going to be is it peer reviewed? Is it going to stand up in a court of law, because that is where it is going to go?

How does it compare to a rat study that gave me an actual health outcome compared to some computer modeling that says I think this is the outcome. If those outcomes differ, what do we do then? So, I think there is some time -- and even the issue is, even beyond that, how do I understand what this research is telling me?

So, there are some things that we have to do but I think, to me, that is the best that we have to move this forward. I also want to mention on the policy side that I would be remiss if I did not say how important these advisory committees are to the administrator in making her decisions because we rely upon the Children's Health Advisory Committee.

What the Children's Health Advisory Committee says we paid attention to -- the administrator pays attention to. You know, the Clean Air Advisory Committee is really something that the Agency looks to in terms of the levels. NEJAC is the same thing. So, when you talk about here is our recommendations of where the policy should be and what the regs should be, that is taken into account, as well as the science.

So, it is the politics but it is the policy that comes from these committees that is there, as well. Your mention of safe chemicals and TSCA reform, I would encourage you to look into that one part of the research program that I mentioned called Safe and Sustainable Chemicals. If we are able to have a working group or a subcommittee from NEJAC, that is the place where your voice of these kinds of issues to be heard so that as we are developing this science, we have these considerations in mind, as well. So, I am hoping we can further engage on that.

MS. YEAMPIERRE: Thank you. Pat?

***Comments by Patricia Salkin,  
Associate Dean and Director, Government Law Center***

MS. SALKIN: I want to add my congratulations and admiration for the report and focus really on the activities under Section 5, but as they relate to Strategy 4, which was Safe and Sustainable Communities. I will be brief and to the point. I am just -- I am hoping that within the activities here, and specifically Activity 5.3, increasing -- you have got the word citizen.

I will just say public participation and science and decisions. You talk about partnership with other governmental agencies. I am hoping that within there the other governmental agencies also include local government and that we can expand the sharing of the data and the training on what it means and how to use it to the local government decision makers from the -- who are making the land use decisions that may not need a federal permit.

They may not need a state permit but that is where the initial decisions are being made in whether something can be cited and they do have the authority to say oops, it is here. We now know it is bad. Let us get it out. They may not have the political will to do it but they have the legal authority to do it. So, we have got to figure out a way to take the science that you are developing to support this and put it into data sets that these local decision makers will understand.

So, for example, you have the Wizard on one hand and you have got all of these great tools out there on the EJ website, but then local planners and local officials understand Geographic Information Systems because that is their vocabulary and that is the software that they are used to. How do we get this to merge together?

How do we get them to either talk to each other? How do we get the data input into different sets or try to get everybody on the same page? There are some federal coordinator agencies on GIS but the states also have GIS data sets and they work with local governments. It is not entirely well coordinated but there are all of these actors and potential stakeholders out there.

Then, I am hoping -- and it may not be within the policy purview of your division to come outright and say this, however, I think you could read into here that the kind of information that you are making available is the data that could support affective health impact assessments as part of the local land use decision making process.

It is currently not required in this country. It is required in other countries. There is a movement from Robert Johnson and other places to make that happen. I think the kinds of information that you envision putting out there are what makes it possible for people to say the HIA's are possible and we can do them and the data is available so that these can be more affective.

So, if there is a way to sort of weave it in as a place holder that might help. Lastly, just going back to one of the earlier comments about students and training students or exposing students to science and getting them excited about that they can collect data, I am a big believer in context based learning. Yesterday, the Region II administrator spoke about PCBs in the classrooms in the schools.

Well, maybe partnering with DOE and other agencies and then the unions because as we learned yesterday, the teachers do not want to be in those environments either. We can get students engaged in their own learning environments about what is in the classroom, what is on the school yard, you know, where their teachers can be there if there was curriculum that was developed to support that.

MS. YEAMPIERRE: Kim?

***Comments by Kim Wasserman, Director,  
Little Village Environmental Justice Organization***

MS. WASSERMAN: I am sorry. I just had a clarifying question. You use a term that I was not familiar with -- something along the lines of confrontational toxicology at some point in your presentation.

MS. YEAMPIERRE: I was just wondering what that mean. I am sure Bill meant computational toxicology.

MS. WASSERMAN: Thank you.

MS. YEAMPIERRE: I think I like confrontational toxicology better.

DR. SANDERS: So, yes I think that -- I think confrontational toxicology might be a better approach to it but I did mean computational toxicology. If I said that, I misspoke.

MS. PAYNE-STURGES: Do I have a minute? I just wanted to respond to the comments that you just provided which are really, really, really good and very much in line with some other -- with some of our own thinking. You know there is a lot of

interest in how do we gain access to and incorporate more localized information.

We have our own data sets at these national levels. We have -- we can access some of the information that is aggregated at a national level from HHS, you know from the National Center and Health Statistics for example but that is not really that helpful.

Maybe we need to understand what is going on, you know, below county level, you know, community level and so I am really interested in how we might be able to partner with, you know, the local health departments and state governments to do a better job of this data sharing. I mean CDC has their program on environmental public health tracking, which theoretically that was supposed to be sort of helping with that.

I am not sure how well that is succeeding but the issue of land use decisions is certainly a long standing issue for certainly people who have been working in the areas of environmental justice and some of the EJ leaders have certainly talked a lot about that. I think the idea of bringing in this concept of health impact assessment would be really helpful -- exactly what you are saying in that regard.

Yes, I -- many of us are aware of what has been going on with the Robert Johnson Foundation, what has been going on in California, really demonstrating the benefit and use of health impact assessment in informed decision making. I really would like to see EPA become more educated about that. We did have a whole entire session on HIA at our March symposium.

We felt it was important to not only talk about what were the sort of existing decision frameworks that the Agency operates under the risk assessment, the economic analysis that goes on but we also had an entire session dedicated to other ways of thinking and that was one of them

So, actually some of the thinking I am, in terms of the way we might be able to support that through funding and research, is maybe to provide some support and maybe partner with the Robert Johnson Foundation. But, how can you then take that sort of methodology, which is very popular in Europe, and apply it in a regulatory framework because right now my understanding is it has really been applied more along the lines of you have a project.

You are going to build a road or you are going to build a bridge or you are going to do these kinds of developments, but how can you use the principals to, for example, informed decision making on setting an air quality standard or drinking water standard or dealing with hazardous air pollutants. That is a different scenario that HIA has not been applied to, at least from my understanding, but I think what is really unique about the HIA, it really promotes a more open process.

It really promotes more citizen and community engagement in the process and also, it does not reduce the decision making down to a number, which is typically what we do with risk assessment but it allows a consideration of a whole range of information, both the qualitative and the quantitative, though. Thank you for that.

MS. YEAMPIERRE: Thank you.

DR. SANDERS: So, I just one very quick comment. So, I am actually a local government official. So, I see the other side of this, as well. I can tell you that the issue that you are raising on land use planning and decisions that are made at the local level is one that the Agency has struggled with for an awful long time. Sometimes, the Agency gets blamed -- state, federal or whatever for decisions that are actually made at

the local level.

The problem is that we do not dictate what is there but yet we are not really informing what is going on at the local level, as well. So, we need to find a way. So, if there are thoughts that folks here, as you are deliberating and thinking about this, ways we can share information so people can look at the local level beyond economic development for my community and actually understand what the impacts might be on human health and the environment, I think would be very helpful, as well, because I think having that knowledge share is very difficult.

The last thing I wanted to give you is maybe a challenge when we talk about students. We talk about students, and I see there is Apple fan over here. I think about the iPhone and the iPod and the iPads and all that is going on, I would actually love to see an application that has to do with gauging students in this.

The technology is there now to do that, to actively engage folks in the environment, in human health, observing what is going on in their own environment and bring that information together in a way that makes sense. So, if you have an app development team here, please let us know and we may be able to follow-up and do something with that because what I found is that the Agency is actually interested in doing some apps, as well.

So, if you have some ideas to bring to the Agency, we may be able to work out and run those through our programs and get something done. So, that to me would be very exciting and very engaging for students.

MS. YEAMPIERRE: Thank you. On that note, let me just say we are 15 minutes over. I think this was a very rich discussion. I really want to thank you. We feel, as an activist, blessed that you are in the place that you are at. We do know that historically scientists have never had to interact with community and they have a limited peripheral vision, just like engineers do, but climate change is changing all that.

It is demanding that they work in a very different way. So, while we spend a lot of time paying attention to how you bring communities in and how they understand the science, we also have to make sure that these disciplines develop the cultural competencies to work with communities in a way that adds value and that they have a very different way -- a different process that they have historically.

So, I really, really want to thank you for that. That is it. Thank you so much. I need to end because I know that people are anxious to get to the restroom and do the things that they need to do but thank you. I seriously want to say it is a blessing when I see folks like you talking before us about the science, about how to engage community, how to use tools.

It is a reminder that this is why the Civil Rights Movement was fought. It was for folks like you to be in these spaces because I do not know what environmental justice communities-- where we would be without you honestly. So, muchas gracias.

(Applause.)

MS. YEAMPIERRE: Thank you. I want to acknowledge that Mike Shapiro, the Deputy Assistant Administrator for EPA Office of Water is sitting in the audience. If you could wave your hand?

MR. SHAPIRO: (Show of hand.)

MS. YEAMPIERRE: Hi. I also want to say, and this is something that I was thinking while the presentation was going on, that there may be people in the

audience that were having difficulty following the discussion. Could you raise your hand if you did not understand the acronyms or how had a difficult time?

(No response.)

MS. YEAMPIERRE: No? Then we are good. Okay. Because I was going to suggest that maybe we ask presenters in the future to provide a glossary with the acronyms and that -- because sometimes we, ourselves, get lost and start talking in code and -- because we are so used to the language. I just want to make sure that everybody is on the same page.

So, we are going to take a 15 minute break and we will be back in 15 minutes. I am sorry. Before that, John has an announcement.

(Whereupon, a brief recess was taken.)

MS. YEAMPIERRE: Welcome back everyone. This is an extremely important discussion that we are about to have presented to s. As many of you know, we were in New Orleans and we heard from the community in New Orleans how they were impacted by Katrina and how those impacts are still there.

Those of us who live in coastal communities are really interested to hear how this task force or this advisory council will be able to deal with issues that are going to affect all of us across the country. So, we are excited to hear from you. We have with us John Hankinson.

John is the Executive Director of the Gulf Coast Ecosystem Restoration Task Force who reports directly to EPA administrator Lisa Jackson, coordinates interagency efforts, oversees staff and outreach efforts in developing a regional ecosystem restoration strategy and ensures that science underpins the task force efforts.

Mr. Hankinson brings more than 30 years of government service and environmental policy and regulation. From 1994 to 2001, he served as the Regional Administrator for EPA southeastern regional office in Atlanta covering 8 southern states, directing a staff of almost 1200 and a budget in excess of \$500 million. His top priority while at EPA was helping states and communities protect air and water quality and restoring and protecting key ecosystems such as the Everglades of the Gulf of Mexico.

Prior to his service at EPA, Mr. Hankinson worked for almost 10 years as Director of Planning and Acquisition for the St. John's River Water Management District in Palatka, Florida. I said that right. Directed the purchase of over 200,000 acres of environmentally sensitive lands.

Hankinson most recently served as an environment and conservation lands consultant advising on land conservation, strategic land use decision making and constructive environmental management and policy projects across the southeastern United States. Welcome, Mr. Hankinson. We are happy to have you.

***Coastal Ecosystem Restoration  
by John Hankinson, Executive Director,  
Gulf Coast Ecosystem Restoration Task Force***

MR. HANKINSON: Thank you very much. It is a pleasure to be here. Do you want me to kind of just roll on?

MS. YEAMPIERRE: Yes, we do.



MR. HANKINSON: It was really interesting. I had not been to New York City in probably 20 years, so I have enjoyed the tour that I got from my cab driver this morning and --

(Laughter.)

MR. HANKINSON: -- and I survived it all and it was -- he was a great tour guide but I have -- I was invited by Administrator Jackson and President Obama to participate in what I consider to be a critically important effort on behalf of the Gulf of Mexico. As you know, the Gulf has had its share of tragedies and disasters but it is still a tremendously wonderful place and deserves our attention and our support.

The people in the community in the Gulf really deserve our support. So, I have a PowerPoint that I will probably start off with just to get some of the basic facts out but I think it will be more conversational and I do not want to go too long, which I tend to do, if I try to work just from a task force. Now, I do not know how to change slides so I will just wave. Maybe it will go, I do not know.

(Slide.)

MR. HANKINSON: There you go. I like that, you know?

(Laughter.)

MR. HANKINSON: Just some of the background facts on the Gulf. People often do not recognize what critically important both -- economic engine it is for the country. By itself, the Gulf of Mexico would be the world's sixth largest economy. I mean it produces about one-third of our seafood. If you go down to Washington, D.C., down the main avenue, the seafood is just, you know, Gulf seafood as far as the eye can see.

So, I went down a little while ago to make some -- to gets some jambalaya makings and they had some great Gulf shrimp there. Of course, more than 90 percent of the national -- nation's offshore crude oil and natural gas come through there and the -- one of the huge industries, certainly in my home state of Florida, is the tourism and recreational commercial fishing.

The Gulf ecosystem is -- just the U.S. part of it is 600,000 square miles with thousands of miles of shoreline. It is a very diverse area ecologically and it is a diverse area culturally and I think a lot of -- one of the challenges is getting people to understand that it is a place. The ecosystem of the Gulf is a place that we need to be involved with.

Of course, this is still very much with us. The --- horizon catastrophe and the impacts to the Gulf are still being addressed. This of course followed the hurricanes; Hurricane Katrina and Rita and Ike that were also in the region and caused tremendous impacts. What our task force -- what the President asked us to look at was not just focused on the oil spill.

In fact, there are other agencies and processes to focus on the impacts directly of the oil spill but to look at the whole Gulf Coast and to come up with a strategy that would address some of the other issues, as well because one of the biggest ones is represented in the lower left corner and this is very timely to be talking about this because the Mississippi River Delta, which created all this wonderful wetlands that you see that are now -- those in dark -- in red in the dark areas that we have lost or we are in threat of losing.

(Slide.)

MR. HANKINSON: In the time scale of this slide, we have lost because they have been disconnected from their river that carries the sediment down and helps to rebuild the river. We have done a very good job of flood protection and navigation but we have lost the ability to rebuild that delta. I do not know how many million tons of sediment that we desperately need.

Those wetlands is going to flow right by there in the next week or so and head out to the Continental Shelf and fall off into the ocean but that is something that we have to reverse if we are going to do something there. We have a lot of concern with sea level rise and we have loss of barrier islands, loss of coastal sand areas.

We have apoxia where nutrients have come down the Mississippi River causing adverse impacts on the water quality of a very large area of the Gulf. These are all issues that pre-dated the oil spill.

(Slide.)

MR. HANKINSON: Of course we have storm vulnerabilities is one that is very key to the communities that live along the Gulf of Mexico, all the way from down in Brownsville around to Key West.

(Slide.)

MR. HANKINSON: These slides are a little wordy. Do not try to follow it too closely but the Executive Order was signed October 5, 2010. Lisa Jackson, the EPA Administrator was asked to chair it. The State Representative Vice Chair is Garret Graves from Louisiana. We have 11 members of the federal agencies and White House offices in the 5 states who were appointed as members of this task force.

(Slide.)

MR. HANKINSON: The big task that we are involved with right now is to develop a restoration strategy for the Gulf. The recommendations for this task force came out of a report done by Secretary of the Navy Mabus who went down actually while this spill was still occurring and talked to the residents of the Gulf and said what else do we need to be working on?

We are going to be identifying where the critical ecosystem restoration items that need to be there, both from just maintaining the natural communities but also maintaining the natural communities in support of the human communities that inhabit the Gulf counties. The Mabus Report had a broader focus on other issues including the economic development and health.

Those are mentioned but not emphasized in the ecosystem restoration task force, which is an adversary body.

(Slide.)

MR. HANKINSON: The strategy, which is what keeps me awake at night and it has to include all of these things, it has to be a process that identifies what new programs and policy needs to be undertaken. How can we work together in implementing ecosystem restoration? It is not just a matter of dollars, well although it is a matter of dollars.

On one level, it is also a man -- you know getting agencies to work together and that is a big part of our focus.

(Slide.)

MR. HANKINSON: We use the Mabus Report, which I would -- those of you really interested, I would recommend and we draw -- we drew from Mabus Report

some of the principals for restoration; coastal wetlands and barrier fisheries, coastal communities that are adaptive and resilient and a sustainable storm buffer.

(Slide.)

MR. HANKINSON: I won't stay on this but the -- it should be noted that the definition of ecosystem restoration is broader than just a scientific natural system definitions but it includes the concept that this ecosystem is also -- needs to be strengthened to improve its ability to support the economies, communities and cultures of the region. So, it has a little broader definition.

(Slide.)

MR. HANKINSON: One of the things that the -- I do not know what -- each one of these would be President -- I am looking -- let us keep moving.

(Slide.)

MR. HANKINSON: This would be good because this is about the strategy development. One of the things that the President stressed very strongly was that our efforts to develop a strategy needed to be drawn from the input of both good science and from the folks who live and work and understand the Gulf from a very -- depend on the Gulf in a very direct way.

So, we have had a task force that has been established. We have had a pretty robust outreach process. One of the things that Administrator Jackson did right away was to try to enhance the capability of two-way discussion by referring this effort to our local government advisory committee and to her NEJAC group to say let us -- in a way that we can get sort of combined, you know, collective direction when I asked those groups to provide us input.

Special Gulf Coast ecosystem restoration working groups have been set up and we really appreciate that help and we have -- we are going to be talking about those recommendations later as part of the discussion. Like I say, I am -- I know one of the recommendations that has -- I think they are drafted at this point, Lisa.

I have not gotten them formally, but in reviewing the drafts, one of the things that we have heard from the community in particular that the usefulness and allowing people to be more directly engaged would be greatly enhanced by having a Citizens Advisory Committee and the administrator has really taken that to heart. In our meeting last Friday in Mobile, she announced the creation of a Citizens Advisory Committee for the Gulf of Mexico.

It will be FACA and it will take some time to put the FACA in place following all of the procedural rules, but we are excited about that and I think -- so, in a sense, we have already begun to move out on recommendations that we received.

(Slide.)

MR. HANKINSON: I would just say the -- it is a challenge to try to have a discussion about long-term ecosystem restoration in the midst of folks still hurting from the oil spill and still being very concerned about, you know, their livelihoods if they depend on the Gulf for fishing and that sort of thing or their health. We are trying to -- in our efforts to be responsive to those needs.

I have been bringing in agencies who have had primary authority in that and I think it is working well on the Gulf. I think the communities appreciate the fact that we have helped elevate their issues in terms of health and the economic impacts on the community.

At the same time, they are understanding that really our mission is to try to really develop an ecosystem restoration strategy, which will benefit their communities but is not quite as focused on the health and the economic development issues that really are a product of the oil spill. I have nothing to do with Mr. Fineburg, for example.

That is somebody else's bailiwick but we have made -- helped folks to understand how to find those folks who cannot provide those resources. So, I am delighted to be here. I think that is enough of an introduction and, you know, I am not sure how the discussion will go but that is a -- thanks for the inviting me up. I have got to turn around and fly back to Florida this afternoon.

I have got another -- like I said, we have got a very diverse and large area to be concerned with.

MS. YEAMPIERRE: Thank you for joining us. We are going to have Kevin and Eddie speak. Then we are going to break for 10 to 15 minutes for questions and answers. Then I would urge you to stay to listen to the discussion and the presentation that LaTosha Brown and Wynecta Fisher are going to be presenting.

So, I hope that you can stay and join us for the rest of the presentation. Let me introduce you to Kevin Moore. Kevin, welcome. Kevin is the -- is with the Urban Environmental Group and a member of the New Jersey Environmental Justice Advisory Council. For 11 years, as project director of the Weequahic -- did I say it right Weequahic?

MR. MOORE: Weequahic.

MS. YEAMPIERRE: Weequahic, okay, Park Association in Newark, Kevin was responsible for the oversight and successful completion of the \$3 million, 80-acre Weequahic Lake Restoration Project. The project tested the effectiveness of non-urban BMPs in an urban watershed to address non-point source pollution and accomplished too within .03 percent of the budget.

During his tenure, he successfully -- he was successfully --- written. He successfully nominated Weequahic Lake as priority restoration site within the estuary. Mr. Moore's public outreach and advocacy work in a variety of forms has incorporated the views of urban stakeholders, articulating their messages to the larger assembly.

He is an acknowledge advocate for urban natural resource management, open space and environmental justice promoting the triple bottom line. He has facilitated or participated in many participatory community based planning, environmental and sustainability initiatives and worked with elected and non-elected officials at the local, state and federal levels. Welcome, Mr. Moore.

MR. MOORE: Thank you.

***Urban Freshwater Restoration: Opportunities and Challenges  
by Kevin D. Moore, Principal,  
The Urban Environmental Group***

MR. MOORE: Thank you for having me here today. I look forward to offering some content to the discussion. I think that as you look at the roll of coastal restoration, I think that there is a nexus and a natural relationship, if you will, for the important of urban waters that are upstream.

(Slide.)

MR. MOORE: I picked the -- we are located in the -- what is called the New York Harbor Estuary, sometimes referred to as the Hudson Raritan Estuary. I thought that to look at the relationship to the urban water to coastal water, there are 28 estuary programs that are established from the Clean Water Act.

What they are basically they are doing is you look at historically -- whereas most older urban centers, which have pejorative -- a majority EJ populations, they are located in these older urban centers, which in the most parts are located within an estuary, within some type of coastal restoration. So, I think some of these things can be used to model nationally but that area represents 15,000 square miles.

There are 20 million people. It supports 300 species of birds, 240 miles of beaches and 28,000 potential acres of wetlands to be recreated or restored.

(Slide.)

MR. MOORE: Within the core area, which we are now at the watershed -- that is fine but the action plan for the Harbor Estuary is to promote and educated -- to promote an informed and educated constituency. This is Goal V of the action plan. The three activities specifically are to keep elected officials informed, provide environmental status reports and enhance education and stewardship. You are going -- hold up. All right.

(Slide.)

MR. MOORE: So, the -- I thought that that really showed one of the bigger opportunities to nurture environmental justice advocacy and begin to build the capacity of the citizenry as an additional benefit to the nexus between urban waters and coastal restoration. Next slide.

(Slide.)

MR. MOORE: I want to take a moment just to give you some examples of some downstream projects that are happening. This is Lincoln Park in Jersey City that actually is located along the Hackensack River and I think someone asked about the -- I made a note about the American Recovery Act Fund. Some of those funds were used to complete this restoration here, as well. Next slide.

(Slide.)

MR. MOORE: This is a state park that is Liberty State Park that -- that is a proposed restoration that recently received some funding. I think that the previous restoration came in at \$20 million and this Liberty State Park restoration will be \$30 million or greater, which is a tremendous economic opportunity for the area. There is a caveat that the Liberty State Park restoration actually has one-third of the funds came from what are known as natural resource damages. I will explain what those are later. Then next slide.

(Slide.)

MR. MOORE: Weequahic Park, that was my place for quite a long time. People are always astounded that a place like this sits in Newark, New Jersey so it just shows that these types of resources are treasures that are overwhelming used by the community and I believe have just as much importance as a far removed stream.

At Weequahic Lake, we were able to basically leverage a \$3 million EPA line item to in fact raise over \$6 million. This is the grassroots effort that I want to use an example for it today. Next slide.

(Slide.)

MR. MOORE: That is the low impact development, biologists. It is the standard softscape that is also called for in the Comprehensive Management Plan of the Harbor Estuary. Weequahic Lake is in fact connected hydrologically to the New York Bay, which is part of the estuary complex. Next slide.

(Slide.)

MR. MOORE: This was the scope. Elizabeth went over it. It was stabilize the shore, analysis of the lake, monitor the storm water, construct two wet basins -- wet and dry basins and a 2.2 mile rubberized track that was actually used as a soil stabilization device. We had highly eutrophic conditions -- a lot of erosion. There were 377,000 cubic yards of sediment in the lake. Next slide.

(Slide.)

MR. MOORE: That is -- just locates the lake in a HUC map that looks at the region. It is a long Route 22 and on the Essex County and the Union County border. Next slide.

(Slide.)

MR. MOORE: This is some before and after shots. This is what we dealt with initially and that is what we replaced it with in addition. You will see in the next slide a 2.2 mile rubberized track, which addressed a lot of -- addresses certainly many of the health issues that the community faces disproportionately unfortunately.

(Slide.)

MR. MOORE: The most important thing to me is the economic opportunity. Newark, New Jersey, we did not cultivate a group of environmentalists based on aesthetic appreciation, even though we all had one. It was about creating jobs and creating opportunity. That was one of the biggest things. I came there. I thought I was building a 2.2 mile driveway around the lake and, you know, 10 year later it just -- it just brought all things together from a habitat perspective. Next slide.

(Slide.)

MR. MOORE: I think that -- we were able to really partner -- as a matter of fact, one of the program officers at the EPA said that no other group in the country was able to make the connections that we had made with the academic community, with the business community, with the local schools. Someone mentioned before in the discussion, there were actually 28 of the -- over 20, excuse me, core curriculum requirements for earth science that were reflected in the state's curriculum requirements program that we were doing in Weequahic Lake.

So, I heard someone talking about place based knowledge and actually getting out into a resource that is right in the backyard, so to speak, and having some hands on. Not to mention how this really creates the next group of people. You cannot protect what you do not care about. So, by bringing people into the park, you know, we brought school kids.

The kids that were, in many cases, the most interested were not the ones that were always picked first for active sports. They were the kids that liked math. They liked science. To be honest, they did not know that you could do something in the biological field that did not have anything to do with being a doctor for instance. Next slide.

(Slide.)

MR. MOORE: These are just the resources that we, you know -- you

know, we know the acronyms, Army Corps of Engineers, the Department of Transportation, DEP, Green Acres, private foundations and now Natural Resource Damage, which I think is a very important opportunity for NEJAC.

Natural resources damagers are due to statute of, basically a liability that a Superfund Clean -- in the process of a settlement of a Superfund, you have to clean the fund and you also have to actually replenish the natural resource that was injured. These are natural resource damages. These are astronomical amounts of money that we are talking about -- astronomical amounts.

Like I said, over one-third of that Liberty State Park actually came from a natural resource damage sediment. So, that was \$10 million. I think that there is some opportunity for NEJAC, and I am not going to get into the policy because I know I have 10 minutes so I am not going to run late, but in the next slide --

(Slide.)

MR. MOORE: -- I think that policy should be framed certainly in fairness and democracy. You know, everyone has their -- you know, I have my three legged stool that it is awareness, advocacy and action. From an awareness policy, first you have to make sure people know what is going on. More than 10 years ago, if you asked me what a watershed was I think I would probably -- maybe 15 years now but I thought a watershed was a small building in the middle of a field somewhere.

So, you cannot walk around, you know, thinking are you worrying about you are trying to get a job. You are trying to keep your kids -- you know you have got a roof over your head. Then all of a sudden someone tells you -- you know the watershed is a really critical issue. So, you have to really bring it to people's attention and I say to do that, the first step in working with elected officials, a lot of the urban elected officials, they have no outreach.

They do not know. They are constantly bombarded by different constituents, businesses and so forth. They just need to have people that are willing to bring -- to elevate their awareness. Next slide.

(Slide.)

MR. MOORE: I think that in advocacy, you create buy-in. You bring in a community perspective. Ours was very intergenerational, as I heard the term used before. We partnered with different groups. We were constantly building our credibility so that when we went to people, they knew that we knew what were talking about.

The most important thing -- and I have had these discussions for several years is that environmental justice is a noun. I think people understand verbs. You have to find what are we going to do to address some of the problems that we have. Next slide.

(Slide.)

MR. MOORE: I think it should be -- your policy initiative should nurture tangible deliverables, empower residents whenever possible, looking at some of the other benefits that occur in some of these restoration programs, not to mention the fact that habitat in urban areas addresses and mitigates many of the other problems and challenges in the environment.

You are mitigating -- you have microclimate, you have storm water. You are able to do something to -- you have a place for asthma -- for people to exercise and recreate and to help -- to work on, you know, reducing diabetes and so forth. Next

slide.

(Slide.)

MR. MOORE: This slide here I actually took from a presentation by the Urban Waters Program that Mr. Shapiro gave to -- with the City Parks Alliance, which is a national group, and this really says it all -- to reconnect, revitalize and look at urban waters in the surrounding land. I think these are the things that have specific relationships to coastal restoration and sometimes are not -- certainly not in the reaction that the Gulf is suffering but in just a very mundane type of respite from the urban intensity that many urban residents face.

(Slide.)

MR. MOORE: So, finally I have what I think might be some ideas for the NEJAC to consider. I think that looking at environmental justice in a larger context, sustainability and economics are critical. People we just talked about, you cannot run for an office or be an elected official and not be mindful of the economics.

So, I think that EJ has to be seen in a larger context. One brief aside, even with our new administration in New Jersey, they have even gone back to -- they have actually located the EJ office in the Office of Sustainable Cities, which begs the question if -- how can you have a sustainable -- if the state will not be sustainable as long as the cities are not sustainable, how long will the city stay sustainable if the worst neighborhoods in the city are not sustainable.

So, I am going to hold their feet to the fire for that one. They put the office there, not me. So, we are going to have -- keep informed. I think that with the -- also, I would like to see the NEJAC look at this natural resource damages, which I said is a huge ton of money, we have to find ways to make sure that that money is spent in the area of injury.

In many cases, that money is -- there is an injury down in a place like Newark and they say well, we cannot do restoration or we cannot afford to buy real estate in Newark, so we are going to buy real estate out in the highlands. Because guess what? That is where the water supply is for Newark. But those resources need to be spent right in the -- where the injury occurred.

I think that you also have an opportunity with the 3R/3D list, many of the urban waters are on the federal 3R/3D of impaired water bodies. I think that is all consistent with national policy. Thank you very much.

(Applause.)

MS. YEAMPIERRE: Thank you very much, Kevin. Now, we have with us Eddie Bautista. Eddie is Executive Director of the New York City Environmental Justice Alliance. He is an award winning community organizer and urban planner who currently, as I mentioned, serves as the head NEJA. NEJA is an umbrella network of community based organizations and low-income communities of color advocating for the empowerment and just treatment of environmentally overburdened communities.

Recently, Eddie was Director of City Legislative Affairs for the mayor's office in New York City where he spearheaded efforts to pass several landmark laws including the creation of the first municipal brown fields remediation office in the nation. Eddie was the director. Prior to that, Eddie was the Director of Community Planning for New York Lawyers for the Public Interest where he served as its lobbying, communications, community organizing director.



Eddie is also, and this is not in his bio, but also worked to help create the solid waste management plan that made it possible for every Borough in New York City to be responsible for its own garbage. Previous to that plan, 80 percent of Manhattan's garbage went through three communities of color. Eddie, welcome.

**Presentation**  
**by Eddie Bautista, Executive Director,**  
**New York City Environmental Justice Alliance**

MR. BAUTISTA: Thank you. Before I begin, I just wanted to point something out. This is not necessary -- this is probably not necessary for most of the members of the NEJAC and certainly not for the audience but for some of the EPA and other officials from other parts of the country, I just want to -- there is a tendency, when people talk about New York City, to think about it as rich city, a city that, you know, that does not have needs.

I just wanted to point in 2009, the poverty rate in New York City, it went up to 21.3 percent, which means that 1.8 million New Yorkers are living in poverty. 1.8 million. You are talking about people living in one of the most expensive cities in the country and living in many ways lives of quiet desperation and trying to struggle in a city that is -- can be pretty unforgiving at times.

So, I just want to make sure people realize that all that glitters is not gold, folks. Next slide please.

(Slide.)

MR. BAUTISTA: One of the things that Elizabeth just mentioned, one of the things that the Environmental Justice Alliance has done, this is our 20<sup>th</sup> year, we have had a number of significant policy victories. Yesterday, John Fleming talked about our 2003 victory when the New York state passed its brown fields law.

As a result of our advocacy, brown field opportunity areas, or BOA, grants were attached to the legislation, which, for the first time, gave resources to communities to do not just site by site brown field planning, but more importantly looking at multiple brown fields.

As many of our communities are riddled with dozens of brown fields, that the need to look at brown fields as part of a holistic approach and as an approach that looks at development more synergistically was a key environmental justice priority of ours. Ultimately, it is now serving as a model for EPA's area wide planning approach to brown fields.

The slide we are looking at is -- Elizabeth just mentioned, it is it the map of waste -- solid waste transfer stations in New York City. The red dots represent all the land based waste transfer stations. New York City generates over 38,000 tons per day of solid waste, which amounts to 17 million tons per year. According to the Citizens Budget Commission

New York City generates more waste than Chicago, Philadelphia and San Francisco combined. It is a staggering amount of waste. Up until actually very recently, 80 percent of the city's waste was being handled in a handful of communities of color. The red dots at the top of the map, those represent the South Bronx.

Moving down, there is a cluster right in the middle that is Williamsburg -- East Williamsburg, Greenpoint and Bushwick. Those are all transfer stations that are along Newtown Creek, one of the newly designated Superfund sites in New York City. To the right are another cluster of transfer stations in southeast Queens and then to the -- towards the left bottom, are additional transfer stations in Sunset Park/Redhook.

In 2006, we realized the victory that was some 10 to 15 years in the making where when we convinced the Bloomberg administration and City Council to radically shift how the city handles its waste export from a truck based transfer station system to one that maximizes marine and rail export. So, for example, if you look at the yellow dots along the waterfront, you will see -- and those represent marine transfer stations.

It is how the city handled its waste export for decades sending garbage to the Fresh Kills landfill. The yellow dots represent not just marine transfer stations in EJ communities, but they are also on the Upper East Side of Manhattan; two on the west side of Manhattan, which by the way as Borough generates 40 percent of the city's waste and had not a single transfer station.

Again, the impact in terms air quality is hard to overstate. For example, the South Bronx had child asthma rates over 12 percent. All of these transfer station trucks are diesel fuel -- powered trucks and there was the spike in asthma rates in New York City, maybe not coincidentally coincided with the explosion of waste transfer stations in our communities in the late '80's/early '90's.

As a result of the solid waste management plan that was passed in 2006, when fully implemented we expect that 5.5 million vehicle miles traveled will be reduced just within the city limits alone. Each barge of waste is the equivalent of 48 tractor trailer trucks. So, it was a long time coming and it is going to be another probably 5 to 10 years before we see this plan fully implemented.

I am here today to talk about -- this is connected to our Waterfront Advocacy but over the last year, we came to discover something that presents a clear and present danger to environmental justice communities in New York City. Next slide. (Slide.)

MR. BAUTISTA: Last year, the city of New York began overhauling its comprehensive waterfront plan. As part of that, the Environmental Justice Alliance discovered -- in fact rediscovered because we initially raised objections to these designations about 10 years or so ago. There is a designation called Significant Maritime Industrial Areas or SMIA's.

SMIA's are essentially zones that are essentially zones that are designed to foster and protect maritime and industrial uses and some of these SMIA designations, of course, have also resulted in the clustering and concentration of polluting infrastructure and heavy chemical and industrial uses. There are only six SMIA zones in New York City, all in classic environmental justice communities.

Again, from top to bottom, you see it in the South Bronx, along Newtown Creek, both the Brooklyn and Queens sides, which is the B section of the slide. Area D is the -- Area C is the Brooklyn Navy Yard, Area D is Red Hook and Area E is Sunset Park and F is the north shore of Staten Island. SMIA's -- development applications and SMIA's zones are treated differently and to a lower review standard than other working waterfront areas in the city.

What you are seeing there is not just the SMIA zones but what we discovered last year were these storm surge projections from the New York State Office of Emergency Management. Climate change and the attendant risk posed by storm surges and sea level rise complicate these environmental burdens for us because all six of these SMIA zones are again located in projected storm surge zones, all vulnerable to flooding even in Category 1 hurricanes.

Some climate modeling projections for sea level rise in this region predict increases as much as 18 inches in the coming decades. If you notice from a previous slide from Kevin, if you notice there was the New York/New Jersey estuary, there was a -- there was some language that said New York Bite, which is kind of a geographical designation that refers to this kind of unique geography, the New York/New Jersey waterfront where essentially New York and New Jersey meet almost at right angles.

That means that in times of significant hurricanes, the storm surges -- essentially the wind speeds for just tropical storms, for example, are wind speeds from 39 to 73 miles per hour, Category 1 hurricanes 74 to 95 miles per hour are going to be that much more intense because of this geographical right angle that New York and New Jersey represent when hurricanes and storm -- tropical storms make landfall, it is just going to increase the severity of the impact. Next slide please.

(Slide.)

MR. BAUTISTA: And this is a close-up of one of the communities. This is Sunset Park in Brooklyn. As you can see, even the lowest Category 1 hurricane, with winds of 74 to 95 miles per hour, would essentially mean that Red Hook, which is just -- you can see the hook. You see it is red. This is completely unintentional but that is kind of the mapping.

That is the way it looks. Red Hook would be completely underwater under a Category 1 hurricane. If you could see with Sunset Park, all the piers and all the working waterfront would be inundated and with the severity of the storm, you know, when you get to Category 3 and 4, you are talking about flooding up to 4<sup>th</sup> Avenue in Brooklyn. For those of you who know Brooklyn, you know that that is a heavily populated community.

In between Red Hook and Sunset Park, what you see along those blue dots that is the Gowanus Canal, which is the other Superfund site for Brooklyn. One of the things we have done is we discovered that the New York City government had not really been doing any cumulative impact analysis in terms of what these SMIA concentrations mean in the context of storm surges.

So, NEJA worked over the last several months with students from Pratt Institute and what you are about to see are several slides that we are unveiling for the first time. These are slides that are in draft form but we asked the students to map not just the SMIA zones but several other environmental indicators. I think even we were taken aback by some of these. Next slide please.

(Slide.)

MR. BAUTISTA: Again, this is Sunset Park. This is an overlay of toxic release inventories. As you can see, you know, there are over a dozen of them all located within the storm surge zones in Sunset Park. Next slide.

(Slide.)

MR. BAUTISTA: These are unregulated bulk storage facilities. The

purple dot represents chemical bulk storage. The dark blue dots represent major oil storage facilities and the light blue dots that are peppering the map are petroleum bulk storage facilities. All of these, note the proximity to the storm surge zone in Sunset Park. Next slide.

(Slide.)

MR. BAUTISTA: Moving to the other -- and apologies to our brothers and sisters from the South Bronx that are in the audience. The students are working on those slides next, but we figured since the NEJAC was in Brooklyn we would start with some of the Brooklyn SMIA's. This is a map of Newtown Creek. Again, it is a newly designed Superfund site.

As you can see, the overlay is of New York State Superfund Sites, in addition to the federal Superfund. As you can see, it is all located -- about a dozen or so located within the SMIA zone. Next slide please.

(Slide.)

MR. BAUTISTA: This is Newtown Creek with overlays of TRI, Toxic Release Inventory data. Again, we are talking about dozens of these right in the path of potential storm surges. Next slide.

(Slide.)

MR. BAUTISTA: This is again looking at it citywide. If you look at the SMIA zones, you will see that state Superfund sites, again, are riddled through our communities. We have not yet mapped the South Bronx yet but that will -- we do know shortly. Next slide.

(Slide.)

MR. BAUTISTA: Again, the SMIA's with toxic release inventory sites. I think that -- that was probably the last one Erin?

MS. : ---.

MR. BAUTISTA: Go one more. Let us see. Okay. That is it. So, I think the important point to take away from this is the fact that New York City has a policy that concentrates the clustering of polluting infrastructure and heavy chemical industry and toxic uses but it has essentially failed to plan for how to handle this in the context of climate change.

To their credit, the Bloomberg administration has agreed to work with the Environmental Justice Alliance on SMIA reform agenda but one of the things that is very clear is that we are going to need federal government support in terms of making our communities more community resilient, everything from best practices to increase satellite imaging and storm surge projections.

I will stop here but there are a number of recommendations we will be making to the NEJAC in terms of asking the EPA and their sister agencies to help New York City and our EJ communities make our communities more resilient.

MS. YEAMPIERRE: Thank you, Eddie. I will take any comments or questions from the Council? We have got about 12 minutes. Vernice?

**Comments, Questions and Answers**  
**Comments by Vernice Miller-Travis, Vice Chair,**  
**Maryland State Commission on Environmental Justice and Sustainable**  
**Communities**

MS. MILLER-TRAVIS: Thank you all for those great presentations. I wanted to ask -- I cannot see your name from here. Kevin. Kevin. I cannot see that far anymore. I have heard many, many stories about the wonders of Weequahic Park from the many days of hooky that my husband and his brother spent in that park --

(Laughter.)

MS. MILLER-TRAVIS: -- and have been driven through it quite a bit and so I know how important Weequahic Park is to the folks in Newark. I want to ask what were the natural resource damages cases that brought about the NRD restoration funds that you all are using? What were the cases?

MR. MOORE: Well, I do not know the cases specifically. We had just found -- we worked with the Office of Natural Resource Restoration. They never told us what the cases were but they were able to find cases from the area that -- now at Weequahic Lake, we only received maybe \$200,000.00 and it was really tough getting that money out.

Now, I have since left the park and I went to a for-profit business that -- that is where we learned about the wonders of NRD and just looking at the --

(Laughter.)

MR. MOORE: -- looking at some of the -- and knowing where the cases are, they are almost exclusively in proximity to EJ neighborhoods. So, I think it is almost incumbent upon us to know where the cases are so that when someone needs money, there needs to -- if there is a way to partner or make maybe an ability to leverage an EPA grant predicated on the ability to leverage NRD funds if they are available -- just something to give a, from a policy perspective, bigger impetus.

MS. MILLER-TRAVIS: Mr. Moore, if I could just have a little follow-up. Can I call -- I want to ask Mike though. I know this is an --- issue in a previous life but I know that the Office of Water must have some role in this since this is a coastal restoration. Can you just help us at some point to figure out where the case -- what the emanation of those cases are and how close they are to Newark and communities in Newark?

MR. MOORE: ---.

MS. MILLER-TRAVIS: Thank you.

MR. RIDGWAY: This question was for you -- John. Thank you for your presentation. Given the combination of the three presentations, what is the nexus between the two, and I can guess but in the context of what your charge is, which is to look at the Gulf Coast Restoration and all those dynamics around sediments and everything else, are you looking at these kinds of issues that we just heard about regarding hazardous waste, garbage management, things of that nature, as part of your assessment?

MR. HANKINSON: Well, I think the -- and I was enjoying -- sort of thinking about scale as I listened to Kevin's description of what he was working on and kind of wishing I could work on some of that at that scale. We have a very interesting

discussion. Commissioner Ludgood from Mobile talked about the discussion, you work on the smaller parts or you work on the larger parts?

Ours is really is 600 square miles. We are taking, you know -- this necessarily is going to be not as detailed but what I am hoping is that in our community resiliency section, we can point, you know, areas where the community meets the ecosystem in a real important way. Commissioner Ludgood pointed out, you know, they had flooding in their neighborhoods and that this was tied to how non-point run off was managed in the area.

So, I am hopeful that out of our efforts will come sort of a greater awareness of how to manage communities in relationship to that ecosystem. We will try to highlight that as much as we can, again trying to work on a scale that is fairly massive and very diverse.

MR. RIDGWAY: Thank you.

MS. YEAMPIERRE: Savi?

***Comments by Savonala "Savi" Horne, Executive Director,  
Land Loss Prevention Project***

MS. HORNE: I would also like to thank the presenters and the common thread in nexus between everything said, whether it was the Gulf Coast restoration and what Kevin had to say -- and Eddie. I just want to mention the city of Detroit in this work -- line of work.

It seemed to me that the EJ communities are so overburdened with the noxious conditions in the city that oftentimes, the opportunity to reclaim the common heritage of the Detroit River and what it represents in that -- for those communities and the potentiality for economic development and stimulation, you know, within those local communities.

So, I just would like there to be help to facilitate a process where our local EJ groups on the ground in Detroit might have ways in which to liaise with Kevin's work and Eddie's work and getting some input from John because it is -- if we allow not only the economic impact of the housing crisis, which has led to the disenfranchisement of the citizens of Detroit and now the whole -- the prospect of turning a vast track of Detroit into an urban garden land with potentiality of gentrification and -- within Detroit and then the battle for the waterfront of the Detroit River that would further lead to divestment of the population of African-Americans in that city.

So, I just want to, you know, kind of put a shout out there that there is a desperate situation in that city and that we kind of -- we have our work cut out for us, not only as community activists but to kind of work regionally and across region to address EJ community issues on land, air and water. Thank you.

MS. YEAMPIERRE: Do any of you want to respond?

MR. MOORE: One thing I do believe when I was looking at the list of estuaries, I believe there is in fact a designation for the Great Lakes estuary, which I would have to figure that Detroit -- so that plan, those management plans, those are the processes that are in place. I think, you know, it is incumbent upon us to just make sure that, you know, folks know that there is some opportunity for their participation.

MS. YEAMPIERRE: Thank you. Sue?

***Comments by Sue Briggum, Vice President of Public Affairs,  
Waste Management, Inc.***

MS. BRIGGUM: Yes. John, I was wondering about whether or not your task force is dynamic in time, as well as incredibly large in area. I was seeing the news this morning with regard to the impacts to the Gulf Coast with the recent flooding and the progress flooding with the Mississippi which will -- impacted the area already impacted by the oil spill and hurricanes.

So, I was wondering whether or not you will be applying the lessons that --  
- in real time to these new emergency situations?

MR. HANKINSON: Well, one of the interesting -- I think there is has been quite a bit of discussion of trying to -- this is -- the current one with the floods, let us just pinpoint to that and the need for the river to be reconnected with its flood plain. This may be a difficult time to make that argument in some areas but I think at the same time, we have millions of acres -- millions of tons of sediment, which in this case is a good thing.

We want that to go into the water and help build up the wetlands. We do not seem to -- it does not seem to stop in the Gulf. I mean as soon as we have got these floods and now we are already looking at the advent of hurricane season again and these things are so related. You know, the loss of the wetlands as a result of the disconnection of the delta from its river has created even a greater storm risk to the communities along the Gulf.

I mean it is just -- you know, losing a football field of land there every 20 minutes. It is -- so they are all -- it is all very much -- very much connected and the time scales on trying to deal with those are, you know, they are very significant. One of the things we are trying to do is speed this process up because a lot of times it becomes a battle over permitting.

How are you going to get something permitted because it could take -- it takes years and one of the things in our task force is to say okay, once we have a good idea of what needs to happen, how can we -- we will get everybody engaged and try to help it happen. It is a good model for this in Mississippi when they worked with the communities, but it has really got to take an intergovernmental and an inner community kind of approach.

--- the time frames are a mess, you know. I just hope it stops for awhile --- folks the chance to recover.

MS. YEAMPIERRE: Nia?

***Comments by Nia Robinson, Executive Director,  
Environmental Justice and Climate Initiative***

MS. NIA ROBINSON: Just quickly. Thank you, Savi, for bringing that piece up about the Detroit. I am Detroit native. Kevin, I would still urge you or level up to figure out how to work with other folks on the NEJAC to get this information out to people in Detroit because what tends to happen is the Detroit River consistently loses out.

The communities around the Detroit River lose out especially if money is

designated towards the Great Lakes. I am sure we can all think of a number of reasons why those kinds of things do happen but I do think that there needs to be some connection between communities who are doing this work because the Detroit River and the communities around it can easily get lost when that kind of funding is being put out.

MS. YEAMPIERRE: Vernice?

***Comments by Vernice Miller-Travis, Vice Chair,  
Maryland State Commission on Environmental Justice and Sustainable  
Communities***

MS. MILLER-TRAVIS: Thank you, Elizabeth. I just wanted to ask, John, what is going to be the impact of the current round of flooding? They say the Mississippi is going to crest in New Orleans on either the 25<sup>th</sup> or the 27<sup>th</sup>. Vicksburg is on the water today. Every place between Memphis -- and of course Memphis and every place downstream from Memphis all the way to the Gulf of Mexico are going to suffer greatly.

What is that going to do in terms of coastal restoration or loss of wetlands and the things that you all are trying to restore? What is that going to mean with this amazing flood coming your way?

MR. HANKINSON: That is a good question. There is a complex interaction. First of all, the amount of sediment that the sand has carried down from the upper river, again I would really like to see that -- if we were better connected, we could help rebuild some of those wetlands that were lost. Unfortunately, that is all going to run right straight out in the Gulf and fall off the Continental Shelf out there for no good benefit.

Maybe this will highlight the need to reconnect the river, not just for restoration but for flood protection as they have done in some areas where they have kind of reduced the pressure by letting some of it flow out. Here it would be a great environmental benefit for it to flow out. I am also concerned, and I do not -- have not gotten anything on this from my scientists yet but that also may carry a lot of nutrients down to the Gulf of Mexico, which is probably going to exacerbate the dead zone that we have.

You know, it is very interesting and when those nutrients go into the Gulf, they go all the way down, pick up in the loop currents, go through the Florida Keys and come up the East Coast. It is amazing. You can actually track it if you follow some of the buoys that they have out there. It is really a dynamic system but those floods have a tremendous impact on the Gulf.

It is going to be also, I think, create more challenges in trying to figure out what was the impacts of the spill, visa vie, what is the impacts of the flooding, you know. So, it is ecological modeler's dream, I guess, but it is -- we need more -- more and better science to look at that. So, I will report back in five years and see if we have figured it out. Okay.

MS. YEAMPIERRE: What we are really looking at how you are approaching these complex issues in the Gulf to learn in New York City so that we can prevent some of the problems that have taken place there but the significant maritime



industrial areas are not just areas where there is industry. There are people actually living there.

They are mixed used zones. So, it is extremely important and one of the things, and either one of you can answer this, is that we have been trying to get a sense of how agencies are working together to address these problems. It really requires not just the attention of EPA but NOAA and FEMA and HUD and even the bundles of funding that have been made available have been made available to planning organizations that have the capacity to access those grants but not been available to communities locally that are working on community resilience.

So, if either one of you can talk about what is happening on the ground locally and what your recommendations are, what has your experience been with FEMA, with NOAA and how do you think they can interact with communities in a way that is going to be more meaningful than it has been so far?

MR. BAUTISTA: Well, at least on the ground in New York City, we are kind of stymied by the fact that the city government has never -- you know, it is only now, in the last couple of years, that they have started taking climate adaptation and resiliency issues as something that they, you know, develop policies around.

So, part of the problem is that these SMIA's are still kind of siloed in terms of, you know, how -- to the degree any city agency monitors them, they monitor them within the silo and the blinders of their permitting. So, the Department of Buildings regulates, you know, building issues. DEP monitors air and noise. Fire department handles the permitting for hazardous materials.

It is only now that they are realizing that there is a need for cumulative risk exposure analysis and again, to the their credit, they are willing to start working with but, you know, we have -- I can just tell you from my personal experience, we raised this at the White House Environmental Justice Forum.

I followed up with the NOAA representatives there, repeated emails, phone calls, kind of the annoying persistence New Yorkers are known for, you know, and only recently got a five minute phone call and nothing since then. So, you know, to the degree we, New York City -- because frankly, the problem here is, you know, when you are talking about the millions of people that could potentially be impacted by this, everybody has got skin in the game.

It is not just the City of New York. The state of New York and the federal government has a responsibility to make these communities community resilient because the easy answer and the lazy answer for some of our communities would be well let us get rid of manufacturing. Let us get rid of industry. That is not an option that at least the Environmental Justice Alliance is willing to consider.

We need the manufacturing spaces but we are not willing to sacrifice Environmental Protection and sustainability for jobs. That is a false old paradigm and then we are not going to be boxed in with that. So, the question is how do we make manufacturing, you know, continue to be the base of employment we need for our communities but not put our workers and our community residents at a greater risk. So, yes, we need federal support and we need it now.

MS. YEAMPIERRE: Just one final comment that dovetails something that Savi raised. As you are talking about coastal restoration and we are thinking about how we engage in attenuation of sea level rise and what do we need to do to do climate

adaptation at our waterfronts, one of the things that we are learning is that all of our plans, whether it is greenways, whether it is waterfront parks, whether it is open space that we desperately need, that these initiatives, when we win them, result in the displacement of our communities.

That they are used by developers to push gentrification in our communities. So, it puts our communities in a very difficult place when we finally get the environmental amenities we have never had to use those environmental amenities as a way of pushing out the people of color who have been dealing with the emissions and breathing in the toxic air and living amongst the brown fields for so many years, it is almost -- it is tragic.

So, how do you gentleman suggest approaching that issue because it is discouraging for communities to engage in environmental remediation if it in fact results in their displacement? What are the ideas? Who are the agencies that should be working? What do you think should be happening?

MR. MOORE: I know that we have in Newark they -- I heard your reference to how they cluster brown fields. We have a brown field development area and I do think that what should be promoted is to, whenever possible, having -- we have this problem with open space, for instance, in New Jersey that we do not want to become like the general slush fund that gets cut and something that is not -- and I am not talking about moving people out of their homes -- just taking care of the existing green infrastructure that is there.

So, we try to promote projects that, you know, foster a relationship between a local non-profit with capacity and the municipality. I mean that is -- right off the top of my head that is what I can come up with.

MS. YEAMPIERRE: Thank you. John?

MR. HANKINSON: A couple of observations. First of all, our task force has all these agencies at the table and it is very helpful to have NOAA, as well as EPA and the Army Corps and the Department of the Interior and the local groups but what has been very helpful is the work of, you know -- your workgroup and the other workgroups to try to make sure that the understanding of these issues, the complexity of these issues are understood as we look -- because our restoration looks a little different.

It is not really focused on waterfront and, you know, sort of waterfront restoration in the same sense you have in these urban context but the -- I think it only -- it all has to work together because the storms that come, the impacts of toxics on health, all of those are issues that -- in our Gulf region that affect broadly those communities and they also affect the industries.

They are looking at these storms and they are looking at the impacts and they want to -- so I think by having voices, you know, like the environmental voice -- LaTosha Brown has worked with a number of groups there to try to not just have small local groups but have it be a Gulf wide voice has been very effective in helping to inform our group in terms of how we can broaden how it works there.

Because it is a very complex situation. Tampa has a very different need than Bayou La Batre but, you know -- the fact that the communities get considered in the process is critically important and I just wanted to thank you for the effort and the Gulf Workgroup in particular for helping inform our discussions.

MS. YEAMPIERRE: Thank you.

MR. MOORE: Just one anecdote. When we started doing the organizing in New York on the waste transfer station issue in the early to mid '90's, I remember flyers appearing in different parts of Williamsburg and the flyers were basically they were something like "Save the Transfer Stations". At first we thought they were a joke and, you know, we kept kind of seeing these posters going up and then we thought maybe it was industry.

But anyway, so we finally found the person who was putting up the flyers and it was a longtime Latino activist from Williamsburg and we were like bro' what are you doing? What is -- and his response back then was, you know, if we get rid of the transfer stations, it is going to make this community much more attractive and we are going to be the ones that are going to follow right after the transfer stations.

If you just look at the demographic changes in Williamsburg, you know, on some level you have got to wonder -- a cynical person would say this person was completely right in their assessment. I think the challenge is how to make -- how to craft the public policy in such a way where you are advancing environmental protection and sustainability but you are doing so with an eye towards protecting the indigenous community that -- as John Fleming mentioned yesterday, had withstood the insults and the environmental attacks over the years.

One example we worked out in New York was the BOA application where we not only -- and the law worked in this notion of funding for community groups to do what is now being called area wide planning but there was also the tax credit issue where we incentivized developers who would make development applications consistent with BOA plants so that what we would -- essentially encouraging were community plans that -- and private developers that could actually agree on development, development that for the most part would be -- would resonate for the indigenous community.

So, I think that that is -- it is really the challenge is for policy makers to craft initiatives like that to make sure that people are not displaced by the inevitable market pressures that come into a community once land values start to spike as a result of amenities.

MS. YEAMPIERRE: Thank you. In fact, the Latino population in Williamsburg has gone down 20 percent so that --

MS. : Gone down?

MS. YEAMPIERRE: We have lost 20 percent of the Latino population in Williamsburg. So, let us turn to LaTosha. Let me introduce you for a second. I would encourage you gentleman to remain for the presentations. LaTosha, we are so happy to have you here. LaTosha Brown is co-chair of the NEJAC Gulf Coast Ecosystem Restoration Work Group.

She is Director of the Gulf Coast Fund for ecological health and community renewal. A community led social justice philanthropy in the Gulf south region. For the past five years, she has served as founding advisor to the Gulf Coast fund that has provided \$2.7 million in grants, technical assistance and support to over 170 coastal groups and organizations. Wow.

She has over 13 years of institution building, organizational management political and philanthropy experience -- sometimes my bilingual limitations get in the way but being bilingual is a good thing. Philanthropy experience in the southern states of

Alabama, Mississippi, Florida and Louisiana. Welcome.

***NEJAC Draft Recommendations: Review and Deliberations  
by LaTosha Brown, Co-Chair, Kedesch Altidor, Co-Chair, and Wynecta Fisher,  
Member  
NEJAC Gulf Coast Ecosystem Restoration Work Group***

MS. BROWN: Thank you. I am from the Deep South and one of the things we like to do in the Deep South is eat. So, since we are close to lunch, I will try to be brief and keep us moving along. Again, what I would like to do, Elizabeth, is say thank you to each and every one of you who are part -- who are NEJAC members for entrusting the charge with us to be able to provide recommendations for your consideration and review.

Through this process, it has been a wonderful process. We had a huge task in a very, very short period of time. We did our best to really take into consideration not just the issues of the Gulf Coast region but also environmental justice communities throughout the nation and several -- we were would not have been able to do this work in such a short timeframe had it not been for the expertise even from members that are sitting on the NEJAC committee, Father Vien and Stephanie Hall.

Then the advice and support from EPA, Victoria Robinson and Kedesch Altidor. So, as we -- what we would like to go over and share with you is our proposed recommendations for the ecosystem restoration from the Ecosystem Restoration Work Group.

(Slide.)

MS. BROWN: Essentially, the way that we have broken down our presentation for today, we are going to focus kind -- we have divided it in two areas; one, we will just do an overview of the workgroup and the process and then we will do a status and an overview of the report just to give you an overview of the report. At this point, I am going to turn it over to Kedesch.

MS. ALTIDOR: Good afternoon, Council Members. Next chart. Next page.

(Slide.)

MS. ALTIDOR: The EPA charge to the NEJAC work group was -- EPA requested NEJAC to provide -- well, this work group to provide advice and recommendation on issuing long-term community engagement in the Gulf Coast restoration efforts. We had three focus areas to concentrate. The first area was to engage minority low-income and tribal indigenous communities in the decision making process about the Gulf Coast.

Not only the plans but include how to best include immigrant populations with the potential of language barriers. The second factor was to consider indigenous culture -- cultural and the historical concerns during restoration and recovery efforts. Our last charge was to identify any regulatory policy hurdles that can serve as barriers to this long-term engagement.

Overall, the ultimate outcome was to these set of recommendations that would not only be replicated in the Gulf Coasts but throughout other areas throughout areas throughout the United States. Next.

(Slide.)

MS. ALTIDOR: So, this work group member consists of LaTosha Brown, which is one of our co- chairs, Jodi Henneke, which unfortunately cannot be here and sent her regrets and we have her all in our prayers, Brenda Dardar-Robichaux, Mr. Derrick Evans, Wynecta Fisher, who you will hear from soon, Ms. Stephanie Hall, Dr. Harris from FAMU, Father Vien Nguyen, myself, Kedesch Altidor as the designated federal officer on this work group and of course, Victoria Robinson.

To let you know, we covered the five Gulf states. We have three members from Texas, three members from Louisiana, one each from Florida, Mississippi and Alabama. Next page.

(Slide.)

MS. ALTIDOR: As LaTosha mentioned, we did have a short turnaround. We conduct a regular teleconference calls and meetings. We started on Thursday, February 24<sup>th</sup>. Each phone call was at least, at a minimum, one hour and a half. Sometimes we ran into two hours.

We got additional -- we asked and received additional input from other stakeholders through the March 31<sup>st</sup> NEJAC public teleconference call and from personal tie-ins from each member workgroups through their community members and also from the task force public listening sessions. We review and looked at past NEJAC work in the legacy.

There was no need to reinvent the wheel. There are past NEJAC reports that have looked at community engagement. So, for instance, we look at the 1995 Hurricane Katrina Report, the 2000 Meaningful Involvement Report on Tribals we looked at another -- 2000 Public -- the Model on Public participation. Right now, we have submitted the draft Work Group Report to you guys as of Monday.

Based on the feedback we received today and any last minute inputs, we will have a final report for you guys to submit to the EPA Administrator Lisa P. Jackson in June 2011.

MS. FISHER: Next slide please.

(Slide.)

MS. FISHER: So, basically what this -- I am going to give you a status and overview of the report. You will find in your report that you have 27 proposals. LaTosha is going to highlight 4 of the 27. I know everyone read it last night so I am quite sure we are going to have a very robust dialogue.

(Laughter.)

MS. FISHER: The report is broken down basically in the 5 areas. You have your introduction and it is just giving a little bit of background, which Kedesch did. Then Section II talks about the background. Now, John mentioned what the Gulf of Mexico is, some of the challenges that we have in the Gulf of Mexico area and one thing that he mentioned that I wanted to point out, which was a challenge for our group, is that we could not just look at this from the state of Louisiana's point of view or the state of Florida's point of view but we had to look at the entire region.

They all have different needs, both economically and culturally. They also have different challenges. Then we went into depth of community engagement. That was -- I think those were probably some of our more engaging calls -- the community

engagement section. Then you have got the findings and recommendations. Then finally you have your conclusion. Next slide please.

(Slide.)

MS. FISHER: So, when you talk about some of the critical elements of effective community engagement, there are several that are up there but I just wanted to point out three. One thing that we talked about was having a two-way process of distributing information -- distributing and receiving information. We recognize that everyone does not have -- internet is fast but everyone does not have access to it.

When you do not have power, you only have access to it for so long. So, that is something we had to figure out. How are we going to get that information out and then how do we receive it back. It is --- tendency, especially when you are in a crunch, to reach out to those people that you have worked with in the past, but are they the only voices?

So, we have to be cognizant of that. Another one that I want to point out that is up there is the system of process and mechanisms for community outreach output and involvement. We do have to be sensitive to different ways that individuals communicate. Jolene talks about this. Father Vien has talked about it. Different cultures have different ways of communicating.

We have to be respectful when we do go in and we have to figure out a process of how we can do that outreach to these various communities because one size does not fit all. Then how do we go through the different levels within those communities so that we are not only reaching the seasoned environmental group, but we are also reaching the fisherman or fisherwoman that works the shores.

Finally, I want to point out the efforts to meet people where they are. That is something that was really, really, really important to us. When someone is going through a troubling time, sometimes you really do have to meet them where they are and maybe it might start with a tissue or it might start with helping them to understand what it is you want them to do or what it is you are there to help them with.

So, not looking at everyone that is participating in your group as having a certain of knowledge but recognizing that different people have different levels of knowledge. Next slide please.

(Slide.)

MS. FISHER: So, we talked about some of the barriers to effective community engagement and I am not going to read everything but once thing that we talked -- I want to focus on two things. One was the language and cultural differences and Father Vien helped to raise that. Also, Ms. Robichaux. She is with the Houma Nation.

We have to be respectful of that. We cannot assume that everyone that is coming to our meeting is attending our meeting is comfortable with the way or the place that that meeting is being held. So, sometimes we have to honor -- not sometimes -- we should always honor those language and cultural differences and make sure that those barriers are removed so we can have a robust dialogue.

Also, we talked about the coordination between the various federal, state and local entities. What I want you to think about is the impending flooding that is happening. So, I am quite sure that once the flooding happens and it impacts those Gulf areas, there will be a meeting. People will be told to come out and the thing that

we have to realize is that most of these people are met out.

When I attend this meeting, what is the expectation of me? If I give you my opinion, what are you going to do with it? How do I know that you are going to do something with it or are you going to do something with this. So, we really need to really take that into consideration and also acknowledge that a lot of people are just tired because this is now we have been meeting. Next slide please.

(Slide.)

MS. FISHER: So, I want to look at the cross-cutting things. We had several. LaTosha is going to go into detail but we were thinking about accountability. Right now, there really is nothing to hold us accountable other than our conscience. So, what we talked about accountability, we try to wrap our hands around it. I mean how do we be -- how can we be accountable to those that we said we were going to help.

Then we really focused on the -- how important it is just to be honest with somebody. How important, you know -- because a lot of times where I grew up, you know, you were always taught that all you have is your word and once your word is gone, you know, that is it. So, you know, if I am meeting with you and I am saying I am going to help you, be honest with that person and tell them how much help you can give them.

It is just a shoulder to cry on? Is it technical assistance? Is it financial assistance? What is it that we can do? The other thing we wanted to talk about was inclusivity and reach. One thing that we recognize is that there are a lot of people that are not parts of groups. They are just -- they are individuals who just they do not like groups or the group that they are a part of is not an environmental group but they have an interest in it so we have to be inclusive. Yes.

MS. BROWN: So, in terms of the themes. We are going to kind of just jump right into the next slide --

(Slide.)

MS. BROWN: -- the findings and recommendations. They were, as we stated earlier -- there were 13 findings and 27 recommendations. As I -- I really do appreciate hearing from the speakers, the presentations before here -- before ours because it brings home to me how EJ -- many EJ communities across the nation are really facing some of the same things.

That many of these recommendations we are hoping that we consider -- that you consider for the Gulf Coast and the context of the Gulf Coast region, that we also consider them as principals to use towards community engagement across the nation, particularly in some of the communities. So, with our charge, we had three -- I just want to kind of remind us.

We had three specific kinds of pieces that were a part of our charge and that was addressed to three questions of the EPA; consider what were the critical elements for engagement and then really talk about some of the challenges and barriers of effective long-term community engagement. For the sake of this presentation, we just pulled out four.

You can reference the 27 on the 9 page draft form you have but we just wanted to pull out four that we thought were critical and created a lot of discussions among our group. The first was the need to the -- next slide please.

(Slide.)

MS. FISHER: Recommendation 1, it was to designate an entity that preferably would be an existing one where we would be responsible for overseeing and coordinating centralized inner-agency community engagement within federal initiatives that can partner with local and community organizations and serve as a clearing house for information that came out of a discussion where there needed to be increased coordination between federal agencies.

As Wynecta said, people are met out. What we would see is a duplication of efforts where there would be one agency having a meeting on Monday at 5:00 and another agency that are having a meeting at Monday at 6:30. People were just -- we saw that people were just worn out and that there was a need for the sake of the community to be engaged to have better coordination.

But then too, there was a need in terms of the quality of information and this -- also, see, the agencies work together and that there is not that is disconnect -- like are they actually talking to each other? So, that came out of the spirit of how do we increase the coordination between the agencies. How do we avoid duplication of efforts and getting information and how can we cut down on some of the fragmentations and the disconnection from the federal agencies. Next recommendation. Next slide.

(Slide.)

MS. FISHER: Recommendation 6. Our non-federally recognized tribe should be given the same level of inclusion in the decision making process because as that is federally recognized tribes. That came out of a discussion. There were several - Brenda Robichaux, who is one of our members and several community members, that has been a great concern in the region.

There are many tribes that are non-federally recognized tribes that are located right along the coast that feel that they are not a part of the discussion and part of the process. They have seen that there is a need to really address that and really to be able to develop mechanisms, such as advisory committees or structurally achievable approaches, to actually create some way for those communities to be included in the process and in the discussion.

Also, as a vehicle to keep those tribal communities informed about the decisions and a part of the decision making process. Next slide.

(Slide.)

MS. FISHER: This was a huge part of our discussion, as well, on how do you engage under represented and systematically ignored communities on issues such as defining the scope of restoration. Such communities include cultural and historical communities, fishing communities, fleet fisher substances, fishers, tribal communities.

This came out of this space and in the spirit of meeting people where they are but also acknowledging that they are EJ communities that have been working and dealing with legacy issues that are now -- their issues are now compounded with what is happening with some of the larger restoration issues related to the oil spill.

But, there has been systematically, over a long period, that these communities have been extremely vulnerable and that we make sure that their voice and their expertise is a part of the process and that as we look at restoration, we really look at it in, as John said earlier, which comes out of executive order in a broader definition of what restoration looks for -- looked like -- looks like in the Gulf Coast region. Next slide.



(Slide.)

MS. FISHER: Another point, in terms of real -- having real community engagement, we thought it was very important. That was actually key that they are -- that there is a process to explain unfamiliar concepts with clear relatable examples to facilitate the communities understanding of what the full scope of issues around restoration and how do we define restoration.

How do the communities think about and define restoration. What terms are we using that the community is actually engaged in or familiar with or what terms do they use in terms of that context so that we are actually having this two-way communication and people feel that they are a part of the process or know that they are part of the process and that there is a space for their voice to be a part of the process, as well.

We also thought -- and out of experience for several of our workgroup members that when you create visual explanations, oftentimes for some communities, a very effective tool for communicating and that as we look at how do we engage, that we jump -- we get out of the box and look for ways that we can communicate the messages and in a way that is not boxed in.

We have these terms or these acronyms. The EPA loves acronyms. I say that to say people -- sometimes it is not that people do not care. They feel disconnected from the process. The communication, there may be a break in the communication but we want to find a way that we can relate this information back to themselves and that they are able to relate this information back to their community. Next slide.

(Slide.)

MS. FISHER: Now, Father Vien and Stephanie, do you have anything to add? Would you like to add anything?

MS. HALL: I do not at this point. I just would like to commend the leadership of our co-chairs in pulling together what I think is a well prepared report in a very short amount of time. We had engagement throughout the workgroup and I think we gave it our best effort. So, thank you.

***Comments by Fr. Vien T. Nguyen, Pastor,  
Mary Queen of Vietnam Community Development Corporation***

FR. NGUYEN: I just wanted to maybe highlight a few things; one concerning the tribes. An example that was given by Brenda was her group, the Houma Nation, is not a fairly recognized group. So, with Katrina, FEMA came, visited and said good job and walked away. There was no help because they were not recognized.

That is why we emphasize that, okay? The other thing would be to communicate with people concerning the restoration, both the positive and the negative impacts. On the question, Vernice, you asked earlier. When you look at the impact of the rising water of the Mississippi at this point and then all the still ways are being gradually opened to relieve the pressure, the problem that we have to think of in those incidents, those situations, and restorations is this.

Think of the oyster beds when -- to keep the oil from coming onshore, water was released to push the water back out. Now, the problem is that killed all of the

oyster beds. So, they have just recently relined the area and now we will release the water again and then every time, when they reline -- it is going to take them about three years to get the oyster fields back and running again.

Now, we are going -- they have just almost a year into it and we are releasing the water again. So, the issue here is if we are to restore the coast, a lot of oyster beds -- a lot of fishing areas will be altered. So, we are going to compensate you for those people. So, those are some of the issues that we looked at and we need to communicate clearly to the people beforehand so that they would know the impact to both positive and negative.

MS. FISHER: Thank you, Stephanie and Father Vien. What I would like to do -- I know everyone is itching for lunch but if possible, I would just like to have the NEJAC members look at those three questions and if you can provide us with some answers or some feedback, we would appreciate it. So, does our report adequately address these charge questions?

The one is how best to engage minority, low-income or EJ communities. The second one is ways to best address indigenous cultural and historical concerns during restoration and then recover efforts. I think I remember someone mentioning burial grounds so, that is something that we have got to take into consideration.

How regulations and policy, hesitant I then thirdly, how regulations of policies impede, complicate, or discourage sustained community engagement in decisions about restoration.

MS. YEAMPIERRE: Thank you. I really would like to urge the members to answer the questions and not add anything else and also reiterate Stephanie's comment about the short amount of time you had to do this. This is really phenomenal. So, I am sorry. LaTosha, were you going to add something else?

MS. BROWN: The only point I was going to add is that we also reference some of the work that had been done by NEJAC already to at least look at it and consider but with the short period of time, it is really difficult.

MS. YEAMPIERRE: For the members of the public, you should know that this work is done as volunteers and this was an enormous amount -- this is an enormous undertaking in a short amount of time. So, I just, you know -- any -- John? Okay. Good.

***Comments by John Ridgway,  
Manager of Information Management and Communications Section,  
Hazardous Waste and Toxics Reduction Program,  
Washington State Department of Ecology***

MR. RIDGWAY: Thank you. My question is about the concept of EJ communities relative to population. I am assuming that throughout the Gulf Coast, there are hundreds to thousands of communities that may be five houses or ten in a very, very sparse small populations that for many reasons are not well connected to the infrastructure of the information regarding this work.

Is there anything in your report that is making recommendations on how to get the word to those really small clusters of houses?

MS. BROWN: Actually, if one of our recommendations -- I think it is the

one at the bottom on the second page. If I can find it -- I just saw it. We have a specific recommendation. Yes. 14 -- Number 14, "Promote innovative approaches to engage community members such as live broadcasting and call-in public comment periods."

Radio is a very effective way of getting information out in rural communities and in the Gulf Coast communities. So, that was one of the recommendations we were making in terms of the internet where in an urban area, putting something on the internet may get it out fast. In many of the rural communities, radio or having the opportunity for people to call in has a different kind of impact in terms of communicating.

MR. RIDGWAY: Thank you.

MS. YEAMPIERRE: I am sorry. Vernice?

***Comments by Vernice Miller-Travis, Vice Chair,  
Maryland State Commission on Environmental Justice and Sustainable  
Communities***

MS. MILLER-TRAVIS: I do want to really thank you all for stepping up the way you have in such a short period of time over something that is so critically important to many. I just wanted to share that we are going through a huge coastal restoration effort in the Chesapeake Bay. There are hundreds of EJ communities in that coastal zone but we are having a devil of a time getting folks who are most impacted by these issues engaged in this conversation.

EPA has had public comment periods and meetings, et cetera and sometimes there were more EPA staff than there were community representatives at those meetings. So, whatever you glean and whatever you can share with us to try and replicate in the Chesapeake Bay Coastal Restoration process would be really greatly appreciated because, you know, we have a culture of folk who are dependent on that Chesapeake Bay for their livelihoods and they are fighting for dear life.

As those oysters go down and those fish and those crabs go down, they go down. They do not come back again. So, we want to learn from you what you are doing so we can replicate some successful strategies in the Chesapeake Bay communities.

MS. BROWN: Thank you. I want to refer -- there is -- if you look at 13, 14 and 15, one of the -- in our discussion, what we saw as a major barrier for people participating, I guess were three things. One was knowledge, having the information of what they are participating about and that there is a -- that those agencies take on the responsibility of making sure that it is communicated to communities what is the purpose and the outcome of a particular meeting.

The second thing was the method of communication. So, how getting the word out is communicated makes a difference based on making sure that there is some cultural competency of how does this particular community communicate. I think the third is access. Something that is simple that we went into -- 13, having a, in a working class rural community, having a meeting at 11:00 o'clock will be very different from having a meeting at 6:00 p.m.

So really having -- although those are very small things, they make the difference in terms of who engages and how the community has access to engage in

those processes. Also, another one is transportation. We dealt with the issue of transportation. We are in a red that we have a dire need for transportation. We do not have public transportation.

So, really being thoughtful about where the meeting is actually held so that people have access was another consideration, as well. Thank you.

MS. FISHER: Something else I want to point out is No. 2. This is something that we talked about at length. I am a community person. I work an eight hours shift and I have got to work a part-time job. Now, I need some time of -- we called it a Matrix that tells me who is hosting the meeting, the purpose of the meeting, if I go, you know, how my input will be used, what stage are they in?

Are they in the scoping stage? Will it be a year from now that they will have recommendations? So, we thought about creating some kind of document like that.

MS. ALTIDOR: Synergy.

MS. FISHER: Kedesch said a synergy plan.

MS. YEAMPIERRE: Lisa?

***Comments by Lisa Garcia, EPA Associate Assistant Administrator,  
Environmental Justice***

MS. GARCIA: Just quickly. I also wanted to echo a huge thanks to everybody. We got some of these requests of really trying to engage communities and we knew that we had to do it quickly. So, even though we had the request for the Community Advisory Board, the only way to really get this typed -- these types of recommendations to the task force in a timely manner were to come to NEJAC, and also the local government federal advisory committee.

So, I just want to also echo from the administrator and everybody and John, the real -- the huge thanks for doing the work. Part of the commitment to trying to get to some of these communities was understanding that we had to partner quickly with the NEJAC and LaTosha Brown and other brown in the gulf, because it is really hard to figure out.

Certainly from Washington, D.C., how do you get to these rural communities? I mean during, you know, I drove two and a half hours south of New Orleans. Who knew there was two and a half hours of south of New Orleans, right?

(Laughter.)

MS. GARCIA: So, anyway -- but it is only through those partnerships and we will continue to take those recommendations, really partner with people on the ground to get that information out word to word. I learned the bake shops and the barber shops, right? So, thank you.

MS. BROWN: I do want to thank you Lisa and John in your leadership in terms of addressing the Citizens Advisory Group as part of the Ecosystem Task Force. That was a major point of discussion for our group and a recommendation that we are actually making. So, to see some movement on that at this stage, we are really excited.

MR. HANKINSON: I would just add to that you ought to send a postcard to the administrator because I did not see her for the last two months where she did not bring that issue up, so she really wanted to make sure that happened.

MS. YEAMPIERRE: Thank you. Jolene?

***Comments by Jolene Catron, Executive Director,  
Wind River Alliance***

MS. CATRON: Thank you for this excellent report. I heard John Hankinson -- I do not mean to pick on you but I heard you use the term -- you said something about good science. I just wanted -- you probably heard this in community meetings that you had but that traditional ecological knowledge also equals good science and that it is given that much weight. As you are given to non-federally recognized tribes. Thanks.

MS. YEAMPIERRE: Thank you. Savi?

***Comments by Savonala "Savi" Horne, Executive Director,  
Land Loss Prevention Project***

MS. HORNE: Yes. I would like to thank you all for the great work and also to say in response to Vernice and part of the distrust with the EPA convened processes is that in Maryland, around the Delmarva peninsula, where you have a high concentration of animal production -- industrialized animal production facility, the community is agitated and wanted some answers from the EPA which is not forthcoming, so there is like a divestment in terms of how they feel about the EPA.

But, I think the model coming out of the Gulf Coast restoration and the process being led by you, LaTosha, will really help as a model to restore the level of confidence and trust in agencies and under the capable guidance of Lisa and John's technical work. I think it will go a long way but I just would like to uplift some of the community participatory work.

Omega Wilson has created a model that I think works and he has helped to tighten up on the model by assistance from the Agency and I think you should look at that work in terms of community driven research agenda and the tie in and the constant check back with the agency and responsible officials. I think that is a great model.

MS. YEAMPIERRE: Thank you. Edith?

***Comments by Edith Pestana, Administrator,  
Environmental Justice Program Officer of the Commissioner,  
Connecticut Department of Environmental Protection***

MS. PESTANA: Yes. Hi. I just wanted to -- since Wynecta had given us a little charge here, I just wanted to maybe give you an idea of something that we have done in Connecticut that was successful in actually doing outreach with new immigrant populations and communities that have language barriers. That is, to state the obvious, to work through churches.

Not that that is an easy thing to do because pastors of immigrant populations are very protective. They are going to want to -- you are going to have to pass the sniff test, okay?

(Laughter.)

MS. PESTANA: That is to quote some community people, okay? You are going to have to pass that sniff test, but once you do, if you present what it is that you are trying to do after a service, you are going to get multiple people there that are really eager to speak to you, to participate with you and of course, since it already passed a pastor's sniff test, you are going to have a little bit more credibility and trust.

So, I just wanted to give you that idea because I do not see religious institutions or churches in this and they really are so important. Thank you.

MS. BROWN: Actually, we tried to address that in Recommendation 8. You cannot get any work done in the Bible Belt of the South without going to a church.

(Laughter.)

MS. BROWN: But you are absolutely, absolutely right. Thank you.

MS. YEAMPIERRE: Victoria.

***Comments by Victoria Robinson, Designated Federal Officer,  
Office of Environmental Justice***

MS. VICTORIA ROBINSON: First of all, I want to thank you ladies for a wonderful job and I was on those calls and let me tell you, it was trying to squeeze a lot into -- you know you talk about squeeze out of a lemon. You are trying to squeeze a lot into something and they did a great job.

What we will do is we will take the comments that you have and if you have any additional ones, please email me, cc: LaTosha or Jody and we are going to integrate them in and the work group will also get together and talk about these things and finish up the final, final version to get to you guys in a couple of weeks for your final vote on the report.

But, I wanted to ask Kedesch and then LaTosha because I know that you guys, being down there, you were kind of tag team going to task force meetings, as well as the task force stake holder meeting that are being held in each of the states at least twice, if I am not mistake, on a rotational cycle. What did you glean out of -- let me back up.

What Lisa Garcia had also been doing is prior -- the day before to the task force meetings is holding a community dialogue and I wanted to get a sense from Kedesch and LaTosha, I think LaTosha, you went to the New Orleans one and Kedesch, you went to the one in Mobile last week -- a sense of what kind of messages you heard from communities and how you see that integrated into these recommendations.

MS. ALTIDOR: I must admit, after being in Mobile Thursday, we have captured most of the advice and recommendation but one is to be honest and transparent. Let them know what is going on and come back and report to them and say yes, we have captured this and no we have not captured this and why, you know? Report back to them often enough.

Like let them be -- so that they are included in the process like they have an active role in this process. A second one was to have the Community Advisory Board, which was announced on Friday. A third one was use the local community NGOs. Like they have a trust already built in that community. They know the people.

They know the scientists. They know the science. They just know what is

going on and they have a way to get the word out. There is no need for us to do any additional work because they have that system that they set up. So, for instance, use the Gulf Coast Fund, which is it every day you sent that email out? So, use them as a resource.

We have them there. They want to be used. So, hello. We are here, use us. The language and communication as a barrier is not -- translation is not enough, which we did say that in the report. Father Vien had said make it relatable, make it visual. Example, you saying -- I am going to throw out a number. 1.5 billion oil was leaking into the ocean, but what is that? So, have ships and tankers like 15 million that show just has as much.

Like, it needs to be visual and another comment we heard was do not bring your own interpreters, use theirs because they have terminology that is not common but use theirs, you know, use their translators who know how to relate and bring the message home. Do not bring our -- you know hire somebody from the outside who do not know how to relate to the community.

Most important one. There are more non-federally recognized tribes in the Gulf Area. There is only two -- right? Two federal recognized tribes, so it is unfair to recognize those two and not recognize the others because there are at least eight times more non-federally recognized tribes. So, we need to acknowledge their presence and their historical presence in that area for so many years.

So, I would say internet, email -- many of them do not even have access to that. We need to come to their door, knock, use radio, use -- go to the library, grassroots -- but keep them informed and let them know what is going on because they do want to know. They do want to be educated. They do want to be acknowledged. So, I would say that is all I heard.

MS. YEAMPIERRE: Thank you.

MS. BROWN: I will just share four quick ones. The first is use the experience and the expertise of people of the community. Sometimes we see them in the context of the victim, but they are people who have expertise and experience that actually can help advance the process. So, I think that sometimes our greatest resources are overlooked which are the people that are in the region.

So, one, use the expertise and the experience of the people in the region. Two, relationship building. At the end of the day, most of us in this room, a lot of the work we have been able to do, we have advanced through relationships and really building authentic relationships with people. We know that people work with government agencies but certainly, when people know that those folks that are coming down care and have a real heart and an ear for those communities, it has a much greater impact.

So, I think we have to be really conscious if you want to authentically get engaged communities, then you send people who are authentic to engage them. The third thing is having a cultural competency. That does not mean you just have someone that can translate in terms of language. I remember there was a flyer right after the oil spill that had -- that was translated in Vietnamese that actually said and talked -- it was actually trying to speak to deck hands but it was actually translated and said hands that grow out of decks.

Nobody knew like what are hands that grow out of decks? So, just

something as simple as -- and that was a simple issue that could have been resolved by just making sure that you were partnering with those communities or those organizations that work with that segment of the population. A fourth piece, and I will wrap it up, is use existing networks.

Some of this you do not have to do all over. There are organizations. There are churches. There are community organizations. There are affinity groups. There are groups that work, whether it is formally or informally together, that can also be a resource. Thank you.

MS. YEAMPIERRE: Well, thank you everyone. For the members of the public who are listening who are from Region II, it is our hope that some of these recommendations can help and form and shape the work that is being done in this region. I will just add two things before we break to lunch. I will add that in Region II, childcare and food are really important for community participation.

So, that is really important. So guys, we really need to be back here and ready by 2:45. You know that we have our public comment period and that must start on time. I am sorry about that but 2:45 we will see you. Lisa will continue to host -- what? Lisa Garcia will continue to host pre-meetings for EJ local communities at each of the task force meetings. So, continue to help get the word out. All right. See you in a few.

(Whereupon, a luncheon recess was taken.)

## **AFTERNOON SESSION**

(2:55 p.m.)

MS. YEAMPIERRE: Okay. We are going to get started. Welcome ladies. The next item on the agenda is Next Steps: Environmental Justice and Permitting Initiative. Joining us to discuss what really is -- you know, the permitting piece is the heart of Environmental Justice. It is the most difficult, the most complicated, the issue that makes our eyes glue shut because it is so complicated but really the heart of environmental justice.

So, thank you for joining us. We have with us Janet McCabe who is the Principal Deputy Assistant Administrator for EPA Office of Air and Radiation. We have Carol Ann Siciliano, Associate General Counsel, EPA Office of General Counsel. I have your bio. I do not have Janet McCabe's so Janet, when you begin you might want to give us a little information about yourself.

I am going to read Carol Ann's. Carol Ann Siciliano is the Associate General Counsel of the Crosscutting Issues Law Office of EPA's Office of General Counsel. Under her direction, the Crosscutting Issues Law Office provides legal counsel to all EPA programs and offices on the environmental justice, Indian law and other issues.

She also directs attorneys with expertise in international environmental law, Administrative Procedure Act, the Endangered Species Act and the National Environmental Policy Act in a wide array of legal matters related to rule making. She began her EPA career in the Office of General Counsel's law office where she acquired expertise in the Clean Water Act and Safe Drinking Water Act matters.



She obtained her JD from Fordham Law School -- Fordham, yeah -- and her undergraduate degree with honors from Princeton University. We also have on our panel our very own John Ridgway, who is the chair of the NEJAC work group. So, welcome. Janet, if you could say a few words about yourself, we would appreciate it. Thank you.

***Next Steps: Environmental Justice and Permitting Initiative  
by Janet McCabe, Principal Deputy Assistant Administrator,  
EPA Office of Air and Radiation***

MS. McCABE: Sure. I would be glad to. I think I was with you guys when you were in Kansas City. So, I have been working for Gina McCarthy is her deputy for about 18 months now and I help her with all aspects of the work that the Office of Air and Radiation does with a few excepts but a big regulatory agenda. I help the headquarters' office work with our regional office on all kinds of things including permitting.

Before coming to EPA, I worked for many years in state government as an air office there. I was the air director for the state of Indiana for a number of years. In-between state government and EPA, I worked to -- I was executive director of a small non-profit called Improving Kid's Environment in Indianapolis, Indiana, which abdicated on behalf of children's environmental health for things like integrated pest management in schools and lead poisoning prevention and air quality improvements. So, I think John is going to start us off, right?

***Comments by John Ridgway,  
Manager of Information Management and Communications Section,  
Hazardous Waste and Toxics Reduction Program,  
Washington State Department of Ecology***

MR. RIDGWAY: Madame Chair, thank you. I want to provide a little bit of continuity between what the Council has observed, if briefly, and how we are going to carry on. A reminder to the Counsel that we had a work group that very quickly turned around to report to address advice on permitting an incorporating environmental justice in that. That report is basically done.

We do not have the copies with the final signature, but it is done. It is going to be, I think, just a matter of days before it will be posted and available. I want to thank group for putting that out. So, this is a continuation of that and EPA has been extremely, notably and to their credit, responsive to that report in that they have been tracking and they are already following up.

At a clip -- a real good clip and that is again, to their credit. So, we are now sitting up a new work group to -- and a different type of a work group to support this implementation as described in the EJ Permitting Plan. As you heard, I am going to be chairing that. A couple of times that council members do look for that report.

It will be coming out. That will be the basis from which this work is going to be happening. We are going to be supporting EPA's implementation of that. They are going to be going out for comments and as they develop this, we are going to be

there to help them. We are not there to provide oversight, but rather ongoing advice.

One of the things I want to note here before I -- I want you to hear mostly from the EPA folks that are with me here at the table but there are going to be some listening sessions and I want to encourage you to keep those in mind. Those will be posted and those will be available on conference calls like we have been doing with our council meetings.

Another element here that you want to probably know is that what is your role here? We are not going to be producing a big report. That is not the nature of this charge. It is going to be a little different. So, I want to make a promise of good faith that I will be coming back to the Counsel and/or the counterparts that are working on this to give you a) and update on what we are doing and b) certainly, an opportunity to ask questions and provide dialogue where we think it is -- there are opportunities to do that, maybe we will build that into the agendas of the upcoming face meetings or on conference calls.

We still have not figured that out but I think this is going to be an ongoing work group probably for at least a year. So, you may be hearing routine updates to be sure that you understand what we are doing. We are not going to really be making hardcore decisions here such that we won't necessarily be coming for an approval, per se, but almost to the degree of an approval.

We certainly want you to be able to understand what we are dealing with and give you an opportunity to also hear what we as a work group are dishing up for EPA and ask questions and provide your comments. I will leave it that and maybe pass it over to Carol Ann -- or Janet. Excuse me.

***Comments by Janet McCabe,  
Principal Deputy Assistant Administrator, EPA Office of Air and Radiation***

MS. McCABE: Yes. No, that is fine. So, I am going to get us started and before I go too far, I am going to tell you guys that I have a train to catch. So, I am going to get up at 3:30. I thought I had planned this all perfectly and I had planned it all perfectly but you guys did not, I guess.

(Laughter.)

MS. McCABE: Just so you do not think I do not like you anymore. So, I want to thank the NEJAC for all the work that you have done already on the EJ and permitting issue and for keeping EPA's eyes focused on this issue and for your continuing support in the formation of the workgroup or subgroup or task force, whatever it is that John just mentioned.

MR. RIDGWAY: We are -- it is a work group.

MS. McCABE: Work group. The work group because it is going to be immensely helpful to us as we go forward and I think will make for a much, much better product. What we wanted to do with the time with you today is have most of it for conversation and discussion and questions. So, we are going to lay out very briefly where EPA is in moving forward with the EJ and permitting aspect of the Plan EJ 2014.

I will do that very briefly. Carol Ann's going to talk a little bit about some of the comments that we have already received from members of the public in response to our work plan being posted. I would like to introduce to you Michelle Roos who is an

EPA employee working with Carol Ann and myself in Region 1. The Office of Air, the Office of General Counsel and Region 1 are the three EPA offices that have been charged with co-leading the environmental justice and permitting effort.

Michelle is our chief organizer and has brought a tremendous amount of passion and great skill to keeping us all organized and moving this forward. She is going to tell you a little bit about where EPA's internal work group is on this process, who is on it, that they are doing and that sort of thing. Does that sound good?

(Indiscernible.)

MS. McCABE: All right. So, where we are now is you know we put out a draft work plan for the EJ and permitting. We have gotten a number of comments. We fully expect that we will get comments forever on this. From our perspective, there is no deadline to input comments for us. Whenever we get them, we will welcome them and work them into the process.

Be we did get a big chunk at the end of April because that was the agency's deadline and that is great. They have been very helpful already. So, there we are on there that John mentioned that another way we are hoping to get input is through a series of listening sessions. These will be in early June and you will all get specific information about them.

These will be conference calls. Each one, there will be five or six, I guess. Each one will be focused towards a certain stakeholder group or groups. For example, we intend to have one that will primarily be for state, local, and tribal governments. We plan to have another one that will be focused for environment -- community and environmental groups, another one for business and industry.

Another one that would be just for tribes, another one that would be kind of anybody who does not feel that they are part of one of an identified stakeholder group and want to participate. We are actually talking about having one that would be conducted in Spanish for people for whom that would be beneficial.

So, we certainly would like your input on this. The idea is that the listening sessions would be exactly that. EPA would tee up the issue, let people know a little bit about what is going on and then we would put the mute button on and people would speak and we would take that input. Just to be organized and to make sure that people have an opportunity to speak, our plan is to ask people to let us know if they plan to listen.

If they would like to speak and they are from a group that is from the stakeholder type that that call is focused on, we will take people first come, first served and sign them up to speak and then call on them so that we can be organized to make sure everybody gets a chance. Because we will have a catch-all, anybody come call, there will be an opportunity for everyone to get their input to us.

We do not envision these as being calls where people might raise specific issues that they want an answer from EPA but of course people can always ask us those questions in other ways and we will get responses to them. So, we are planning to do that in early June and then in the meantime, we are moving ahead with our internal work, which Michele will talk about in a minute and taking a look at the comments have come.

Michele, I think, I do not know which one of you guys wants to go next. Maybe Michele? It makes sense to talk about what we are doing now.

***Comments by Michele Roos,  
EPA Staff Lead,  
Office of Policy Analysis and Review, Office of Air and Radiation***

MS. ROOS: Great. Thanks so much and thanks for having us. Yes, so I am the staff lead of internal EPA work group that is dedicated to this environmental justice in permitting.

MR. RIDGWAY: ---.

MS. ROOS: Thank you. Thank you, John. We represent just every single region in the country and just about all program offices across the Agency. So, about 40 staff members that is dedicating time to this. We are focused on collecting tools, and I will define that in a second as well, and in many cases creating tools to better incorporate environmental justice into permitting.

We are defining tools very broadly; guidance, templates, checklists, trainings, websites, memos, case studies, anything that can assist permit writer's communities, industries, the EPA, other regulators in incorporating environmental justice into permitting. In year one, we have our implementation plan mostly focuses on year one. Our deliverables, which would come out around December 2011/January 2012 would most likely be a small set of EPA guidance.

This would be focused on new tools that we will be implementing in the Agency for EPA issued permits, as well as an e-library of best practices from across the country. Many of the public comments that we have received, which Carol Ann will talk about in more detail, touch upon those. We want to hear those and we are excited to be working with our NEJAC work group to help collect those.

So, once again right now, we are in the process of collecting ideas. This summer we are going to be editing and developing the tools. In the fall, we are looking for opportunities to test those. We will go back for more public comment late fall/early winter with finalization in December or January. As Janet mentioned, you know, although the focus is collecting, we are soon moving into drafting a lot of these.

We welcome all comments at times throughout our process. Thanks so much.

***Comments by Carol Ann Siciliano,  
Associate General Counsel,  
EPA Office of General Counsel***

MS. SICILIANO: Thank you, Michele. It is a pleasure to be back in front of the NEJAC again. When we were last here, we talked about the recommendations that the permitting committee had provided to us in draft. It was a very rich document. Many, many ideas, lots of things for us to think about. If you looked at our draft plan, you may have recognized that a lot of those suggestions made it into the plan because they were right spot on to the kind of things that we are looking to address through this permitting initiative.

Now, we are about to receive the final version and I have taken a peak at it. I do see that it contains much insight and a lot of ambitious objects for us to try to

accomplish over the next couple of years and the sub -- the work group that John and Janet and Michele eluded to will be a very important tool or mechanism for us to really flesh out what the NEJAC's recommendations are so that we can give life to them, establish priorities and figure out how to make them, as many as they can, part of our -- the thinking that we are doing right now on this important EJ and permitting issue. So, many thanks to that.

We look forward to having this be very much part of our process. What I looked at, and it is a really nice segway into the comments that EPA received on the permitting plan, they align very nicely with the categories of recommendations that the NEJAC has conveyed to us or will be conveying to us in your formal report. They came in a lot of different contexts.

One of them, over and over again, was meaningful engagement between the facilities and the communities prior to an application being filed. That comment came from the states, it came from the communities, and it came from the industry commenters.

I was delighted to see that. there is a -- in fact, one industry commenter, Covanta in New Jersey, talked about as one of its objectives thought that our objective should be early, abundant, objective and transparent disclosure of information and communication. I love that abundant, you know? Early, abundant, objective and transparent.

I said yes, that is -- those are pretty good words for us to be living with as a way of starting this process. You all have a lot of recommendations about how we can put teeth to that. We also say the states coming in and saying great idea, let me tell you what we do. We have already had -- Edith has talked to us about Connecticut's work and I appreciate that leadership.

We are seeing other states are stepping forward too and saying -- New York, we are doing it. Pennsylvania, we are doing it. Illinois, we are doing it. That is all going to feed into our tools because we want people not just to talk to us but to talk to each other about the leadership they are already exercising and how these leaders -- the best leaders.

You all know this. You are leaders. Leaders learn from each other. If we can facilitate that increasing -- they synergies of leaders wanting to do better, then we will have done quite a lot and one of our tools is to foster that conversation and to learn, learn, learn from what the states are doing. Then learn from what the communities are doing and learn from what the industry businesses are doing and what the tribal nations are doing.

In fact, that is what motivated these listening sessions because it occurred to us that we cannot start from ground zero. We knew there is so much work that has already been done, let us build on that. Let us learn ---. So, that was a great insight that we realize we are following your lead. Thank you for that. We are interested and the commenters are starting to tell us about success stories.

That we want to build on, as well, and see what we can draw from that, see what is universal and again exchange information to allow people to talk to each other. Another set of comments that came in, and this came from a community group, made a lot of sense, is building capacity. Meaningful communication is fine, as far as it goes.

It is great that facilities are going to reach out to communities, that states or their permitting authorities are going to promote that but if a community lacks the capacity to engage meaningfully, then it is not meaningful outreach. What does that look like? What role can EPA play? What role can businesses play? What role can the communities play themselves?

Very interesting subjects to talk about. I think there is a lot of opportunity there and the opportunity for innovation and creativity. So, that is something that we are going to be looking at that the commenters -- in particular, the community commenters have pointed out. The states have also said well, what about resources for us?

How does this -- we are already burdened with, you know, restrictions in our own budgets. What does this mean for us and we are going to be looking at that too and my hope is that what we are all going to be seeing is there are -- not only is this the right thing to do, one could stop there, it is the right thing to do, there are also efficiencies -- tremendous efficiency.

I tell this to my kids. When you do the right thing, good things happen. There are efficiencies in telling the truth. You are not covering up a lie. It is just do it -- do the right thing. So, in this case, we have to deal with that issue. We have to deal with the issue about resources and I think we can do it creatively. I think, as we work together, if we are people of good will and commitment to this overarching issue, we will figure out how it is in our interests.

At least that is what our commenters are telling us, that it is in our interest to figure out how to make this work. What we are hoping, particularly from the business community, is to -- and Sue has been very helpful here in identifying this prospect as have this as commenters saying when it works, it works beautifully for us because then we have a relationship with the community.

We have reduced the likelihood -- we have expedited the issuance of this permit we so desperately want. We have reduced the likelihood of litigation on that permit and we are -- we feel ourselves part of this community that we truly are a part of this community that we truly are a part of and then there is a relationship that we have now cultivated, thanks to some of this early upfront work.

So, I was telling that story. Now, there is a narrative here that we can be talking about. That is what the commenters are telling us. So, then the question is what is EPA's role in this. What is your all's role? The states? The municipalities, the businesses, the tribes, the environmental communities. The interesting questions that we are going to be grappling with over the next 6, 8, 12 months and the work group is going to play a role for us in that.

The commenters also talked about the importance of keeping that communication open during this entire process. Janet said it quite right. The time for comments never ends. We are having listening sessions in early June but my hope is that we will set up a mechanism and I will be looking in a large part to the NEJAC to reaching out to your own communities to keep us informed.

To keep funneling good ideas to us because this will move as fast as -- it can be as big as we can make it with all your help. So, we do not know where we are going to end up but my hope is that we will gather the success stories and the lessons learned and then turn them around to interested folks. So, that is where the commenters are generally going and we are going to -- the listening sessions, Janet

touched upon this.

Another important thing about that is that we are inviting the federal agencies to listen in on these sessions, not to speak, not to respond but to hear what people think and -- because one of my, when I am not working on this permitting, I am working on outreach to the other agencies. I have -- I am the chair of an interagency group of lawyers around the federal family.

So, the Army Corps of Engineers, Department of Transportation, Department of Defense, Department of Interior, lawyers are meeting. We meet on a monthly basis. We just started that. We, as you know, there is an interagency working group for environmental justice at the very high levels.

So, there are opportunities here for us to education the federal family about these environmental justice issues so that they can see how to integrate environmental justice into their core missions. Well, that is -- those are -- that is what I wanted to make sure that I said so that you knew where we were going and how we are using the information and the advice that you are already giving us. We have, I guess, about 10 minutes left?

MR. RIDGWAY: More like about 3.

MS. SICILIANO: For Heaven sakes. Now, I know -- I will anticipate the question. I know it had come up on the question of legal tool. This came up yesterday. People noticed that it was about a two or three page document. I am the head, as you heard from my bio that Elizabeth kindly read -- my law office is in charge of providing environmental justice counseling across the entire agency.

What that means is that for every one of the focus areas within the Plan EJ 2014, we are providing legal advice. So, when it comes to -- and of course, I am, with Janet, co-chair of the permitting one. That is sort of obvious. But, every time legal issues come up in the context of Plan EJ 2014, EPA attorneys are right there providing the legal advice about the authorities that exist under current, under the statutes, under the regulations.

So, as a -- the rule making group starts looking at questions relating to integrating environmental justice considerations and to rules, the Office of General Counsel's attorneys are right there saying yes, the Clean Water Act does indeed authorize you to set water quality standards to protect subsistent fishers. So, we are there providing advice right along the way.

We do it on a case by case basis as these things come up. In the permitting context, there is a cool group of issues there and my position, as co-chair, is the recognition of that. My practice though is the same thing, that as issues come up in this context, we are providing legal advice on it. So, you all raised the question about public participation in Part 124. We will be providing legal advice about that.

You raised questions about the Army Corps of Engineers and EPA's veto authority under 401 of the Clean Water Act. We provide legal advice about that. A lot of you know, the most effective legal advice comes in the context with specific facts and a specific set of questions or circumstances. That is what we do all the time.

We are not so good at making pronouncements. Even the Supreme Court may make big pronouncements, but it is always in the context of a specific set of facts. So, that is how we are supporting this effort and we are supporting it very, very aggressively and actively. Our two page plan maybe did not do full justice to that but

we are deeply involved and very responsive to where the policy folks within EPA want to go.

***Comments by John Ridgway,  
Manager of Information Management and Communications Section,  
Hazardous Waste and Toxics Reduction Program,  
Washington State Department of Ecology***

MR. RIDGWAY: I am going to add just a couple of more things for context very briefly. One is on Friday, this past Friday, you were sent the final report and it has been sent up to the administrator. So, that is in your emails. Second, this work is going to focus first on EPA's permits and EPA's work with the full understanding that the states and other delegated entities are next in line.

So, there is, just so you understand priorities of the timing -- and the last point I want to make here and then maybe we can take a couple of questions. I will leave that up to the chair. Keep in mind that permitting is not just about a new facility. We are presuming this is going to apply also to when permits come up for renewal or permits that are being modified because something is changing at the facility. So, all of that falls into the context of the scope that we are looking at.

MS. YEAMPIERRE: We are going to take three brief burning questions. We want to honor the fact that the public is waiting and eager to submit their testimony. So, if you have three -- no? Are we good? Teri, then. Thank you.

***Questions and Answers***

***Comments by Teri Blanton, Fellow,  
Kentuckians for the Commonwealth***

MS. BLANTON: So, you said you were going to focus on EPA issued permits but your -- but you also mentioned the fact that the EPA has veto power over other permits through the Army Corps of Engineers, 402 -- or 404 program. Is this going to go across the board with other agencies that is going to be issuing permits and will EPA be overseeing those even though delegated authorities are to other agencies?

MS. SICILIANO: With respect to the Army Corps of Engineers, we are through our interagency working group both the lawyers and the policy makers, looking at those issues. So, this permitting group will be riding on those coat tails but we will be paying attention to that. With respect to the other agencies and NEPA, for example, that comes up, again, we are going to try to do the same thing.

Working through the lawyers, identifying opportunities and then working with the policy folks to help -- it is a bigger question for the Agency. The administrator is actually taking responsibility to help integrate EJ into their mission. So, we are supporting her in the permitting context but it is one of the things that we are looking at.

It may not be in the next 12 months. The lawyers are doing the most that we can right now but I think that is a longer -- both a long and a short term project, Teri.

MS. YEAMPIERRE: Peter?



***Comments by Peter Captain, Sr., Chief,  
Louden Tribal Council***

MR. CAPTAIN: Good afternoon and thank you for your report. I have got a slight problem. I represent indigenous tribes of Alaska and Alaska does not -- the state of Alaska does not recognize tribal status and yet they have the permitting process and we up there would like to see EPA have oversight on the state, especially with the big Pebble Mine situation.

MS. SICILIANO: Thank you for that. I will make a note of that.

MS. YEAMPIERRE: So, I will ask the final question then. I do not know if this has been addressed but I would like to know how health impact assessments can inform the permitting process?

MS. : Yes.

MS. McCABE: I will start. I think health impact assessments are one very important tool that has not been routinely used and -- but could be very useful in the permitting context. That is one of the mechanisms and the tools that our internal work group has on the table, to look at how you would do that, who would do it, what it would involve, how it would help, how it could be used.

So, we will look at that one. We will, as we come back to the full NEJAC and to the work group, that will be the kind of issue we can explore with the ultimate possible result of identifying that as a tool to be used in -- with guidance on the types of circumstances under which it is appropriate and how it might be done and how it could be interpreted.

So, it is a very important -- potentially important tool in certain circumstances that is exactly within the purview of EJ 2014 permitting work group to look at.

MS. YEAMPIERRE: Thank you, Janet. I really want to thank all of you for extraordinary work. John, I really want to thank you for your leadership. I know that you are tenacious and that EJ is a good thing and a necessary thing. So, I really want to thank you and for providing us with these updates. We really need to have them.

Because as I said when we opened, it really is the heart of EJ and this is where the rubber hits the road and where we lose our rights often. So, thank you so much. So, are we going to take a break now or we can just -- where are we?

MS. : Two minute break.

MS. YEAMPIERRE: We are going to take -- I am afraid to give breaks.

MS. : To stretch.

MS. YEAMPIERRE: Stretch. Get up. Stretch, look at each other. Two minutes. Two minutes. I am waiting for the names of the people that I am going to be calling so you literally have two minutes. Do not even leave the room. Thank you.

(Laughter.)

(Whereupon, a brief recess was taken.)

MS. YEAMPIERRE: Okay. So, the first person testifying is Arnold Wendroff from the Mercury Poisoning Project.

***Public Comment Period***

***Comments by Arnold Wendroff, Mercury Poisoning Project***

MR. WENDROFF: I have put a series of three documents in the back on the left-hand table as you are facing it on the left-hand corner. Prefacing this with the fact that as Dr. Sanders had suggested earlier, that I am a social scientist -- a medical sociologist and a kind of self-taught at this juncture environmental scientist. I am going to read from a document and then I am going to make a few off the cuff remarks.

This is available in the back there. I am concerned about the two decades long failure of EPA and allied environmental justice advocates, a number of whom are in this room at this juncture. Advocates and organizations to substantively assess and address the contamination of housing in some Caribbean and Latino communities with elemental mercury that has been put to magical, religious and ethno medical uses certain to have left residual liquid mercury in flooring and furnishings.

EPA and the larger EJ community have chosen not to apply the tenets of the precautionary principal to this environmental contamination issue apparently due to the unfortunate fact that the source of the contamination is not some outside agency, but rather members of ethnical, racial and religious minority communities who have intentionally sprinkled units -- unit weights of about nine grams of elemental mercury on the floors of their homes in the belief that it repels evil and attracts good.

There is no outside agent to blame or to sue as in the case of lead poisoning from paint or mercury on the bombing range at Vieques. There is no way to legally identify the polluter and so no way to make the polluter pay. The largely minority occupants of mercury contaminated dwellings are mainly exposed at secondhand from prior spills.

The sale of mercury by botanicals, not to be confused with bodegas, serving these communities is well documented as our -- the ritualistic uses the mercury is put to. Two published New Jersey Department of Environmental Protection studies have documented elevated levels of mercury vapor in housing believed to be associated with ritualistic use.

Two recent February 11 yet to be published cases of mercury contamination of housing have been reported; one from magical religious use, the other associated with ethno medical use. In the former case, a Puerto Rican family in Rhode Island, with three small children, had been poisoned by residual mercury in carpeting left by a former Dominican occupant who practiced unspecified rituals at the altar in her bedroom.

The home was grossly contaminated up to 50 micrograms of vapor per cubic meter, had to be evacuated. The 3 year old girl was acutely poisoned. She, her mother and two siblings all had highly elevated urinary mercury levels. All the children had to be related. In the second case in Connecticut, a Mexican family imported mercury for folk medical use from Mexico. It apparently escaped to contaminate their apartment.

EPA earlier had convened a task force on this issue, done a so-called simulation study but the bottom line is that EPA has consistently refused to perform the fundamental research of measuring mercury vapor levels in a sample of Caribbean and

Latino housing and in wastewater emanating from such housing. So, in summary, one, homes are contaminated with mercury vapors as a result of this ritualistic use.

Occupants of said housing inhale and absorb the vapor and the absorbed vapor has poisoned those occupants. So, what I want NEJAC to do to advise EPA to do, as was done in part when I put this to NEJAC in 1996 and it was incorporated into the Health Resolution No. 4 in 1996. One, measure mercury vapor levels in a representative sample of this minority housing.

Two, measure mercury vapor -- mercury levels in wastewater emanating from such housing and three, ensure that EPA's Office of Children Health Protection disseminates this information to the clinical community in general, and very specifically to the pediatric environmental health specialty units such as the one we have here at Mount Sinai.

So, the bottom line here and the very unfortunate fact is that when the source of the toxic exposure is from a minority community, you individually and collectively, okay -- not all of you but many of you do not want to know. You ignore the issue. I met with Elizabeth Yeampierre on this back in '97/'98 in formulating a successful EPA Environmental Justice Pollution grant.

This is just one illustration. She did not want to go along with us and she has known about it in great detail since then. Many names; Charles Lee, Lisa Garcia, Lisa Jackson, Nydia Velasquez. I have it all documented and you can see the litany of documentation that I have supplied to the NEJAC membership -- 89 documents that they got on a flash drive.

So, I suggest to you look at it and think about it because it is not going away and this may be the very indexed case that you will have to deal with. Thank you.

MS. YEAMPIERRE: Thank you. Jo Anne Simon? Jo Anne Simon from the Gowanus Expressway Community Stakeholder Group.

***Comments by Jo Anne Simon,  
Gowanus Expressway Community Stakeholder Group***

MS. SIMON: Thank you. Okay. I am on. Okay. Thank you very much. Thank you very much for your -- gosh, your courtesy in allowing me to speak today as opposed to yesterday when I was not here.

(Laughter.)

MS. SIMON: Through a little a confusion. My name is Jo Anne Simon and I am the immediate past chair of the Gowanus Community Stakeholder Group. What I would like to talk about today is a little bit about our story as an example of the ways communities can work together to ensure that environmental justice issues are raised and that we truly are inclusive of the members of the community.

I will also reflect on some of the things we learned along the way and some of the things I think that efforts going forward need to have in order to be more successful or at least more successful more quickly than we have. We still hold out hope that we will be ultimately successful in some of these issues. So, I will do that.

Since the mid-1990's, the issue of how to rebuild the 1940's era -- Robert Moses era Gowanus Expressway, which runs through and affects at least four congressional districts, has really embroiled the communities of western Brooklyn in

controversy with the State Department of Transportation primarily around the environmental impacts, as well as the choice of how to replace the roadway.

We opposed the proposals of the State DOT in the early '90's because they were going to replace the Gowanus Expressway with another overhead that we are just going to rebuild as is, closing it down six years one way and six years the other way and there would be no impacts. So, we found that this was clearly not going to be the case.

We knew that they would divert at least half as many of the cars on the roadway onto the local community streets for a long time. We caught onto the notion of building a tunnel and we thought that that could make a big difference. We really actively looked into creative ways of building tunnels, which at the time in the 1990's was in its infancy in terms of bored tunnel technology.

The western Brooklyn corridor has, at the last Census, 510,000 people within that area. So, it is a significant number of people that are affected by the Gowanus Expressway. It is 3½ miles of an elevated expressway that is spewing pollution over its sides. It no longer can manage the traffic that it has. There are at least 200,000 cars and trucks a day on the Gowanus Expressway and just as many more, it appears, that have not even gotten on the expressway because it is so overcrowded.

So, we know that the -- it is very significant. The communities of Sunset Park and Red Hook are the most impacted because they are cut off from the waterfront -- or they are cut off from the rest of Brooklyn by the Expressway. Red Hook is on a peninsula so it is sort of remote to begin with just geographically, and then the Gowanus Expressway came in and really severed them from the rest of the community area.

So, we have -- there are populations of color and primarily populations of people with very low-income. They are one of the largest housing projects in the city is the Red Hook houses. That is the predominant population in Red Hook. So, it is really a lot of people. There are a lot of people of color. A lot of poor people that are affected by the Gowanus Expressway.

So, it is a physical barrier, as well as an environmental barrier. Originally, there was no environmental impact statement that was planned. We fought for that. We fought for a major investment study and we actually sued the state and the federal government.

In order to get that, we settled for a sort of ground breaking agreement, which would provide us with an enhanced environmental impact statement process where we did a lot of what the MIS was supposed to do that was a function of \_\_\_\_\_, which no longer in effect and we also got a stakeholder group that -- and we received money from the state to fund the efforts of the stakeholder group and to pay community engineers that would advise us.

I think if there was one thing that we did that was smart was getting a technical advisory team because it was really important for the community to be able to compete with the state and its consultants with regard to the impacts of this on an equal basis. So, we hired a team that was kind of cherry picked. We did an RPF process.

We came up with a way of evaluating all the 47 alternatives they gave us. We came out with another alternative they had not thought of. The ultimate alternative that went into the draft EIS was the alternative with some modifications that the

community came up with that was not one of the original 47 that the State DOT came up with.

What we also achieved through that was finding out that the communities, as diverse as they were because while sort of ground zero for this issue is Sunset Park and Red Hook, the roadway and the affects of the roadway affect communities throughout the corridor, which includes everybody from the Verrazano Narrows Bridge on up to the Manhattan Bridge.

So, it is a real variety in terms of populations that are affected by this. What we found was that despite the fact that we could have been divided by having very different community characteristics, everybody actually agreed on what the roadway was supposed to be doing.

Everybody agreed on what they wanted it to be doing, how they wanted it to affect their communities and so when it came to should we do a tunnel or not, should we do a tunnel -- should we do an elevated with bells and whistles with regard to the entrances and exits, everybody came down in favor of a tunnel.

We also were very enthused by the likelihood that we would be able to scrub the air and so, in this very, very polluted corridor, we would be able to put out air that was cleaner than what came in. Since that time, the DEIS is kind of on hold in part because I think that we are joined by governmental partners who also do not want to have a record of decision that sits on a shelf until we find a funding plan. So, one of the --

MS. YEAMPIERRE: Time.

MS. SIMON: -- things we are looking at is a funding plan that will more actively address this as more than just a roadway project but all of the environmental and health aspects of it, as well. I can tell I have gone on way too long. So, if you have questions I would be happy to answer them.

MS. YEAMPIERRE: Yes. I have a question or comment, Jo Anne. You know I have a long history working with you and I think that the community based planning model that you came up with was exemplary and something that should be replicated. It is really respectful of environmental justice principals. What I think what a lot of communities that do not typically talk to each other together in a way to do something really productive.

I guess what I would like to ask you is what -- you know, the purpose of the NEJAC is to get a recommendations from you about the role that EPA might be able to play in addressing maybe some of the environmental or health disparities. We know that -- I think that DOT will be here tomorrow for the interagency working group.

That may be a good place to raise some of the issues that you have raised. But in terms of the best use of the NEJAC, what would be some of the things that you would like us to think about in terms of what you have raised?

MS. SIMON: Well, let me just say that I spent some time on the website reading a lot documents. One of the things I found was that I was not quite sure what it all was in Plan 2014 and how to address those issues because there was still a fair amount of language that was specific to this industry for -- for lack of a better term.

I am not an environmental lawyer. I did call a friend of mine who is one and she explained to me what permitting was because I did not know what it was really, which sounds kind of dopey. But anyway, once I found out what it was it struck me that

that was a very important issue for communities to be able to address.

So for one, I think it is the language of the website. I think that we need to put out materials that will help educate the community in language that they can understand and that includes not just the fact that many people do not have terrific educations, but even those of us who do, you know, it is not my field. I am a community person and I am a disability civil rights lawyer.

So, I know my field but I do not know other people fields. So, it is very helpful to have an explanation of what these things are. I think it needs to be obviously also put into different languages and it should be accessible in multimedia formats. So, I think that is one thing that can be done.

I think that as community groups get together, I think one thing that NEJAC can help communicate to the Agency, and to other agencies as well, is that especially where, for example, like in an environmental impact statement process with roadway, it is being done by the State DOT but it is a NEPA requirement. So, the federal government has a role to play in that and that is to get behind the community as the client.

If there is one thing we did our community technical advisory team, is that the community was the client and so that made a big difference in us being able to explain our needs and concerns, get those addressed, be able to communicate better to our fellow community members to effectuate what it is we wanted to do. I think that we need money.

We had some money that was allocated but it was not for the functioning of the stakeholder group, so a lot of it was just simply run out of my office as my staff had time and myself and other members of the stakeholder group on their own time. That is not a really good way because you are really competing with, you know, large organizations that have budgets to these things.

As I look at projects around the state and borough now, I see that everybody has a stakeholder group. I am reminded by the State DOT people that it is in reaction to the Gowanus Group because they did not want them to get sued and create their own stakeholder group, but they have actually the resources to function as a stakeholder group.

But, the agenda is set by the Agency. So, I would like to see the agenda set by the stakeholder group. I would like the stakeholder group to have access to resources so that it could function in a way that it needed to function to do what its job is, is the community as client.

MS. YEAMPIERRE: Thank you. Does anyone have any questions or any comments?

(No response.)

MS. YEAMPIERRE: All right. Thanks for joining us.

MS. SIMON: Thank you.

MS. YEAMPIERRE: Eddie Bautista, New York City Environmental Justice Alliance. Okay. This is it. I am actually not calling him. The list has changed. Wig Zamore from Somerville Transportation Equity Partnership, Somerville, Massachusetts. Wig Zamore?

(No response.)

MS. YEAMPIERRE: Okay. Jonathan Ferrer\* from UPROSE, Brooklyn,

NY. Welcome, Mr. Ferrer\*.

***Comments by Jonathan Ferrer\*, member,  
UPROSE, Inc.***

MR. FERRER\*: All right. So, good afternoon. My name is Jonathan Ferrer. I am 15 years old, a Sunset Park resident and a core leader and youth organizer at UPROSE. Founded in 1966, UPROSE, Brooklyn's oldest Latino community based organization, is an intergenerational organization dedicated to environmental and social justice.

We are also members of the New York City Environmental Justice Alliance. Sunset Park is a working class waterfront community of color with approximately 125,000 residents. It is home to the Gowanus -- it is home to the Gowanus Expressway where 250,000 cars and 15,000 to 25,000 trucks pass through every day.

We also have several power plants and over 38 peaker turbines. A waste transfer station, federal prison, brown fields and a bus depot recycling -- a bus depot recycling facility and a lack of open space. The Sunset Park community is also the largest significant maritime industrial area or SMIA in New York City. Our community has asthma, upper respiratory diseases and cancer.

In the middle of all these polluting businesses, we have over 30,000 people under the age of 19, 3 senior centers and several schools. Sunset Park's designation as an SMIA means that the city can locate the most polluting infrastructures in our community. It also means the standards used are weak and these companies are clustered in our community.

As young people, we are worried about the concentration of industrial materials in our waterfront. There is 90 percent -- there is a 90 percent chance of a storm surge in the next 10 years. This can lead to exposure to hazardous materials and contamination of water -- waters with dangerous chemicals, heavy materials or other hazardous substances.

This toxic water can migrate to other parts of the waterfront, as well as upwind. As flood waters recede, brown fields will emerge. We believe the EPA needs to step up and work with Federal Emergency Management Association (FEMA) and National Oceanic Atmospheric Administration (NOAA) to assist the potential of storm surges in waterfront communities like ours.

These agencies must work together and work with us to prevent these disasters, reduce emissions and develop local community resiliencies. We must break bureaucratic divisions, mend the chasm between on the ground work and the government in order to get proactive and not reactive. We do not want to be the -- we do not want to be the new -- the next New Orleans.

Climate change scares us and it will hurt my generation. At UPROSE, we fight for environmental justice. We plant trees, monitor air and water quality for our community, and share knowledge. We are meeting with different stakeholder groups in our community to understand their priorities and environmental health concerns through the EPA Care grant.

In other words, we are doing our part and the EPA has assisted us in this

but having tons of chemicals on our waterfront that are regulated by agencies that do not communicate with each other puts all of us in harm's way. We are counting on you to include climate adaptation into any efforts that addresses environmental justice. Thank you.

MS. YEAMPIERRE: Thank you. Any questions or comments for Mr. Ferrer? Kim?

MR. : Thank you. Wait, these are questions?

MS. YEAMPIERRE: ---. Thank you.

***Comments by Kim Wasserman, Director,  
Little Village Environmental Justice Organization***

MS. WASSERMAN: My name is Kim Wasserman. I am from Chicago. First and foremost, I wanted to thank you for coming up here and for sharing your statement with us. I just wanted to -- I appreciate the fact that you came up to talk about specifically two things; climate adaptation, because I think it is important for not just NEJAC but EPA to hear as they are rolling out EJ Plan 2014.

The importance of including climate adaptation into their plan, but also, I think, in hearing you speak, I think it is important to continue to push on the need for state guidance and the need for state -- inner governmental agencies cooperation because I think it is one thing for us to talk about, but I think it is a very different thing to hear from -- in public comment, not just from folks in general but from young people recognizing the importance of this happening and pushing back to remind us that these things need to happen. So, thank you very much.

MR. FERRER\*: Thank you.

MS. YEAMPIERRE: Wynecta?

***Comments by Wynecta Fisher, Member,  
NEJAC Gulf Coast Ecosystem Restoration Work Group***

MS. FISHER: Thank you so much for your testimony. It made me think of a couple of things that you guys might do. Patty is not in here but I am thinking about the zoning issue and sometimes coming from the ground up and letting -- if there is some way that you can put -- I forget the exact name of it. I want to say maybe it is covenant.

I am not sure but there is something you can add into the zoning law that requires people to do something a little extra but you really should be concerned about climate change. Coming from New Orleans, it is real and FEMA is not going to help you at all so --

MR. : ---.

(Laughter.)

MS. FISHER: I do not mean to -- yes. FEMA, you know the interesting thing about FEMA is that it is actually an agency that is made up of, for lack of a better word, part-time workers so they basically -- they build up their labor pool when there is an incident and if you go online now, you will probably see where FEMA is looking for people to do work.



But NOAA, NOAA could -- and I -- if you can figure out a strategy to get NOAA interested. If you can find some species --- it is true though. Something along there that could potentially be --

(Laughter.)

MS. YEAMPIERRE: ---.

MS. FISHER: The one beaver. If you can find something --

(Laughter.)

MS. FISHER: -- and I am serious. Everyone is laughing. If you can find something, it would actually -- it would -- NOAA would begin to maybe begin a dialogue, which could help you. So, thank you so much for your testimony and best of luck to you.

MR. FERRER\*: Thank you.

MS. YEAMPIERRE: John.

***Comments by John Ridgway,  
Manager of Information Management and Communications Section,  
Hazardous Waste and Toxics Reduction Program,  
Washington State Department of Ecology***

MR. RIDGWAY: Thank you. Jonathan, thank you very much for your comments. My question is more related to what you are doing right now. That is, you are coming in and giving testimony and you are representing a part of the community that we rarely hear from, meaning younger people, and my question is how can we engage, how can we invite, provide a venue such that more people in a younger age bracket feel welcome and/or enticed to come and give testimony of this nature.

You are setting a great example and I think we would like to welcome that more. It is hard. Some kids are in school, of course. Any advice for us on that?

MR. FERRER\*: Well, first off, the first thing I want to say is not a lot of youth know about this and that they could possibly do something similar to this but looking back at UPROSE and other organizations similar to us, they are beginning to give us a chance to do things like this. I think in the future, based on what UPROSE is already doing, there will be more opportunities for youth like me to do testimonies or speeches or anything else like this.

So, I think what is going on already at UPROSE, and you see it a lot in other organizations, I think there will be greater amount of youth doing things like this.

MR. RIDGWAY: I would like to follow-up. Do you think something like texting these meetings would help or --

MS. : Tweets.

MR. RIDGWAY: Tweets. Sorry. Excuse me.

MR. FERRER\*: Face -- we started a Facebook page.

MR. RIDGWAY: There is a reference to my age right there so, yes.

(Laughter.)

MR. FERRER\*: Well, we made a Facebook for UPROSE and I see -- we do events for youth and we are educating a lot more youth about environmental issues, social justice issues and I think what we are doing so far could possibly get a great amount of youth here.

MR. RIDGWAY: Thank you.

MR. FERRER\*: Thank you.

MS. YEAMPIERRE: Jolene?

***Comments by Murad Awawdeh, Environmental Justice Organizer,  
UPROSE, Inc.***

MR. AWAWDEH: Just to touch up on one thing that John mentioned -- well, to answer part of the question. Making the information accessible for young people, as well, and not necessarily creating a separate track but also involving young people in the process, as well. So, when this is being organized, you know, young people can know about it.

MS. YEAMPIERRE: Welcome. Could you say name and who you are please?

MR. AWAWDEH: Hi. My name is Murad Awawdeh. I am the environmental justice organizer at UPROSE.

MS. YEAMPIERRE: Okay. Jolene.

***Comments by Jolene Catron, Executive Director,  
Wind River Alliance***

MS. CATRON: I would like to -- my name is Jolene Catron and I am from Wyoming. I would like to thank you again for your participation here at the NEJAC. I think it is very important and vital that we hear from our young people. We do not, which is unfortunate. So, I am glad you are here.

I would encourage you to come back tomorrow for the Interagency Working Group, if you are around, or if you have peers who are interested in delivering this message to the Interagency Working Group because I think that that is important that they hear this.

When you mention climate adaptation and how important that is to you or climate change and how important that is to you as a young person, both Pete -- Peter, I hope you do not mind me saying but both Peter and I, you know, are shaking our heads because that is an issue that we are both very highly concerned about as indigenous people to this land and so again, thank you very much.

MR. FERRER\*: Thank you.

MS. YEAMPIERRE: Nia?

***Comments by Nia Robinson, Executive Director,  
Environmental Justice and Climate Initiative***

MS. NIA ROBINSON: Hi, Jonathan. I like your shirt. We are matching.

MR. FERRER\*: You have the same shirt on.

MS. NIA ROBINSON: Yes. Okay. So, I know yesterday there was a youth event that happened next door. Were you informed yesterday that they could come on the list and provide testimony? Was the process of testimony talked about yesterday?

MR. FERRER\*: Yes. I mean I left a little early but --

MS. NIA ROBINSON: Yes.

MR. FERRER\*: -- we were --

MS. NIA ROBINSON: Okay. Because I would be interested in --

MS. VICTORIA ROBINSON: Nia, I can address that.

MS. NIA ROBINSON: Okay.

MS. VICTORIA ROBINSON: I am sorry.

MR. FERRER\*: Yes.

MS. VICTORIA ROBINSON: Because he left early but on the agenda, the last part of the agenda --

MR. FERRER\*: Yes.

MS. VICTORIA ROBINSON: -- is all about preparing and getting --- help prepare for giving testimony and giving public comment. They were invited and we actually have some slots set aside for them but they had said they were not comfortable at that time to give it, nor had they have the opportunity today.

MS. NIA ROBINSON: Okay.

MS. VICTORIA ROBINSON: So, that is why they did not come forth yesterday but some of them said they were going to come forth today.

MS. NIA ROBINSON: Okay. That is fine.

MS. VICTORIA ROBINSON: Yes.

MS. NIA ROBINSON: It was not a judgment. It was me -- because I, as much as I want to be over there I cannot, so it was trying to understand if it had happened and if it had, I would really be -- I would be interested to talk to the young people to figure out what is that is making this space so uncomfortable and what we can do as NEJAC to make it a more comfortable and inviting space.

Because if the issue was a lack of comfort, then we need to talk about that and we need to work on how to fix that and making it more accessible. So, that was why I was asking.

MS. YEAMPIERRE: Thank you. Thank you, Jonathan.

MR. FERRER\*: Thank you.

MS. YEAMPIERRE: I am sorry. I did not see you. Do you have a comment, Wynecta?

***Comments by Wynecta Fisher, Member,  
NEJAC Gulf Coast Ecosystem Restoration Work Group***

MS. FISHER: Yes. Actually, I just have a question because I know school is in session. Do you think -- what? No. Seriously. Do you think if somehow we, as a body, could tie some of the things you are doing in your school, in your science classes, your math classes, if we can somehow tie that in, maybe we would have more youth being involved?

I mean there are a lot of classes. This is public speaking. It is debate. It is some science. Do you think that that would help?

MS. : Political science.

MS. FISHER: Political science. Do you think that would help get more people out?

MR. FERRER\*: Well, I mean we -- we are beginning to do that a lot in school because UPROSE connects to a lot of schools around where they are located. I do believe if they begin to implement this in school that a lot more youth would come forth but just based on the situation with the youth, I do not think they know yet that they can do -- does that make sense? Yes? I do not think --

MS. YEAMPIERRE: Absolutely. We were just saying how much sense you make.

MR. FERRER\*: Well, yes.

MS. YEAMPIERRE: --- do you want to share how we --

MR. : ---.

MS. YEAMPIERRE: I am sorry. Vernice. I am sorry, Vernice.

MS. MILLER-TRAVIS: Jonathan, thank you for being brave and coming up here. I want to ask a question. Last week, there was an article in the paper about the lack of civic knowledge of American students. A bit test that all students take in the fourth grade, the ninth -- the eighth grade and the eleventh grade and that the level of understanding about government and politics and, you know, how to be engage is so very, very low.

Do you think that your work and your organizing and the programs at UPROSE are helping to raise the level of civic engagement of young people?

MR. FERRER\*: Definitely. Definitely. Actually, on Saturday, I spoke about -- it was Antonio Pantoha\*. There was an article -- another article about how Latino males in particular out of everyone were getting the lowest grades, so I was a panelist there and we -- I spoke about maybe why that is happening or how that can be fixed.

I think definitely what UPROSE is doing and other organizations as well, that is enhancing everything that is going on.

MS. MILLER-TRAVIS: Thank you.

MR. FERRER\*: Thank you.

MS. YEAMPIERRE: Okay. Well, thank you Jonathan. Thank you, Murad. The next presenter is Shanay Sneed from Youth Ministries for Peace and Justice. Welcome, Shanay. David, if you could also introduce yourself, that would be great. Thank you.

MR. SHUFFLER: Sure.

***Comments by Shanay Sneed, Environmental Justice Organizer, and  
by David Shuffler, Executive Director,  
Youth Ministries for Peace and Justice***

MS. SNEED: You want to go first?

MR. SHUFFLER: Ladies first.

MS. SNEED: So, good evening -- well, good afternoon everyone. My name is Shanay Sneed. I am a youth organize -- or environmental justice organizer at Youth Ministries for Peace and Justice. David?

MR. SHUFFLER: Just, I am here just for moral support. I am David Shuffler, the Executive Director of Youth Ministry for Peace and Justice.

MS. SNEED: I am also -- I forgot to mention. I am also a member of the

New York City Environmental Justice Alliance but before I start, I would like to thank the EPA. I would like to thank Elizabeth Yeampierre and I would like to thank the members of the National Environmental Justice Advisory Council for allowing me to have this opportunity to testify. Thank you.

So, once again, my name is Shanay Sneed. I was born and raised in the Bronx. I am currently a college student at the City College of New York and I have --  
(Laughter.)

MS. SNEED: I have been part of the -- of YMPJ, Youth Ministries Peace and Justice, for the last five years. We started off as a summer youth employment -- with the summer youth employment program, then becoming a member of YMPJ, then becoming a YO, a youth organizer, then becoming part of staff, which I am currently right now.

So, just to give a little -- like background information about YMPJ. YMPJ is a non-profit organization located in the Bronx over --- area of the Bronx. It has been around for 17 years and YMPJ believes in like preparing youth to become -- for the youth, the young people in the community to become --- voices for peace and justice.

In mix of those -- in the midst of that, those things, being able for those young people to transform people who can then transform the systems that negatively affect them, which then can transform the physical structure of the Bronx of ---. So, the Bronx server community faces a whole host of issues, which we categorize them into three main areas; water, air and land use.

When it comes to the air, the Bronx has the highest rate of asthma rates in the country and this is true especially in the Bronx server community because we are surrounded by three highways, which causes us to be in a triangle -- the triangle of death, which is one highway that runs right through the community, which is the Cross Bronx Expressway.

We also -- not only that, there is also a concrete corporation that is right directly across the street from the housings. There is also a bus depot that is right behind this concrete corporation. Then, when it comes to water, we have the Bronx River. Now, the Bronx River is full of CSOs, combined sewage overflow, and the outflow pipe that is near, the Bronx server community is HP007, which is ranked number out of 240 of outflow pipes in New York, which is ranked this number 7 as the worst outflow pipe in the state.

To give a little background about that, each time that it rains, right? Every year, the city gets about 27 billion gallons of sewage that gets dumped into the waters and out of that 27 billion, 681 million is just on the Bronx server community, which is coming out of HP007. Then there is land use. So, we have an unutilized highway called the Sheridan Expressway, which is a 1.25 mile that is being unused in the community.

It limits the access that we have to two local parks that just opened up in the community, which is Starlight Park and Concrete Plant Park. So, in the -- so, in the EPA's mission, it is said that their mission is to protect human health and the environment. I do not believe that it would see that much in the Bronx River community.

One demand I do have at EPA is that if there can be air monitoring in Region II, more air monitoring, and also in -- in the -- yes, air monitoring. Also, just recently, last year -- late last year, we received the Tiger II grant to do investigation on

the Sheridan Expressway. Another demand was if the EPA can offer more resources and funding so that we can continue working on these projects.

Also, like I said before, the Sheridan is an expressway that is unutilized and I know that a part of a brown field. A brown field could be considered an unutilized or toxic site so just to ask EPA to make it clear what it is when you say some is utilized. Go on.

MR. SHUFFLER: Okay.

MS. YEAMPIERRE: Thank you, Shanay. Any comments or questions?  
Nicholas?

***Comments by Nicholas Targ, Co-Chair,  
Environmental Justice Caucus***

MR. TARG: What an outstanding presentation. Thank you very much. It is always -- it is important for me, personally, as a member of the NEJAC as well, to understand the conditions and that success and the challenges that communities and young people in these communities are facing and to hear about your journey with the organization, as well.

So, I first thank you. I have a specific question regarding your experience with the TIGER II grant of the application of that and how that process went and what the results of -- that are --- where you want to go with this particular transportation

MS. SNEED: Okay. So, with the TIGER II grant, the city gave us \$1.5 million to do a study and investigation of the highway of, you know, how many cars they see in a day, how unutilized it is and right now the Sheridan is in -- where the Sheridan is, it like blocks off communities, it limits waterfront access that we have to the Bronx River.

So, along with the project -- I mean we would love to see that the Sheridan gets decommissioned, which we know is -- that is a bring project within itself. As far as funding -- I mean funding and more resources in helping to achieve the goal of trying to decommission it and putting useful things in there like affordable housing, more park area, more green jobs and things of that sort.

MR. TARG: That is very interesting. I appreciate the clarification. In the for what it is worth department, DOT just came out with their \$420 million of discretionary grants. The closing date starts on June 3. I see some heads nodding so you guys are on it. Fair enough. If I can be helpful, let me know.

MS. SNEED: Thank you.

MS. YEAMPIERRE: John?

***Comments by John Ridgway,  
Manager of Information Management and Communications Section,  
Hazardous Waste and Toxics Reduction Program,  
Washington State Department of Ecology***

MR. RIDGWAY: Thank you, Shanay. I wanted to ask about the very last point you made for clarification in that you wanted the definition of brown fields to be adjusted and if I -- did I understand that that would get a chance or was there something

else about the brown fields that --

MS. SNEED: Well -- I am sorry. That -- but when I was talking about unutilized, that specifically talks about like the Sheridan. So, I know that when it comes to like -- it can either be something that is accompanied or unutilized and as far as we know, the Sheridan is an unutilized -- an unutilized highway. So, would that be considered a brown field or like what is the criteria or what is exactly -- like what does it exactly mean when something is unutilized and then is that considered a brown field?

MR. RIDGWAY: Perfect. Thank you very much for that clarity.

MS. SNEED: Thank you.

MR. RIDGWAY: I thank you for your testimony --

MS. SNEED: Thank you.

MS. YEAMPIERRE: My understanding is that if something is perceived to be, that it is. So, is that correct?

MS. : Yes.

MS. YEAMPIERRE: It is either contaminated or perceived to be a brown field.

MS. SNEAD: Okay. Thank you.

MS. YEAMPIERRE: Well, thank you. Thank you, David, for your leadership and thank you Shanay.

MS. SNEED: Thank you.

MS. YEAMPIERRE: Any other comments? Okay. Thank you. Thank you for joining us.

MR. SHUFFLER: Thank you.

MS. YEAMPIERRE: Kelly Terry-Sepulveda from the POINT CDC in the Bronx.

(Laughter.)

MS. YEAMPIERRE: That was a good move. We felt blessed by you just now.

(Laughter.)

MS. YEAMPIERRE: We saw you crossing yourself.

MS. TERRY-SEPULVEDA: We feel blessed to make it here on time -- just in the nick of time. So, that was -- thank you so much everyone. Good afternoon. I am not going to be taking and as the Executive Director of the POINT and also proud member of NEJA and also --

MS. YEAMPIERRE: Kelly, I need you to talk into the mike. I am sorry.

MS. TERRY-SEPULVEDA: I am going to pass this on to Jillian Sesenton, who is a member of the Point and I am here for support in terms of any clarification so -- - thank you for having us.

MS. YEAMPIERRE: Thank you. Thank you for joining us. Welcome Jillian.

***Comments by Jillian Sesenton, member,  
The Point Community Development Corporation***

MS. SESENTON: Well, I mean thank you. I am nervous. My name is Jillian Sesenton. I am Kelly's friend and I am a member of the Point CDC. So, good

afternoon. All of the going when I -- I would like to thank the EPA and NEJAC for hosting this critical conference on the issues of environmental justice and also for doing so here in New York City.

Thank you in advance for accepting our comments today. The Point Community Development Corporation, a 501 C3 Non-profit organization, dedicated to youth development and the cultural and economic revitalization of the Hunts Point section of the South Bronx.

As one of many environmental justice communities within our state, Hunts Point and its residents bear the brunt of a disproportionate number of polluting industries and public infrastructure that allow our city and region to prosper and operate efficiently but enjoy very little benefits of such policies. As a result, we are struggling with one of the highest asthma rates in the nation.

These conditions are interconnected with an exacerbated by a completed myriad of social and economic issues plaguing our communities. These challenges are not new but their negative consequences certainly do grow and expand with every generation of young people and families that have to live with the outcome of policy -- for better or for worse.

There has been much to celebrate for environmental justice in the last couple of years and lots of hard work behind those victories. We hope that this task force will take a historical viewpoint in his approach to this project and build upon the foundations that have been laid through partnership in coalitions such as NEJA, the New York City Environmental Justice Alliance, own organization for waterfront neighborhoods and Southern Bronx River Watershed alliance, as well as community led youth work up action.

Activities coming to our neighborhood, to mention a few. We feel strongly that the Obama administration has the opportunity to radically change that current landscape of the environmental justice community nationwide but investing in sustainable development initiatives, pathways that link our greatest resource -- our hung people to the emerging green economy and the implementation of policies that will affectively limit and regulate the polluting operating in pool disenfranchise, communities. Community --

MS. YEAMPIERRE: Jill?

MS. SESENTON: Yes?

MS. YEAMPIERRE: You can slow down. It is okay.

MS. SESENTON: Sorry.

(Laughter.)

MS. YEAMPIERRE: We are right there but you can slow down.

MS. SESENTON: All right.

MS. YEAMPIERRE: We want to hear you. It is okay.

MS. SESENTON: Okay. We are used to a timing clock ---.

MS. YEAMPIERRE: Yes, but we have got this.

MS. SESENTON: Sorry.

MS. YEAMPIERRE: Go.

MS. SESENTON: Okay. Community groups nationwide, such as the Point, have been working to combat these critical issues for decades and will be a key component in effecting real bottom to the top change in the tough times ahead.



Therefore, we urge EPA and NEJAC to continue to ensure that grassroots organizations receive the support necessary to continue to mobilize and engage citizens in creative solutions needed to move our nation ahead by hosting events such as these.

The Point serves the Hunts Point community on the peninsula of the South Bronx of New York City. The targeted population of students and their families reside within Community Board Number 2 in the Bronx at the southern tip of Congressional District 16, one of the poorest districts in the country. Hunts Point is a community of color.

Nearly two-thirds of residents are of Latin-American decent and also one-quarter identifies as African-American. According to the 2010 Census, the remain -- this remains one of the poorest urban counties in the country. The Citizens Committee for Children of New York Incorporated lists Hunts Point as among the highest neighborhood citywide for risk to children's wellbeing.

In this community, 50.5 percent of children under 18 live below the poverty level compared to the national average of 17.6 percent. Hunts Point forms a portrait of environmental racism. The peninsula bears a disproportionate amount of NYC's industrial infrastructure with the majority of the land zoned for heavy industrial use.

Three, Hunts Point has one of the highest concentrations of truck traffic in New York City. Already home to one of the largest produce markets in the country, Hunts Point recently became the new location for the Fulston Fish Market increasing the daily truck traffic to upwards of 20,000 per day.

There are over 15 waste transfer stations in the community, as well as a number of waste related facilities such as the DEP Wastewater Treatment Facility and recently, before it closed, the New York Organic Fertilizer Company (NYOFC). Until recently, Hunts Point had one of the smallest residents to parkland ratios while being surrounded by three major highway arteries; the Brooklyn Expressway, the Cross Bronx Expressway and the Sheridan Expressway.

The Point CDC has worked with our community over the years in the areas of air quality, waste management advocacy, development of mixed use open green space and the long-term maintenance of those spaces. Sustainable economic development opportunities for community members, young and old, in advocating for and working to create meaningful platforms for community engagement in the shaping of their neighborhood and the policies that impacts them daily.

Specific advocacy campaigns include the success battle in preventing AMR from adding yet another waste management facility to Hunts Point. The Point has also worked collectively with community partners, local elected officials and city agencies to direct millions of dollars of funding to support projects such as the South Bronx Greenway, including the development of a maintenance entity for the project, the Jose E. Serrano Riverside Campus for Arts and the Environment, South Bronx Waterfront BOA, the transfer of South Bronx Island, all --

MS. : Brother.

MS. SESENTON: Sorry, South Brother Island. All long-term strategies aimed at mitigating the negative impacts of failed policy within our community. Today we will ask the EPA and NEJAC consider the following recommendations. Education and investment in urban youth, equitable solid waste management, air quality, and sustainable development in green infrastructure.

We thank you for your time and consideration and look forward to continue to engage with NEJAC and EPA to redressing these issues. Thank you.

MS. YEAMPIERRE: Thank you. Thank you, Jillian. Thank you Kelly. Any questions or comments the members of the Point?

(No response.)

MS. YEAMPIERRE: Okay. Thank you. Thanks so much for joining us. The next presenter is -- sorry. The next presenter is Mae Lee from the Chinese Progressive Association.

(No response.)

MS. YEAMPIERRE: Does anyone know if Mae Lee stepped out? Anybody see her?

(No response.)

MS. YEAMPIERRE: Okay. Thank you. Sally Gellert --

MS. GELLERT: Yes.

MS. YEAMPIERRE: -- from the Unitarian Universalist Legislative Ministry in New Jersey. Welcome.

***Comments by Sally Jane Gellert, Chairperson of Environmental Task Force,  
Unitarian Universalist Legislative Ministry in New Jersey***

MS. GELLERT: Thank you. Good afternoon, ladies and gentleman of the Council. I sincerely appreciate the opportunity to address you today. My name is Sally Jane Gellert. I am the chairperson of the Environmental Task Force of the Unitarian Universalist Legislative Ministry of New Jersey. The UULMNJ represents about 90 percent of the UUs in the state of New Jersey.

The Environmental Task Force's main project currently is working with the Stop Pier Gen Coalition, which is made up of 35 individual groups to do just that -- stop an environmental injustice from happening in Linden, Union County. Linden is an economic justice community with a high rate of Asthma and respiratory disease. In fact, these problems are widespread throughout Union County, which is an area that already has high levels of air pollution with many vulnerable elders and children.

The coalition has found that many residents are not aware of Pier Gen. Once they hear the details, they are generally opposed. Despite some union support for the project, because of the short term jobs it would create, we think that these same union workers could have better jobs constructing facilities that would build our renewal energy capacity.

The Pier Gen Plan is currently proposed as a 400 megawatt power plant and nitrogen fertilizer manufacturer, about half the size originally proposed. It would double the amount of particulates in the air. Also crucial to our opposition is that it would new technology being represented by the fossil fuel industry as clean coal, Carbon Capture and Sequestration, CCS.

In this case, the carbon dioxide would be pumped through pipelines about 140 miles down to the Atlantic City area, which by the way the proposed pipelines are greater in the capacity than would be needed for the Pier Gen output so they are presumably considering sequestering someone else's CO2. We do not know where that would be coming from.

It would then be pumped 70 miles out to sea, then 1 mile out below sea level to the sea bed where it would remain sequestered forever. Already, a number of local governments have expressed opposition, including Atlantic City, Atlantic County, Egg Harbor Township and others. One such government expressed environmental justice concerns for the Township of Linden itself.

Oh crap. Okay. One disturbing factor in the Pier Gen proposal, this is the only previous use of a similar technology in Norway, was a project one-fifth of the current size, one-tenth of the original size and the monitoring of the CO2 there has largely failed. They can only find about 19 percent of it. The rest of it may be there but they cannot monitor, so how do you know?

This does not bode well for the future of Pier Gen. Also, nitrogen fertilizers have its own economic environmental impact issues, so that also concerns us. The funding and profitability is based on the cap and trade legislation that failed. It required a large federal subsidy and we would prefer to see that federal taxpayer money go into cleaner, newer technologies, not fossil fuels.

In addition, a coalition member attempted to learn what agency would be responsible for the permitting process and we have been unsuccessful in that attempt. He learned, naturally, that it would not relate to any drinking water legislation as it would be under salt water.

But we quote, "The EPA and Department of Interior Bureau of Ocean Energy Management Regulation and Enforcement are in discussions about how best to permulate -- to permit or regulate off-shore carbon sequestration. EPA is responsible for implementing Marine Protection, Research and Securities Act --- is responsible for the --- Act.

To date, no permit application has been received and no final discussions have -- decisions have made concerning who would be the lead." Once they clarify that yes, there was a clean air permit but there was not a sequestration permit, they said, "The facility permitting process is fairly routine but the sequestration portion is a new type of project and we are working through the permitting process with all the various federal agencies."

After further as to when CCS, which is the company involved, might be able to apply, the answer was, "It's a very long list with no final agreement on how we will proceed. Best to wait until we have a plan that can be shared." This kind of response discourages environmental justice and other community organizations from working with government agencies.

It is so hard to get an answer. May I also, in passing, mention a second concern that a colleague asked me to bring up, which is the trend toward privatization of water supplies. There is a long --

MS. YEAMPIERRE: Can you repeat that? It was not clear to me. I am sorry.

MS. GELLERT: I am sorry.

MS. YEAMPIERRE: The something --

MS. GELLERT: Yes. A colleague asked me to bring up another issue, which is not specifically related to Pier Gen but which is the trend of privatization --

MS. YEAMPIERRE: Okay.

MS. GELLERT: -- of water supply and water utilities. Now, there is a long

tradition in U.S. law and the English law before it of items of the commons overseen by the public on behalf of the citizens in the public interest. This is the philosophy that gave us the EPA, the Clean Water Act, the Clean Air Act and the access to waterways, waterfronts and I just want to express my concern about that.

I recommend the film, "The Waterfront" about Island Park, Detroit in reference to that area of the country where it also refers to ---. I am out of time. Thank you very much. I really appreciate this.

MS. YEAMPIERRE: Thank you. Everyone is forced to talk so fast. I am so sorry about that.

MS. GELLERT: That is okay.

MS. YEAMPIERRE: We have been trying to get everyone in.

MS. GELLERT: That is why I printed ahead of time ---.

MS. YEAMPIERRE: Do any of the council members have any questions or comments? Savi?

***Comments by Savonala "Savi" Horne, Executive Director,  
Land Loss Prevention Project***

MS. HORNE: It really is. I just want to thank you and I guess I am kind of doing it to do a shout out to the UU Church. I was once at an EJ meeting in New Orleans with our dearly departed comrade, Damu Smith, and we were going around the room asking your religion and I mentioned that I was a UU, she flew in my face and said, "You call that religion?" So, I just want --

(Laughter.)

MS. HORNE: I just want to, you know, --- kind of make a little light of that but just to thank you for your work.

MS. GELLERT: Thank you.

MS. YEAMPIERRE: Sue?

***Comments by Sue Briggum, Vice President of Public Affairs,  
Waste Management, Inc.***

MS. BRIGGUM: Thank you. I really appreciate this because those of us who kind of worked on the permitting report, I have to admit I am utterly baffled since I -- I did not realize that you could do this kind off-shore project. So, it is very helpful as we continue to deliberate to have this input. We will think seriously about these kinds of projects and whether or not we had properly accommodated the issues that you raised as we continue discussions. Thank you.

MS. GELLERT: Thank you very much.

MS. YEAMPIERRE: Wynecta? Please, we are not done yet. I think there is another comment. Wynecta?

MS. GELLERT: I am sorry.

MS. YEAMPIERRE: That is okay.

***Comments by Wynecta Fisher, Member,  
NEJAC Gulf Coast Ecosystem Restoration Work Group***

MS. FISHER: Thank you for your comments. I am thinking about the last comment that you made about the privatization of water and I just pulled this up on my phone but I do remember another article where sea technology -- where they were talking -- they were predicting that water was going to be a like \$9 or \$10 trillion industry.

MS. GELLERT: Yes.

MS. FISHER: She it is already and this is a couple of years ago. What would you recommend us do as a body to -- because there are a lot of things that are detrimental to our health --

MS. GELLERT: Yes.

MS. FISHER: -- like soil and air --

MS. GELLERT: Right.

MS. FISHER: -- but without water, we cannot survive without it. Our bodies -- that is something our bodies have to have in order to continue to live so what do you suggest that we do as a body? What would you like to see us do in regards to that issue?

MS. GELLERT: I am not sure specifically. I did speak to Mr. Shapiro earlier on the break about our concerns about this. He pointed out, rightly so that it is quite expensive to treat water and governments do not often have the resources to do that but I have -- from a philosophical viewpoint, it is a common good. It is a common resource that a government really has somewhat, I feel, a responsibility to do.

I mentioned to him that I personally would rather pay taxes to the government for clean water than to pay a private company an arm and a leg to have it. He really -- you know, he points out that rates can be regulated but still, to have our water supply -- I mean I live in Bergen County, New Jersey where Suez International runs the water, so our profits are going, you know, not only out of state but out of the country.

How to address that? I am not really sure. I will think about it and get back to you but it is -- it is a point of concern.

MS. BRIGGUM: Thank you.

MS. YEAMPIERRE: Thank you. Thank you for joining us. Was there another? I did not see.

MR. : --- Kim.

MS. YEAMPIERRE: I am so sorry. Kim? Kim. I am sorry. There is one more. You can --

MS. WASSERMAN: She can sit. She can sit.

MS. YEAMPIERRE: Yes. You can sit. Just -- it is Kim.

***Comments by Kim Wasserman, Director,  
Little Village Environmental Justice Organization***

MS. WASSERMAN: I just wanted to take what Sue and what Wynecta said a little bit further. I appreciate you coming out because I think it is important for us

as a body to remember that we cannot just focus on things that we are used to dealing with in our community such as outdated coal power plants or coal mining. We have to start also talking about the things that are being defined as renewal energy like Savi talked about early; burning waste, animal waste or burning tires.

In your case, and what we are seeing more and more, which is this illusion of clean coal and CCS. So, I think -- I appreciate you bringing that up here because I think that is something that we have to think about as a NEJAC is how do we deal with those new issues that are cropping up and be proactive instead of reactive and having people lined up here telling us how fracking is killing them --

MS. GELLERT: Right.

MS. WASSERMAN: -- how CCS is killing them in 10 years when we have an opportunity now to possibly do something around that. I think the same can be said around water privatization, as well --

MS. GELLERT: Yes.

MS. WASSERMAN: -- because that is a phenomenon that we are seeing all over the United States. The question becomes how do we define that as an environmental justice issue because we know rightfully it is.

MS. GELLERT: Yes.

MS. WASSERMAN: So, I appreciate that very much. Thank you.

MS. GELLERT: Thank you. Thank you.

MS. YEAMPIERRE: Thank you. Savi has the last --

MS. HORNE: Yes. Water is very --

MS. YEAMPIERRE: She can say what she is because we can ---.

MS. HORNE: Savi Horne.

(Laughter.)

***Comments by Savonala "Savi" Horne, Executive Director,  
Land Loss Prevention Project***

MS. HORNE: I just want to say in response to you, Kimberly and Wynecta, that countries in the south, and that is referring to countries south of the Equator, have some of them enshrine the right to water and the right to food as part of their constitution and while it is not within the purview of the NEJAC, it certainly could be within our hearts as to where we need to go as a country and as a movement -- as an EJ movement to make those a reality.

MS. GELLERT: Thank you.

MS. YEAMPIERRE: Thank you. Laurie Schoeman from New York Sun Works.

(No response.)

MS. YEAMPIERRE: Wig Zamore from Somerville Transportation Equity Partnership?

(No response.)

MS. YEAMPIERRE: Mae Lee from the Chinese Progressive Association?

(No response.)

MS. YEAMPIERRE: All right. Henry Rose from New Jersey Environmental Justice Alliance? I am going to go back to that.

***Comments by Henry Rose, Statewide Coordinator,  
New Jersey Environmental Justice Alliance***

MR. ROSE: Hello and thank you for your time. My name is Henry Rose and I am the Statewide Coordinator for the New Jersey Environmental Justice Alliance. The Environmental Justice Movement, by definition, is radical and I use that word as deriving from the Latin word *radia*, which means center. The EJ Movement since at the center -- at the nexus between a racialized capitalist system in which we live and the need of people for ecological democracy and self determination.

While this body has an obligation to be objective, it is an insult to the struggles that borders here to pretend neutrality. One of my colleagues was telling me about an incident that took place in New Jersey relatively recently where they looked a cumulative impacts method in New Jersey -- it directly correlates with race and class.

There were liberals on the panel how said that it is not a racial issue in direct contradiction to what their eyes saw. They ended up burying their heads in the sand like ostriches. This is not neutral. It is not objective. Instead, it is cowardice wrapped in the veneer of civility. Environmental inequalities are routed deeply within the structures and institutions of the United States of America and they are produced as regular outcomes of the system itself.

So, how can we engage these things? I feel that this council and EPA must use a framework that does the following regarding EJ, and if it does not do these things, it is not doing it right. First, it has to center and contextualize the human in the environment. Secondly, it has to show a preference for the poor, for the weak, for the vulnerable.

Thirdly, there must be an insurgent and oppositional logic and language, which is what environmental justice came out of. You have to incisively examine power and it has to be comprehensive. It cannot be broken into hostile pieces where you are only looking at one thing and not the totality of things. So, when we talk about balancing the need of the Earth and the needs of the people, it is how do we not see them in competition, not the needs of the Earth or the needs of the people but instead complimentary.

How do they work in harmony? So, while we are indeed concerned about people using the oceans and the lakes and the rivers for dumping grounds, we also do not want them to dump garbage and sewage in our communities. So, we must find a better and more humane way to treat both human beings and Earth itself.

In --- the poor, we have got to live up to our moral codes. If our moral codes say that we need to be a blanket in the cold, a bomb to the sick, a protector of the weak and a banquet to the hungry, if they say -- if we say we have got to come forth and do justice, it does not say to come forth and do business. Yet in New Jersey, under Chris Christie, we have gone back and forth with things where business outnumbered the environmental justice community by huge, huge margins.

This is not by mistake but the government, instead, is acting as co-defendants and co-polluters and collaborators in poisoning people on race and class lines. Malcolm X had a speech at Harvard where he talked about the logic and language of the oppressed cannot be the same as the logic and language of the

oppressor if the oppressor was to be free.

We therefore must challenge the status quo on a continual basis, and I hope that you do so as a body. The status quo will continue to produce the outcomes that they have always produced and the same people will get poisoned who have been getting poisoned and has been getting poisoned for hundreds of years.

We also have to look clearly at power because a bunch of the things that go on is about power and as we start and you talk about climate change, you know that the climate change struggle in the end is going to end up being fought over planning or not with the right being in absolute opposition to any kind of planning and as such in opposition to anything to deal with climate change.

Lastly, and I think I have got a minute left, we cannot afford to be timid or tepid. I was just thinking the other day that during the totality of my life, I have not seen one administration on a federal level that I would consider particularly progressive. Nixon may have been the most progressive and that is pathetic.

(Laughter.)

MR. ROSE: But it is true. Nixon was more progressive than Clinton on a bunch of stuff. That was a tenor of the times. Nevertheless, you cannot afford to be tepid. This is your moment and if you are going to take this time to etch your names in history, you are going to have to be bold and you are going to have to step out there -- and my time is up and I am with you.

(Laughter.)

(Applause.)

MS. YEAMPIERRE: Thank you. Peace. Thank you. Does anyone have any comments or questions or Mr. Rose?

(Laughter.)

MS. YEAMPIERRE: All right. Teri from Appalachia.

MS. BLANTON: I am not a bit timid and I step out there and thank you for bringing that to our attention.

MS. YEAMPIERRE: Okay.

MS. : Thank you, Mr. Rose.

MS. YEAMPIERRE: Thank you for joining us.

MR. ROSE: Thank you.

(Applause.)

MS. YEAMPIERRE: I would like to say to the members of the public who may not be familiar with the NEJAC or who might -- this may be your first meeting that representatives in the NEJAC come from places like Chicago, Kansas City, Detroit, Brooklyn, Appalachia, Indian country, Alaska -- all over. All of us come from struggle and we exist to level the playing field.

We understand that environment -- environmental justice is at the nexus of race, ethnicity, class -- all of those things. So, we are here to level the playing field. We start from a place of targeting the most vulnerable communities in this country because we understand that there has not been justice and that our communities have had to endure a legacy of neglect and abuse.

That right now, at this time in history, we are in a situation where things are even made worse because of climate change. So, that is why we are here. That is why we volunteer. That is why we sacrifice being with our families. That is why we



meet between sessions because what happens in our communities matters really deeply to us.

Even while this session was happening, one of our members had an asthma attack. People on this body have illnesses that are a result of living and working in communities that are environmentally burdened. We have lost loved ones because of those environmental burdens in our communities. So, for us it is not a political effort.

It is a personal effort in a lot of ways because these are our people that we are fighting for. So, we want to invite you to come to the table. We want to hear from you, but we want you to also understand that we are here to take your back. Okay? So, let me call -- the next person -- I am sorry. Yes. Wynecta?

***Comments by Wynecta Fisher, Member,  
NEJAC Gulf Coast Ecosystem Restoration Work Group***

MS. FISHER: The last presenter raised something that -- I accidentally stepped out of the room when the science individual -- I forgot his name.

MS. YEAMPIERRE: Which one? Bill Sanders?

MS. FISHER: Yes. When he apparently made mention to the human that EPA uses to assess risk and as -- I do not know the year but apparently in the next 10 or so years, there is going to be a different majority. So my question would be, are we going to now -- are we going -- we have to change the model. We have to change the model.

Science is showing that different ethnic groups metabolize things in different ways. So, we cannot, if we are going to be about our business, continue to use the old model. I guess -- and I do not expect us to come up with an answer today, but at what time do we begin to kind of, you know, push EPA or nudge EPA to begin to look at risk -- Victoria has got her mike up.

***Comments by Victoria Robinson, Designated Federal Officer,  
Office of Environmental Justice***

MS. VICTORIA ROBINSON: I just want to answer real quickly. As you may not have been in the room when they had -- EPA is looking to engage the NEJAC around safe and sustainable communities. Tomorrow, our Next Steps session, I will be asking you -- the panel -- the council if you want to take up this charge from the -- from EPA as a part of the action of the NEJAC over the next two years.

So, that would fit in perfectly with what you are asking. So, we will definitely addressing that tomorrow as part of the Next Steps conversation.

MS. YEAMPIERRE: Okay. Nia?

***Comments by Nia Robinson, Executive Director,  
Environmental Justice and Climate Initiative***

MS. NIA ROBINSON: Just to add to that, I think we have to be careful as we think about the history of so many of our peoples in this country being misused by westernized medicine. I think that it will be up to us to figure out how we do it in a way

that is healthy and helpful and not tokenizing, misusing or abusive of communities.

MS. YEAMPIERRE: Thank you. I am going to call some folks that I called earlier that did not respond. Hopefully they are here. Wig Zamore, Somerville Transportation Equity Partnership?

(No response.)

MS. YEAMPIERRE: Not here. Okay.

MR. : ---.

MS. YEAMPIERRE: Who is --

MS. : ---.

MS. YEAMPIERRE: Mae Lee, Chinese Progressive Association?

(No response.)

MS. YEAMPIERRE: Laurie Schoeman, New York Sun Works?

(No response.)

MS. YEAMPIERRE: Okay. Kimberly Armstrong, Diamond Development Consulting, Baltimore. Welcome.

***Comments by Kimberly Armstrong, President/Chief Creative Officer,  
Diamond Development Consulting***

MS. ARMSTRONG: Good afternoon or good evening. I travelled 3½ hours just to come and make a comment. I am also a student at Baltimore City Community College studying construction management in green development. Just for time sake, I am going to read what a part of my organization does.

We are a personal professional development consulting firm specializing in helping organizations and businesses develop holistic strategically aligned plans to ensure that sustainability of communities, families, youth and adults returning -- re-entering citizens and unique emphasis on environmental justice alternative energy resource education and workforce development.

I say all of this to say this and this kind of piggyback's on what the gentleman just said before us. My background is in juvenile and just -- juvenile and criminal justice and advocacy. For the last 10 years, in Baltimore City, I have watched so many people in our community just be locked up and be cast away.

I have met prisoners who have done time but -- and have gotten apprenticeship programs or apprenticeship skills but yet when they come home, they cannot find a job. So, someone asked me the question how is it that you use criminal justice, juvenile justice and environmental justice because it all affects our environment.

I cannot tell you how many youth that I see who are in prison. We have 1.6 million prisoners in the United States. Guess what? Prisoners come home. When prisoners come home, they need a job. They need employment. You have youth, 18 years and under, who come in and out of prison. Over 100,000 youth across the country that come in and out of prison.

That is almost like a setup for failure. So, how is it that we can introduce the conversation of advocacy around juvenile and criminal justice, as well as environmental justice because we can no longer be a society that casts away and throw away our children and then when they come back, we expect things to be hunky dory?

It all affects our environment. I have a 26 year old son, a 12 year old

daughter and 2 grandchildren. I am concerned about what the future looks like for them. It is one thing to talk about building beautiful sustainable buildings, but it is another thing to talk about the people that live in those communities to be sustainable.

So, how is it that we introduce environmental justice as a way to provide public safety and address their issue, as well? So, I came here today to talk about those issues, number one. Number two, to see how is it that I, myself, and my organization can get involved on a bigger scale because the conversation has to start.

Prisoners come home whether we like it or not. They come home and we have to figure out and find a way to strategically work with them. So, I have been talking to developers and contractors who are willing to open the doors and have at least -- at least start having the conversation of how to employ ex-offenders because it needs to be addresses.

Most offenders are in prison, not because of violent crime but because of non-violent crime because they are selling drugs. Why are people selling drugs? Because it is about money. It is about economics. How is it that you can go to prison and get a trade on welding or carpentry or masonry and you can do it in prison but you cannot come home from jail and get a job that pay you a living wage so that you can eat so that I do not risk the chance of being the next victim?

I have been a victim by crime. I had a son that was murdered in 2004. I had a son that was shot in 2001 and survived. I had a brother that was murdered in 1996. I had a sister that was shot in the face and survived in 2003. So, I take this very personally. This is just not my passion but it is my purpose. I drove 3½ hours in the middle of taking exams, I took an exam yesterday and I am going to take an exam tomorrow, because I take this very passionately.

We have to be creative of jobs, for profit business, so that we can employ what I call the unemployable -- or what people like to think are unemployable people.

MS. YEAMPIERRE: Thank you. Vernice?

***Comments by Vernice Miller-Travis, Vice Chair,  
Maryland State Commission on Environmental Justice and Sustainable  
Communities***

MS. MILLER-TRAVIS: Thank you. --- the same 3½ hours on Tuesday. I live in Prince George's County in Bowie but spent a lot of time in Baltimore City. So, I wanted to share a couple of things. One, we have a Maryland Commission on Environmental Justice and Sustainable Commissions and I want to invite you to come.

Talk with us and meet with us and see what we can do to address your issues and stand behind you and support what it is you are trying to do. We meet the 4<sup>th</sup> Thursday of every month at the Maryland Department of the Environment. The old Montgomery Ward building at 1801 Washington Boulevard from 9:30 to 12:00 the fourth Thursday of every month.

MS. ARMSTRONG: Okay.

MS. MILLER-TRAVIS: Secondly, in this session of the Maryland legislature, we just got past the first lead abatement and lead cleaning law in the state of Maryland and there is going to be a need for folks to be engaged in that field. Maybe we can talk about trying to work with you to provide the technical training to get some of

these folks into that field so that they benefit because they live in the communities where those lead poison buildings are.

MS. ARMSTRONG: Exactly.

MS. MILLER-TRAVIS: I would love to exchange information and invite you to come and let us work on this together.

MS. ARMSTRONG: Okay. I was very instrumental in helping Delegate Carter -- Jill Carter --

MS. MILLER-TRAVIS: Yes.

MS. ARMSTRONG: -- where the lead bill was passed to have children tested for lead when they are arrested or at least committed to the Department of Juvenile Services because the history of lead in Baltimore City is atrocious. People know that, through studies and data that lead poisoning affects children's -- the development -- the brain development of children, which also affects their behavior.

So, we cannot keep locking children up and thinking that is okay when you have that amount of children under the age of 18 who are arrested. You have so many children who have so much potential, but they are losing hope. Not only do I go -- I go to the school, I go to the community -- at Baltimore City Community College on just last Saturday, were instrumental in having a workshop on teaching about just solar energy and they were so excited.

They wanted to know more. You know, how was it that I can do? So, we have to start creating, not just talking about sustainable buildings. You know Baltimore City. We live in one of the most -- I guess you could say I live one mile away from one of the richest research health institutions in the world but just right outside of that, it looked like a bomb went off.

The only thing that is standing is Johns Hopkins University. We cannot be -- we have to be as one and united and say, "We're not taking this crap no more because I am concerned about my children and my children's children." It is one thing to have a good building where you have the quality of the air is good, it is toxic free but what good is that if the footprint -- if the carbon footprints are exists.

It means nothing. So, we have -- we are doing a lot of work but if it is not trickled down through generations and the work that we doing, then we are fruitless. There is no fruit because there would be no fruit left. It is like the dinosaur. They come extinct and we have to stop it. We have to channel these systems. I want to just say this and then I am going to leave -- well, not going to leave.

MS. YEAMPIERRE: No, do not leave --

MS. ARMSTRONG: I am not going.

MS. YEAMPIERRE: -- because I think there are some other comments.

MS. ARMSTRONG: But this is another thing. I do a lot of research and I studied data statistics and I also study money -- where the money goes. You have an organization in Baltimore City that lives right almost in my back door that gets millions of dollars and now -- and the only time I ever see them is to give out a light bulb, okay?

Here is -- but someone who is really vested in the community, such as myself -- I created a for profit business in order to do the work that needs to be done. That is really shameful when you have people that are riding on the backs of the federal government.

So, if you want to take something back is really look at the way that we

spend our resources and develop a commission or follow-up for some of the organizations that get the money to say they doing the work that they really are not doing because matter of fact, the kind of money that they get, that should be --- should be packed with young people because one of the initiatives they say that they do is work with young people.

So, if you want to hear from young people, they should have been packed with the kind of money they get.

MS. YEAMPIERRE: Some of us are not getting that money.

(Laughter.)

MS. ARMSTRONG: I am not talking about you. I am talking about the organization that I know --

MS. YEAMPIERRE: I hear you.

MS. ARMSTRONG: -- personally and I -- and since me doing my investigative work in environmental justice, I know the organizations. They get the money.

MS. YEAMPIERRE: Yes.

MS. ARMSTRONG: I am going after some of it and I am going to challenge -- I am going to challenge them. I know what your operating budget is. I know the grants that you receive through the EPA for environmental justice and for green jobs training -- I know all that. I am very, very smart and that is one of the reasons why I do strategic planning because I am an out of the box thinker and I do untraditional work and I am willing to challenge people. I am very well known in Baltimore, especially in the General Assembly. The Appropriations Board, they know me very well.

MS. YEAMPIERRE: Thank you. Margaret?

***Comments by Margaret J. May, Executive Director,  
Ivanhoe Neighborhood Council***

MS. MAY: Thank you for coming and I compliment you on your passion. Wish you success yesterday and tomorrow on your exams, but I wanted to make sure I had your name. They are in the course of calling people, I think I was a little distracted and I did not get your name.

MS. ARMSTRONG: My name is Kimberly Armstrong.

MS. MAY: Thank you, Kimberly.

MS. ARMSTRONG: Thank you. I have business cards, as well, if people want my business cards and I also just want to add to, and this is not just to boast, but I am the co-author of three books so -- and you just Google me and I come up. You will see Diamond Development and all the other -- and I am going to -- not to just -- but it is not about me.

It is about what it is that we can do as a people to help just grow and support one another in getting our mission and our work done because I am truly, truly passionate -- not just passionate about this but I am very concerned about our youth and what is going to happen with the future of our youth. It is one thing to say we love kids.

We talk about how kids and youth are our future, but if we do not start

showing them and giving them the opportunity to do what needs to be done, we might as well shut up and go home.

MS. YEAMPIERRE: Thank you very much. Thank you for joining us. I am sorry. Nicholas?

***Comments by Nicholas Targ, Co-Chair,  
Environmental Justice Caucus***

MR. TARG: Thank you very much for coming and talking a little bit about your personal story, how you came here and from taking time away from your studies. Good luck on your exam tomorrow.

MS. ARMSTRONG: Thank you. I have been getting all A's and B's.  
(Laughter.)

MS. YEAMPIERRE: Okay. We are going to take one last comment.  
Stephanie?

MR. TARG: Hey, wait, wait, wait.

MS. YEAMPIERRE: I am sorry. I am sorry, sir.

MR. TARG: That was pre-amble.

MS. YEAMPIERRE: I thought that was the comment. I also wanted to say that the issue of where the money goes and tracking where the money goes and making sure that we understand how it -- where the federal dollars go in terms of creation of jobs particularly with respect to distressed communities is really of vital importance.

Tomorrow, I think we will talk a little bit more about that in the context of an Inspector General Report, which questioned the Agency's ability to track exactly what you are talking about -- where the money goes and the jobs that are created from that in distressed communities.

MS. ARMSTRONG: Okay.

MS. YEAMPIERRE: Okay. Stephanie?

***Comments by Stephanie Hall, Senior Counsel,  
Environmental Safety and Regulatory Affairs***

MS. HALL: Thank you, Kimberly. Just real quick, I wanted to just throw out a name that you might want to look up when you have an opportunity. There is a woman by the name of Joyce Ann Brown. She lives in Dallas, Texas. She wrote a book called Justice Denied. She is a woman that spent 13 years in prison for a crime that she did not commit.

She -- when she was released and her name was cleared, she started an organization to help people who have been incarcerated, assembled back into society with jobs and she has got some innovative ideas and her organization is doing great things. So, that may be a resource to look into for a brain storming opportunity or options that you might want to consider at some point.

MS. ARMSTRONG: Okay. Thank you.

MS. YEAMPIERRE: Thank you so much for joining us.

MS. ARMSTRONG: Thank you.

MS. YEAMPIERRE: Eddie Bautista, New York City Environmental Justice Alliance. No?

MR. BAUTISTA: Pass.

MS. YEAMPIERRE: You are passing? All right. Thank you. Marian Feinberg, Environmental Health and Justice.

***Comments by Marian Feinberg, Consultant and Freelancer,  
Environmental Health and Justice***

MS. FEINBERG: Everyone for the opportunity to testify today, I am going to be doing something unusual. I reserved this time not really to speak about local issues that I have been involved in but to sort of give my time to organizations in Puerto Rico who are in the middle of a very serious environmental justice struggle and who could not be here today because of economic and geographic issues.

I hope at some point NEJAC will address those issues, as well about distance and money for grassroots, you know, people in other parts of the EPA, you know --

MS. YEAMPIERRE: Marian. Excuse me, Marian. Before you go on, did the organizations of Puerto Rico ask you to do this on behalf of --

MS. FEINBERG: Yes, they did --

MS. YEAMPIERRE: Okay. Thank you. Okay.

MS. FEINBERG: -- and I have their -- you should have their --

MS. YEAMPIERRE: Okay. Thank you.

MS. FEINBERG: -- press release in front of you in English. I also have it in the original Spanish, which I guarantee you is better if anybody reads Spanish comfortably and I know it is better because I am the one that translated it into English (laughter) and this is -- this is -- the majority of this testimony is going to be not my testimony, but it is the testimony of a group -- a coalition of organizations that have been working against the gas pipe proposed -- natural gas pipeline for Puerto Rico.

This hits on some of the permitting issues that people have talked about. The organizations are Casa Pueblo, which translates, as you know, The People's House and it is a -- was the winner of the Goldman Environmental Prize nearly a decade ago. The Environmental Clinic of the University of Puerto Rico, the Sierra Club of Puerto Rico and a coalition called Community Groups Against the Gas Pipeline.

They held a press conference on Monday. I am going to go through it kind of quickly because you have it in front of you. This also involves some of the interagency problems that environmental justice communities face when permitting implicates a number of different agencies who may or may not be getting along in terms of that.

This was that -- the Army Corps of Engineers is very involved in this permitting process and they -- these organizations call it that there was like a coup d'etat in the permit process for the approval of the Northern Gas Pipeline of Puerto Rico that the -- all the documents were -- pertinent documents were seized and removed from Puerto Rico to the Jacksonville Office of the Corps of Engineers.

An unprecedented move, the U.S. Army Corps of Engineers relieved its local office of its responsibilities and initiated today the seizure of papers referring to the

Natural Gas Pipeline of the North known, I would say cynically, as (speaking Spanish) meaning Greenway. The environmental lawyer, Pedro Saade, stated the decision leads --- office which knows the project and has spent six months evaluating it without jurisdiction.

This decision to put in place removal of the process outside the country is extraordinary, never before seen. In a press conference in front of the Corps of Engineers in Puerto de Tierra, the engineer, Alexis Massol-Gonzalez of the Community Organization Casa Pueblo, presented a written communication to be sent by a staff member of the Corps of Engineers district office in San Juan two weeks after the decision was made to transfer the pipeline documents to Jacksonville, Florida.

This dictatorial unjustified action was ordered secretly by Colonel Alfred Pantano who directs the regional office of the U.S. Corps of Engineers in Jacksonville. The document transfer was preceded by pronouncements made in a visit to Puerto Rico by Colonel Pantano stating that the gas pipeline project did not represent a greater danger than the construction of a building signaling that the Corps would be getting ready to grant permission for the pipeline construction in the next few months.

All this has to be considered, Pantano said, in April -- all this has to be considered in terms of what would be the impact of the pipeline construction on the various species. Now keep in mind, pipelines require a different type of construction and others. The impact on many areas and species is short term. Their destructive only during the time of construction.

Once the work is done, it is as if there had not been human beings occupying the area. We are speaking about excavation, laying in pipeline tube and refilling a hole. It is not as if they were tall buildings, condominiums or other things that have a permanent impact on the environment. For the spokesperson of the scientific and technical commission of Casa Pueblo, Dr. Arturo Massol-Deya, the declarations of Pantano "indicate the prejudices of a loaded political oriented analysis and lack the scientific and technical substance typical of someone under the influence of private consultants and distance from the counsel of his field staff."

The lack of scientific rigor and the comments of Pantano are worrisome when the affect of the building is local, precise and can be mitigated. Buildings do not explode, at least normally, do not harm the course of rivers. At its widest and longest, the pipeline impacts 92 miles, 235 bodies of water, miles of wetland through the Great Aquifer of the North, leveling thousands of acres of forest and the habitats of at least 34 species protected by federal law.

I am going to add that parenthetically that they -- that also includes 223 acres of special conservation areas --

MS. YEAMPIERRE: Marian. I am sorry. You were out of time 2 minutes ago. Could you wrap it up?

MS. FEINBERG: Yes.

MS. YEAMPIERRE: Thank you.

MS. FEINBERG: Okay. You can read the rest of it. I just want to say two quick things; one, that Congressman Luis Gutierrez of Chicago has testified on the floor of Congress about these issues and about the huge impact psychologically, socially and health wise of the residents of the area. They are on YouTube. You can find them.

Two, that the -- that the United Confederation of Taino people, which are



the indigenous people of Puerto Rico, have published the testimonies of the Center for Advanced Studies of Puerto Rico and the Caribbean. Their archeologists and anthropologists have given testimony about the effect on sacred sites and historical sites of indigenous people and we know, according to the environmental justice principals that you can find on the site of the EPA, the --

MS. YEAMPIERRE: Okay.

MS. FEINBERG: -- the protection of sacred sites and historical sites of --

MS. YEAMPIERRE: Thank you, Marian.

MS. FEINBERG: -- native people is something that should --

MS. YEAMPIERRE: Thank you, Marian.

MS. FEINBERG: -- be of special concern. Thank you.

MS. YEAMPIERRE: Thank you. Marian, knowing also that environmental justice says that one of the basic tenants is that we speak for ourselves, we have spoken to folks at EPA who have said that they are willing to go down to Puerto Rico to talk to those communities and those EJ organizations so that they can share with them directly what some of those concerns are.

If they would like to, they can contact Lisa Garcia to get more information about that. One of the things about the NEJAC is that we are unable to go to places like Hawaii and Puerto Rico because of the costs. We know that that is financially very difficult. That it is a hardship for the people down there but I think that -- I know that Judith Enck from Region II has gone down to Puerto Rico.

I do not know how many times, but I know she has been down there. How many times? Five? She has been down there several times and we also know that there is a plan of holding a meeting down there with the environmental justice activists who are from the island. So, thank you so much for your testimony.

MS. FEINBERG: Well, I will say I am sorry, Elizabeth, but one of the things that I did not get to read in here is that the director of Region II has met in our office with lobbyists for the pipeline and one of the things that people down there are demanding is like equal time with the lobbyists and that they are -- their ability to come to New York to have that meeting is assisted with resources --

MS. YEAMPIERRE: Do you ---?

MS. FEINBERG: -- by the EPA here in New York and they want equal time. They want an EIS, which is their right.

MS. YEAMPIERRE: Marian, other people that are in the audience also want equal so if you could give us a second, Savi has a question or comment for you.

MS. FEINBERG: Okay.

***Comments by Savonala "Savi" Horne, Executive Director,  
Land Loss Prevention Project***

MS. HORNE: I guess I was just a little baffled. Where is this pipeline being built in Puerto Rico? Where is this gas coming from? Is it being shipped across the Caribbean basin to get to somewhere in Puerto Rico, I mean the Gulf of Mexico?

MS. FEINBERG: The pipeline is covering the -- like about a third of their northern coast of Puerto Rico, in the central part of the island, and then is going

completely from north to south. Puerto Rico is sort bound in the north by the Atlantic and in the south by the Caribbean --

MS. HORNE: Yes.

MS. FEINBERG: It is going all the way down to the Caribbean. So, it is going through the center about the third of the northern coast and then from north to south, the entire length of the island.

MS. HORNE: So, supposedly it is to provide energy to Puerto Rico or is it --

MS. FEINBERG: Yes.

MS. HORNE: -- being transferred --

MS. FEINBERG: Supposedly, it is to provide energy to Puerto Rico and people there have very eloquently described, you know, alternative energy sources that where the energy needs of Puerto Rico could be met in other ways and have done very detailed studies on it. They are available on the website of Casa Pueblo and other places and, you know, I would be happy to give you people references if they want.

MS. YEAMPIERRE: We would just like to -- if you could let them know that the NEJAC also has these national conference calls for people who are unable to come to the face to face meetings and we would love to hear from them on those calls. As a Puerto Rican, of course, you know, my heart goes out to all the issues. All the problems --

MS. FEINBERG: Right.

MS. YEAMPIERRE: -- on the island, I think of it as a colonized island. So, the fact that they have to depend on the good mercy of federal agencies is, I know, always a challenge. Those conference calls are set up to make it possible for people who are in communities who cannot access these face to face meetings. We, as members of the council, look forward to hearing from them directly. So, thank you for joining us today, Marian.

MS. FEINBERG: Right. I want to be clear to you that I am not here speaking for them. I am just here because I am -- live close enough by so that I can reserve time and I could show up and I could pass on something that was given to me to pass on. That is all I am --

MS. YEAMPIERRE: Thank you.

MS. FEINBERG: -- just a pass through.

MS. YEAMPIERRE: Thank you. No, I appreciate it.

MS. FEINBERG: That is all I am.

MS. YEAMPIERRE: I just want them to know that there are other avenues that make it possible for them to communicate with us and that has --

MS. FEINBERG: Right.

MS. YEAMPIERRE: -- been set up for those communities that have financial hardship or, you know, the NEJAC is being held too far from where they are located. I know the people in Hawaii are in a very similar situation. They have a lot of environmental justice problems. It is cost prohibitive for them to make it to a NEJAC.

The people in Alaska were here represented by Peter Captain but the people in Alaska cannot make it to one of the NEJAC hearings. So, we know that there are entire communities and nations that cannot make it to any of these. So, we have these other processes in place to make sure that they can communicate with us directly.

So, thank you so much. We really appreciate.

MS. FEINBERG: Well, maybe I could pass on their contact information to you and you could be in touch with them directly or vice versa as is your --

MS. YEAMPIERRE: We would be happy to.

MS. FEINBERG: You tell me what is better --

MS. YEAMPIERRE: Thank you.

MS. FEINBERG: -- and I will do that.

MS. YEAMPIERRE: We will be happy to.

MS. FEINBERG: Okay. Thank you.

MS. YEAMPIERRE: Thank you. The next presenter is Hilton Kelly, CIDA from Port Arthur, Texas. Welcome, Hilton.

MR. KELLEY: Thank you.

***Comments by Hilton Kelley, Director,  
Community In-power and Development Association***

MR. KELLEY: Thank you, Elizabeth. Thank you, NEJAC. First of all, I would like to extend my thanks to the NEJAC and the Environmental Protection Agency for putting on this conference. My name is Hilton Kelly. I am the founding director of the Community In-power and Development Association in Port Arthur, Texas on the Gulf Coast, former member of NEJAC.

The Environmental Protection Agency should stop approving rules that allow companies to avoid paying monetary penalties for violations that impact EJ communities. This administration talks about a lot of the environmental justice. While there is a lot that needs to be done to truly bring about such justice, at the most basic level, EPA needs to have a no tolerance policy for violations of existing laws in EJ communities.

EPA needs to make sure it recovers penalties that take away any benefit the companies got from non-compliance and that reflect the harm to local communities. Instead, what EPA is doing is weakening the Clean Air Act Enforcement Provisions. The EPA is approving rules that prevent the Agency and the public from obtaining monetary penalties for the very violations that cause the greatest harm to EJ communities.

Of said release, huge amounts of pollution that make people cough, their eyes water, they have trouble breathing, the kids have asthma attacks and miss school, not to mention the countless hours that are --- by the adults. Certainly, these violations, whatever their costs, should be subject to monetary penalties. Instead, EPA policy says too bad to EJ communities.

We are not going to make companies pay a penalty for these violations because the companies were trying their best to comply. Now, if you and I had an issue with our automobile and we had an incident because that automobile had issues and crashed into a tree and ultimately hurt someone, well, simply saying I am sorry would not suffice.

We would have to do something to pay reparation or some kind of monetary gain to that person or the person's property that was damaged. This is basically what it is saying. Meanwhile, we go ahead and let the communities around the

plant pay the price for the emissions with their health, safety and well being.

These rules put too much power in the hands of companies that thwart citizens efforts -- citizen enforcement efforts by claiming that the illegal emissions -- that the illegal emissions meet the affirmative defense criteria and then using up citizens little financial resources of massive discovery and expert fights over whether or not a company really did everything it should have -- it should have done to help prevent the illegal pollution.

These rules are not fair. The EPA needs to appeal its guidance allowing states to adopt these rules. Eliminate the rules from state implementation plans and remove them from the hazardous air pollution rules. As a first step, EPA should grant our petition to reconsider the Texas of said rule and state -- and start a real dialogue about what is fair enforcement policy for EJ communities. Thank you.

MS. YEAMPIERRE: Thank you, Hilton.

MR. KELLEY: All right.

MS. YEAMPIERRE: Comments, questions from the counsel? Vernice?

***Comments by Vernice Miller-Travis, Vice Chair,  
Maryland State Commission on Environmental Justice and Sustainable  
Communities***

MS. MILLER-TRAVIS: Thank you, Elizabeth. Welcome back, Hilton.

MR. KELLEY: Thank you, Vernice.

MS. MILLER-TRAVIS: So, I am assuming that you are talking about the start up/shut down malfunction provision in the Clean Air Act. Though it is not your community, I wonder if you could say a little bit about what happened in Texas City --

MR. KELLEY: Yes.

MS. MILLER-TRAVIS: -- a couple of weeks ago if you could share that with the group and how that ---.

MR. KELLEY: Yes. That is exactly what I am speaking on. In Texas City, there was a major explosion out there where a couple of people were killed due to a power failure incident. Many of the residents were told to stay inside. But even though these incidents take place and the company's may try to do everything they can to prevent it, many times it is just the very nature of oil refinery and chemical plants -- these incidents will happen.

People do get hurt but because of this, we think it is important that the EPA do not try to circumvent a lot of federal laws and help these companies to get out of paying penalties because people's properties are destroyed, their lives are destroyed and their health is destroyed. A lot of impacts that we get from refineries and chemical plants -- not only in Texas but around our nation we have refineries.

Around our nation, we have chemical plants. Each year, there are thousands and thousands of tons of emissions that are illegally released into the air and into the water that harm the health of human beings and the environment in which we live. A lot of the harm that is caused, it is irreversible. So, to allow these companies to not pay penalties or to get out of the loophole and not have to pay penalties because of the damage they cause, we think is irresponsible of the Environmental Protection Agency.

We need to take a closer look at ways in which we can push these companies to have to pay these penalties because people can no longer work many times after they have been exposed to toxic chemicals that have been released in their environment. Their property is destroyed. Their loved ones are literally killed. So, we have to do everything we can to help protect the public.

The public have no other recourse but to come before the NEJAC and the Environmental Protection Agency that it truly believes is here to protect them. Thank you.

MS. YEAMPIERRE: Okay. Any other comments or questions for Hilton?  
(No response.)

MS. YEAMPIERRE: Hilton, if there are no other questions, I want to again congratulate you on the Goldman Prize. I think it is -- you are an example of what that prize was created for. Thank you for joining us.

MR. KELLEY: Thank you.  
(Applause.)

MR. KELLEY: Thank you, Elizabeth. I really appreciate that and to all my fellow NEJAC members, I just want to say it was a pleasure serving on NEJAC with you all. I miss you guys and I am steady on the battlefield so keep up the great work that you all are doing.

MS. YEAMPIERRE: No one knows how to sing now, just so you know.

MR. KELLEY: (Laughter.)

MS. YEAMPIERRE: Okay. The next presenter is Mutope A-Alkebu-Lan, you can correct me when you step up to the mike, from the Eye of Heru Study Group in Detroit, Michigan. Welcome.

MR. A-ALKEBU-LAN: Thank you.

***Comments by Mutope A-Alkebu-Lan, member,  
Eye of Heru Study Group***

MR. A-ALKEBU-LAN: Thank you. The pronunciation was fair.  
(Laughter.)

MR. A-ALKEBU-LAN: I would like to thank the EPA and the NEJAC advisory council here for allowing me to make these comments. As stated, I am from Detroit, Michigan. Detroit is approximately 149½ square miles. It sits on the international borders of the United States and Canada and on an international waterway, the Detroit River, which goes out into the Atlantic Ocean.

I do not really have a lot of confidence in bureaucratic organizations but in my struggles, I have learned to at least give it a try. So, that is why I am here. So, I have a few things that I would like to request from this advisory council. Detroit is a place -- any type of disparity you want to name, Detroit has it. Asthma, upper respiratory, cancer, highest -- some of the highest unemployment in the country, the highest insurance rates in the country -- the highest in the nation, highest foreclosure rate, highest lead poisoning rate.

Did I say asthma? Yes, asthma. A lot of that. Highest obesity, hypertension, diabetes rate, infant mortality rate, Detroit has all of those disparities and diseases I should say. What I would like to do is I would like this particular board here

to do something for me, which would be -- I would like to ask NEJAC to ask the EPA and/or any other federal agency to investigate, monitor and/or report on the following areas or sites in the city of Detroit within the next six months.

I would like to start out with the Eastside Waste Incinerator, which has been spewing all types of toxic fumes and whoever knows what else forever. It was supposed to have been closed down. The lease ran out. It was circumvented by some type of legislation to go to the state to override the city charter and it is still burning.

We have the Ford Hospital incinerator, which burns medical wastes. I would like for that to be noted. The Marathon Oil Refinery, which is a big issue, who is buying out all of the local EJ groups with jobs, which they will never, ever have. They are asking for -- they said they -- they said they would give them jobs. So, some of the groups signed off.

The jobs had to be a -- an engineer to get the job. So, that knocked out about 95 percent of that community at least. I would like for you to investigate, monitor the Fermi 2 DTE Detroit energy site, which is a nuclear plant, which has been spewing all types of -- it almost cracked. It cracked one time. You probably heard the song "We almost lost Detroit" by Gil Scott-Heron.

He was talking about that Fermi 2 plant, something similar to what is happening in Japan at this particular point. I would like for an update of the status of the master medal -- Master Metals Superfund cleanup, which happened. It just kind of got - - I do not even know if it was a cleanup. It looked like it was a wipe up it happened so quick and they were out of there so fast.

(Laughter.)

MR. A-ALKEBU-LAN: They are building -- they are still building over in the area. Also, we have a copper and brass site that needs to be checked and the Ford Rouge Plant emissions, which if you ever go across the bridge to southwest Detroit --

MS. : ---.

MR. A-ALKEBU-LAN: Yes, you will know. The 75 overpass. You will know where you are at and also, you know, the whole area of southwest Detroit in the Delray community, which if you park your car there and go inside, you come back out, you are going to need a carwash for sure.

Additionally, I would for this body to help me and my organization to create a strategy to get around the legislatures and the legislation, which circumvents the vote of the people and the city charter by way of going to have the state to override the city's laws, rules and regulations. We have not been able to do that yet. So, this is what I am asking for this group to do, take an action step if at all you have the authority or the wherewithal to do that. Thank you.

MS. YEAMPIERRE: Thank you. Any comments or questions from members of the counsel? Jolene?

***Comments by Jolene Catron, Executive Director,  
Wind River Alliance***

MS. CATRON: I would like to thank you for your comments. I have been participating, when time allows, on the planning committee for a National Environmental Justice conference that is going on in Detroit in August. Just to let you know, I do not

know if you know about that coming to town or not but that would be a good opportunity to do some organizing around and to -- within your community to bring a unified voice around environmental justice.

MR. A-ALKEBU-LAN: Thank you. Yes, I am familiar with the conference that is coming up and my organization, the Eye of Heru Study Group. We are about 25 years old. Actually, we are a cultural think tank. There is an issue with some of the environmental justice groups in Detroit. They are kind of splintering and I guess a short or resources brings along different things.

We stand neutral in all of that, okay? That is one of the reasons I am here to speak because these issues have been going on for ions in our city with all of these things that I noted. These groups have been in existence and they have been splintering and so forth and we still have the same issue. So -- or I should say issues.

So, you know, I am here to ask this group to -- if you have any type of juice to get something done. I was told, you know, to play the violins and make you cry but I mean that has already happened, you know, and I do not see any tears here so I am sure you have heard plenty of horror stories already. So, I am just asking, you know, to see if I can get some action.

MS. YEAMPIERRE: You know the sad fact is that the situation in Detroit exists in so many of our cities and so many of our communities that we are not insensitive to it at all. It is just that we struggle with trying to figure out how do we create -- how do we make recommendations or shape policies that can benefit cities like Detroit, cities like Baltimore, you know, places where we know that -- the economy, that people are devastated, that they have suffered a history of neglect and abuse in so many different ways.

So, that is kind of our mission is to try to figure out as a counsel how collectively we can make those kinds of recommendations. Your presence here helps us do that. Your presence here, even if we cannot say to you this is what we can do next, we convene and we remember everything that everyone has said. We try to make sure that all those -- all that testimony shapes and informs our recommendations.

So, even if we cannot give you an answer right now, your presence here has been extremely important. I would urge that other people who are in the audience, that you always stay and listen to what people are saying, their testimony, because it is amazing how much we learn and how much it lifts each of us and how that testimony helps make it real clear what we are here to do. So, thank you very much.

MR. A-ALKEBU-LAN: Thank you. Let me say this before I leave. Detroit has an 85 percent plus population of people of African ancestry; probably the largest concentration outside of the Continent of Africa itself in a major city in Detroit. So, so goes Detroit. I do not think any other cities with "minority populations" really even have a chance. Thank you.

MS. YEAMPIERRE: Thank you.

MR. TARG: Hey, I have got a question. Wait. Over here. May I be recognized please?

MS. YEAMPIERRE: --- snuck one in. Nicholas?

***Comments by Nicholas Targ, Co-Chair,  
Environmental Justice Caucus***

MR. TARG: Thank you. Have you reached out to EPA Region V to the Environmental Justice Coordinator?

MR. A-ALKEBU-LAN: No, I have not but I was told that she is here --

MR. TARG: Sitting right back there.

MR. A-ALKEBU-LAN: -- and I will speak with her.

MR. TARG: Is that Laura Lasky?

MS. : Eileen Deemer.

MR. A-ALKEBU-LAN: Eileen Deemer?

MS. VICTORIA ROBINSON: Her name is Laura Lasky ---.

MR. TARG: No. I think --- corrected here.

MR. : Eileen Deemer.

MS. VICTORIA ROBINSON: Eileen. I am sorry.

MR. TARG: Eileen Deemer, who I understand is outside and that would be --

MR. A-ALKEBU-LAN: No. She is inside. I know where she is. I am going to see her.

MR. TARG: There she is.

(Laughter.)

MR. TARG: There we go.

MS. YEAMPIERRE: Okay.

MR. TARG: Thank you.

MR. A-ALKEBU-LAN: Thank you.

MS. YEAMPIERRE: Margaret? Sir, if you could.

***Comments by Margaret J. May, Executive Director,  
Ivanhoe Neighborhood Council***

MS. MAY: Thank you for coming. I saw you yesterday. You have been here throughout. So, we appreciate your interest and your testimony. I want to make a little clarifying statement because I do not want you to leave here thinking this advisory council has the power to actually do the things that you have asked. We have the charter to listen and to make recommendations and to use our influence as we can.

But, I think it would be a mistake for us to let you leave here thinking that this group has the power to actually go to Detroit and do these things. The good thing is that there are many EPA staff members in the room who are listening and there are people that you can connect with that do have some power. So, I just wanted to give that clarification because I do not want you to leave here -- in six months, when this group will not have done anything because that is not within our purview that you will not be angry with us.

MR. A-ALKEBU-LAN: I am not going to be angry. Thank you.

MS. YEAMPIERRE: So, wait, wait, wait. Savi?

MS. HORNE: Yes.

MS. YEAMPIERRE: Thank you.



MS. HORNE: I just want to thank you, Mutope, and to just echo what Margaret has said in terms of limitations of the NEJAC, but also to thank Elizabeth and Victoria for the lineup of speakers from the morning. I am sure as you listen to Bill and Kevin and John, just the whole Gulf Coast dialogue, that that provided a networking opportunity to kind of maybe assist some of your thinking on these issues.

So, I just want to give kudos to Victoria and Elizabeth and John and the EPA team that helped to pull together this particular NEJAC. I hope that even communities who have testified here, if they see that we cannot do much at least we have tried to bring together people that they can network with and people from the Agency who will listen. So, thank you all.

MS. YEAMPIERRE: Thank you. I also want to add to that the presentation from New York City because I am here from New York City and I sometimes New York City is on the pay no mind list. So, we want to make sure that that does not happen.

MR. : ---.

MS. YEAMPIERRE: WE have got millions of people and millions of projects too. So, I want to call next, Ana Baptista from our sister community out there in Newark, New Jersey, Ironbound Community Corporation. Ana, welcome.

***Comments by Ana Baptista, Executive Director,  
Ironbound Community Corporation***

DR. BAPTISTA: Thank you. I feel you, Elizabeth. Jersey is in the house, you know, the forgotten state. New York, New Jersey -- so, I want to thank Chairwoman Yeampierre and the NEJAC members for this opportunity to speak. My name is Dr. Ana Baptista and I am the director of environmental justice programs for an organization called the Ironbound Community Corporation.

We have been around for 40 years in the great city of Newark, New Jersey serving the people there and working on environmental justice issues. We are also proud members of the New Jersey Environmental Justice Alliance who you heard from earlier today. The Ironbound is an environmental justice community similar to many of the ones you have heard about already today.

We are a community of over 50,000 residents, mostly low and moderate income minority residents surrounded by hundreds of permitted facilities; the state's largest garbage incinerator, the state's largest sewage treatment plant, Port Newark in Elizabeth, the third largest ports in the country, Newark Airport, which many of you probably flew in through so you probably flew right over our great city and the New Jersey Turnpike.

So, you name it we have got it and we like, so many others, are facing serious health threats emanating from this disproportionate cumulative environmental burdens posed on our community and we would like to thank NEJAC and the EPA for working so hard on thinking about ways to bring cumulative impacts into the decision making structures that impact our communities.

Finding ways to include cumulative impacts into the permitting, the rule making and the resource allocation of decision making structures is how we are going to realize some of the environmental justices that we need in our community. Without

those tools, the struggles that we face still today, with new polluting facilities trying to enter our community -- medical waste facilities, power plants, expansion of existing facilities continues every day.

I can tell you in our community we are constantly fighting them. It is difficult to counteract without those tools. So, we would like to thank you for your assistance and your persistence on this issue. I would also like to ask your assistance on two very particular issues today. One is insuring accountability for commitments to mitigating environmental justice impacts related to sea ports and the freight industry.

NEJAC issued a report reducing air emissions associated with the goods movement industry in November of 2009, which had important recommendations to the EPA on this issue. EPA, in response, issued a report in 2010, which committed to several action steps including ongoing evaluation of how current community based goods movement programs are working.

We ask NEJAC to assess the progress to date on the commitments made by EPA in that report and in response to your recommendations. In particular, we are interested to know how the federal Diesel Emissions Reduction Act program funds were put to use in ports throughout the country, many of which are in EJ impacted communities.

What, if any, real improvements in air quality have been achieved in these EJ communities. Here in the ports of New York and New Jersey, we have seen very little real progress on the ground in terms of implementing key components of the ports own Clean Air Action Strategy and little in the way of accountability measures.

With respect to DERA funding, we have seen more than \$7 million allocated to the ports of New York and New Jersey for the truck replacement program that has seen fewer than 100 of the dirtiest diesel pre-1994 trucks approved and given a loan to upgrade to newer trucks. We are concerned about the additional burden that this loan program places on exploited truck drivers, many of whom live in our community.

We are also concerned that this loan program model, which is being tried in other port communities and given to individual drivers, will not turn over the drudge fleet effectively and will not be sustainable in the long-term as driver's are unable to capitalize the turnover of -- and maintenance of newer trucks. We are also members of the Coalition for Healthy Ports.

We, as a coalition along with several others such as Councilman Brad Lander right here in New York, submitted information requests to the Port Authority regarding the status of the truck replacement program and the DERA funding. We have not heard back on either of those requests and our community has not seen any evidence of air quality impacts resulting from that.

So, we would like to ask NEJAC to urge EPA to implement transparent accountability measures and to assess the effectiveness of the port's proposed programs and the use of those federal funds. Our community also faces another pressing challenge, which we would like your assistance on in particular, and that is the increasing trend in the nation and the region to promote harmful mass burn incineration from facilities for all sorts of wastes that are coming into communities of color and low-income communities.

These industries are seeking consideration by governments as renewable

energy worthy of tax credits. The Ironbound Community knows that this is a falsehood. We have, as I said earlier, we are the host to the largest solid waste incinerator that receives more than 1 million tons of trash from around the region. We believe incineration in any form poses serious environmental threats to communities that are already burdened and vulnerable.

In Newark, we are looking for innovative and sustainable ways to promote zero waste approach -- waste reduction and diversion. We ask that NEJAC weigh in on the potential impacts from increased mass burn facilities, including new technology such as plasma, pyrolysis and gasification in EJ communities, especially in light of the state and federal renewable energy incentives.

We ask that NEJAC help advance Zero Waste Initiatives and issue recommendations to the EPA to promote zero waste. I know I am out of time so I would like to thank you for this opportunity.

MS. YEAMPIERRE: Thank you, Dr. Baptista.

(Applause.)

MS. YEAMPIERRE: Thank you. Can we get a copy of you ---.

DR. BAPTISTA: Yes. I have copies actually of what ---.

MS. YEAMPIERRE: Any questions or comments? Lang?

### ***Comments, Questions and Answers***

#### ***Comments by J. Langdon Marsh, Fellow, National Policy Consensus Center, Portland State University***

MR. MARSH: Yes. Thank you very much for your testimony. It is very articulate and compelling. I wanted just to say that -- a couple of things. One is the Goods Movement Report and the EPA response I think we are a pretty good model of how our advice is responded to and taken seriously by the Agency. Having said that I also agree that it is entirely proper to try to hold EPA accountable for the commitments that they made in the response.

I just wanted to share with you that I know from having talked with her yesterday, region administrator Enck is very serious about trying to respond to the goods movement issues in the ports and I would encourage you to contact her directly. Thank you.

MS. YEAMPIERRE: Any other comments? No. Do not go yet. Because you know what happens? The minute that I say something, all the cards go up. So, I am waiting to see if any of those cards are going up. Let me just say this, I think that -- I do not think there is anyone here from EPA that can answer some of the questions that you raised regarding the sea port question.

But, I do think that you should participate in the Federal Agency Working Group. I think that is a good place to raise those questions in addition to the NEJAC because the issues that you are raising also require the attention of a number of agencies. If you can sort of list those agencies in advance and do a little research in advance and raise that on Thursday, I think that that would be really, really important. John has a comment. Okay. Right here. Right here. Thank you.

***Comments by John Ridgway,  
Manager of Information Management and Communications Section,  
Hazardous Waste and Toxics Reduction Program,  
Washington State Department of Ecology***

MR. RIDGWAY: Briefly. On your last point, the Zero Waste Initiative. To some people, that is heresy and I want to point out it is not. In Washington State, that is our waste management plan and it is documented and people can go online to the Washington State Department of Ecology and see not only what our declaration is on our zero waste goals, but what our measures are over a 30 year plan.

Also, the country of Japan has declared the same. They have run out of room. They have to have a zero waste plan. So, you may want to look there for resources, as well. I encourage EPA to do the same.

MS. YEAMPIERRE: Thank you. Vernice, when you stepped out, Dr. Baptista talked about some of the issues in Newark and incineration and I know that you have got some history there. I did not know if you wanted to make a comment. I want to give you the opportunity before she walks away.

***Comments by Vernice Miller-Travis, Vice Chair,  
Maryland State Commission on Environmental Justice and Sustainable  
Communities***

MS. MILLER-TRAVIS: I am sorry, Ana, that I was not here when --

MS. YEAMPIERRE: No. I know that you have got another workshop going on. That is okay.

MS. MILLER-TRAVIS: -- you were talking only to say that the company that owns -- well, I do not know if the -- I do not think they own it. I think they operate the waste to energy facility in Newark, that the county -- Essex County and the city of Newark own it.

DR. BAPTISTA: They own the facility. The land is leased by the Port Authority of New York and New Jersey, yes.

MS. MILLER-TRAVIS: So they, in response to Ana's community and a number of other EJ communities that exist where they own facilities and because of a lot of advocacy that Ana and her organization has done, the company determined that they needed to really respond to the issues that they put on the table, not in a facility by facility way but in an overall company policy that they needed to change their corporate policy to address environmental justice in a substantive way.

The comments that you heard Carol Ann read earlier were part of their formal comments to our permitting process that they are really trying to structurally change how they engage with communities and how they respond to the substantive issues that they have put on the table. I do not know that it is going to be able to change the circumstances that the folks in the Ironbound have had to deal with to date.

They are trying to learn from what they have done, what they have experienced or what you brought to the table in so many other communities so that they won't have those kinds of impacts going forward. So, they asked me to help them create a policy. I told them to listen to the people that are talking to them, to listen to

them clearly to be transparent and to be honest with folks.

Tell them what they can do and what they cannot do but to really make a serious effort to bring down the emissions in their facilities. So, the policy is going to come out soon and I hope that it will be something that you see that reflects all the things that you have put on the table with them -- I hope.

DR. BAPTISTA: I look forward to seeing that from COVANTA. We have been at this for a very long time. This facility has been in our community since 1990. It is one of the oldest facilities in the state along with the one in Camden by no coincidence. We have been fighting for a very long time asking for what I do not believe is a very unreasonable thing, which is up to date technology. They put it in the suburbs but in Camden and Newark, I do not see it.

So, it really comes down to money and power. So I would happy -- welcome to see that policy come out.

MS. YEAMPIERRE: All right. Thank you, Dr. Baptista. The next presenter is John Fleming, New Partners. Welcome back, John.

MS. : ---.

MS. YEAMPIERRE: He did. Everyone else -- everyone else, has spoken before so the -- this is basically the end of public speaking period. I am tired. Welcome, John.

***Comments by John Fleming, BOA Policy Director,  
New Partners for Community Revitalization***

MR. FLEMING: Thanks, Elizabeth. I am John Fleming from New Partners for Community Revitalization. I want to thank the council for a second opportunity to speak to you and thank you for sticking with us. It is a tough job you guys have sitting in your seats this long for two days. You have got another day tomorrow, so I want to acknowledge your patience and your attention.

I want to talk about EPA's brown fields programs and before I jump into it, I just want to respond again to a theme that has come up a couple of times yesterday and today about equitable development and the issue of displacement and gentrification. EPA would probably be challenged to come up with the tools to deal with that issue.

I would just suggest to the NEJAC that the Partnership for Sustainable Communities might be an avenue to push EPA to begin looking at this issue that brown fields and some of the other environmental justice issues are multidisciplinary and require an interagency response. This administration saw fit to create this partnership for that reason and that HUD may be the kind of partner that is needed to deal with that.

The conversation should start to look at how can we move from just production producing affordable housing to a conversation around preservation to prevent displacement and gentrification. There used to be a conversation around preservation. It was in the '70's and '80's when suburbanization was taking off and they wanted to preserve neighborhoods.

There is a new conversation on preservation we need to have about keeping communities intact and in place. We cannot really be talking about sustainable communities if areas are improved by displacing the residents that live there. So, that is

one recommendation to move that conversation forward. I want to spend the last bit of my time talking about EPA's brown fields program.

I submitted written testimony that has got detailed recommendations on how to improve EPA's brown field program with respect to how they function in low and moderate income communities, but I guess I just want to take a second to just paint the very broad brush of what the basic issue is.

With brown fields, you have, again, multiple constituencies and brown fields are an environmental issue because there is a contamination of the soil potentially in the groundwater and their potential impacts to human health but the final solution to brown fields really requires a development perspective. You can protect communities but in the end, the final protection is to eliminate the brown field by having the property reused and cleaned up.

So, it has to be an interagency kind of response again, right, that you need the protectors and the developers married together. Otherwise, as what happens in EJ communities was why we pushed the BOA program in New York State, the properties languish. You can have the highest standards in the country, but if the properties do not get cleaned then it does not help you.

So, we need that development expertise joined with the protective expertise. The EPA's brown field programs were created in 2002 and as you see, the legislation moved from what I have understood, I was not a direct participant, through environmental committees in the legislature, in the Congress, and there was not enough connecting to the development people -- people who are in economic development or the affordable housing and those committees.

Those committees and those agencies have different kinds of expertise; the people in the legislative staffs and any agencies -- they have different backgrounds altogether. So, one of the things that has happened, the site assessment programs and the cleanup programs and the revolving loan funds have done a lot of good but they could be improved to become much more effective and efficient for low and moderate income communities.

The things that could be done generally is to make them -- tailor them to fit the existing community development infrastructure that exists in the urban areas across the country. For several decades, local governments, the states have been trying to deal with the issue of inner cities and producing affordable housing. For example, New York City, we produce tens of thousands of units of affordable housing.

There is a whole infrastructure of many state programs, many city programs, non-profit groups, intermediary lenders -- a whole infrastructure about how you deliver resources into a poor neighborhood to produce something on a site. EPA's programs right now do not fit into that infrastructure. There are administrative requirements, reporting requirements, timing issues, the requirements for the involvement of EPA staff that slow things down so that the resources are not made available to make the transactions actually happen.

It is a shame because places like New York City, affordable housing subsidies then are being used to clean up brown fields. The brown field money is sitting there. Sometimes it gets turned back because it cannot fit into the transactions. So, we are producing less affordable housing with the money that we have because we are cleaning up brown fields with it.

So, we can produce even more affordable housing, for example, if we could actually use the federal brown field resources that are available. So, that is the kind of macro comment I wanted to make and have it suggested to NEJAC. Again, there are detailed comments in our testimony you can take up but that is the broad picture that I wanted to share with you. Thanks very much.

MS. YEAMPIERRE: Thank you, John. Thank you for sharing that with us. Those are great comments. Vernice?

***Comments by Vernice Miller-Travis, Vice Chair,  
Maryland State Commission on Environmental Justice and Sustainable  
Communities***

MS. MILLER-TRAVIS: Thank you. I have a couple of questions for you. I want to start with the affordable housing issue. So, last year, HUD revised and issued guidance on allowing, for the first time, the construction of low-income, affordable and federally subsidized housing on brown field sites. I feel kind of queasy about it.

I want to know what you think. We are in an affordable housing crisis in this city and all over the country. Is it a good thing? Is it something that should be streamlined? What do you think?

MR. FLEMING: You know, I do not know enough about the HUD guidelines that you are suggesting to give a credible answer except just to say that if the proper investigations are conducted and a proper work plan is prepared, there is no reason why affordable housing cannot be built on a brown field site in my opinion. The issue is when shortcuts are tried -- are attempted and so I -- but again, I do not know enough about the specific guidelines to give you a good answer on that.

MS. MILLER-TRAVIS: Well, I would like to share ---. My second question is next year, strangely enough or not, oddly enough it will be 10 years that the new federal small business liability relief from Brown fields Redevelopment Act will be up for reauthorization though the policy that came through the --- in fact, it has only been around since the end of 2003.

It still will be up for reauthorization by Congress. Is it working? Is it helping? What you are trying to do in New York State? Does it need to be tweaked? What needs to happen for the federal lay to improve what you are trying to do in New York?

MR. FLEMING: I wish my boss, Jody Kass, were here because she could give you a very detailed answer about that. A lot of the recommendations are included in this testimony respond directly to that issue. I know one of the large issues is that, and this pertains especially to environmental justice concerns, that non-profit is not eligible for a lot of these resources so they have to go through municipal entities to access them.

So, that is one reform that people are hoping to achieve through reauthorization.

MS. MILLER-TRAVIS: Actually, that is not true. We -- that was one of the things that we worked really hard on in that legislation and in the guidance that for the first time, through this current law, non-profit entities are can be recipients -- eligible recipients of those dollars. So, if people do not know that then we need to do a better

job of making sure the folks do know that.

But it was a -- a knock down drag out to get that to happen and that is one of the provisions of the new federal brown field -- well, the 10 year old federal brown fields law.

MR. FLEMING: Okay. I stand corrected. Good work.

MS. YEAMPIERRE: Lang?

MR. MARSH: I just wanted to say, John -- I wanted to say that I have been very impressed with both of your testimonies and very visionary but also very practical both yesterday and today. I just wanted to mention that the -- I was pleased that you talked about the Partnership for Sustainable Communities as a possible place for some of this integration of resources and technical assistance and so forth to take place.

I am really very eager to see at each -- in each region of the country, each EPA region, which mostly overlapped with the HUD reach and since sometimes the DOT regions that they exist in some capacity for all three agencies to work with non-profits with local governments with community development corporations, et cetera, et cetera, the whole complex that you were mentioning on selected projects so they can demonstrate how you do this kind of coordination and avoidance of agencies stepping over each other.

So, if you and your organization can lend your voice to that demand, I think Region II would be a very good place to have one.

MR. FLEMING: Thank you. Can I respond a little bit? One of the things I did not get to talk about yesterday because I ran out of time. In speaking about the Brown field Area wide Planning pilot program is one example of where this can be done. In New York State, with the BOA program, one of the things that we are pushing through a pilot phase.

We are hoping to have it implemented across the board is that as a community goes through the area wide planning and the developing of strategies, at the conclusion is an interagency workshop so that you bring them together -- all the agencies at the state level and New York City -- the city agencies, as well, to hear the community present their priorities.

Then they go through a live Interagency Action Plan drafting process where each agency then in the room must step up and say well, what is the next action step I can take to advance that priority. It is a wonderful model that has worked in New York. It is called the Spotlight Communities Initiative. I think if something can be done with the area wide pilot's the EPA has started, so that when a group say like Ironbound that we just heard from, when they go through their area wide planning process, both -- there is a workshop of all the officers of EPA so that if they need urban waters resources, if they need site assessment grants, cleanup brands.

Whatever it is within EPA that they can be there done collaboratively and talk to each other in the room with the community, but also this partnership that if Ironbound is worried down the line that their community is going to be displaced in 15 years because they have done such a good time that maybe HUD ought to be there to talk well, what is their preservation strategy?

What are those resources that they can target into the same area? So, that would be a practical way to do that is an interagency workshop. That has worked



effectively in New York.

MS. YEAMPIERRE: Wynecta?

***Comments by Wynecta Fisher, Member,  
NEJAC Gulf Coast Ecosystem Restoration Work Group***

MS. FISHER: Thank you so much for your testimony, you know, spoken, as well as written testimony. I am just -- I wish I would have gotten some these ideas in my previous life. One thing that is an issue with a lot of non-profits and communities is the AI, because it is only good for six months and by the time they get the funding, they have got to get another one.

The other issue that -- with the RLF money, I actually like that idea as well, because sometimes the problem that they want to add is bigger than the amount of money that a municipality might have for assessment, especially if that money is being used but I am just wondering if you could -- do you have any ideas and I am definitely open to them because a lot -- you mention how public entities have housing that they put up.

The public entities also years and years ago, used to be the owners and operators of incinerator sites. These incinerator sites and other sites that are brown fields were owned by the city. However, they now stand idle in communities but the city cannot use brown field's money to clean it up because they are the responsible part.

So, I am thinking that maybe that is something that can be added to your list. Because I did something that plagues a lot of municipalities, when those facilities were operating, it was perfectly legal to operate them. But now, you know, it is an eyesore for the community and the city itself cannot use the money to clean it up.

MS. YEAMPIERRE: --- respond to that?

MR. FLEMING: Point taken. Yes.

MS. YEAMPIERRE: John -- Nicholas?

MR. FLEMING: I do not have a specific answer to it but I hear you.

***Comments by Nicholas Targ, Co-Chair,  
Environmental Justice Caucus***

MR. TARG: I think we are all going to create a laundry list of things that you might work on for reauthorization. To that end, with respect to the non-profits eligibility, Vernice, of course, is right in her analysis that non-profits are able to be the recipients of brown field's monies. I think that the issue may be that if a non-profit, such as yours, enters into a partnership with a developer or an equity source and creates a LLC, for liability reasons for example, that LLC is not eligible to receive the brown fields money.

I was wondering if you have encountered that kind of issue? I also have a follow-up question.

MR. FLEMING: I have not directly -- I should have had my whole team here but, you know, I do the EJ and planning stuff and then we have our affordable housing person and then we have our -- you know, we have a team approach.

MR. TARG: Clearly, this is a topic of a lot of things.

MR. FLEMING: Yes. I mean I can say this, our organization is small but we have a lot of expertise -- just a lot of experience practically and if there was some way that our organization could -- we could have a list of these NEJAC questions, we would certainly respond to them. We would love that opportunity to do that.

MR. TARG: Your organization enjoys, of course, a wonderful reputation. On the recommendations comment to the all the brown field's grants programs, the first one on page two, and I have just quickly gone through it, is amend the brown field's grant application ranking criteria to truly reflect a preference for projects that address environmental within -- and then projects that consist with Community Plans Projects Incorporated Authentic Community Engagement.

With respect to the first of the those points, projects that address environmental justice and community needs, within the brown fields amendment is a provision regarding ranking that provides that the agency is to consider minority populations and also income among other factors in the ranking and prioritization. I am wondering if this recommendation suggests that something with those existing provisions.

MR. FLEMING: I would have to look specifically at that with respect to number one. I could speak to number two and three there because, you know, environmental justice is not just about impact on a community of color, but it is also the issue of self determination. That is kind of the work that I am involved with. You can have an otherwise good project but the community does not want it.

This happens in affordable housing, which we have been talking about. Often, builders want to build and build and build and communities also want community gardens and recreational space and other kinds of opportunities. So, that is why the area wide approach is so important because it gives that vehicle for the community to have their voice in determining their own future and how different uses should be ranked and prioritized.

So, all public resources ought to be screened that way -- that the community screens how the investment is done. With respect to the -- whether or not there is something in addition -- environmental justice criteria in addition to the criteria that you just talked about, we could get back to you on that and I would not know.

I did not even draft that particular -- most of these specific recommendations in.

MR. TARG: Thank you.

MR. FLEMING: Sure.

MS. YEAMPIERRE: John, I just really -- I literally, on behalf of my organization and so many in New York City that are in communities of color and EJ communities that get technical assistance from your organization, it is the most high level, respectful kind of assistance that we could have to engage in brown field remediation and community development that is driven by a community vision.

So, I just really want to thank you for that and for the hard work. Thank you for joining us.

MR. FLEMING: Thank you and thank you for all of you.

MS. YEAMPIERRE: Nicky Sheats from the New Jersey -- I am sorry?

MS. : ---.

MS. YEAMPIERRE: No. I have her last here. Yes. I am sorry. Is Nicky

here? Nicky. Sorry. From the New Jersey Environmental Justice Alliance and Thomas Edison State College. Welcome, Nicky.

***Comments by Nicky Sheats, Director,  
Environmental Justice Alliance and Thomas Edison State College***

MR. SHEATS: I know it is late, y'all. Thanks for listening to me a second time. I am going to have a little bit of rhetoric but I am also going to have --

MS. YEAMPIERRE: Just do not repeat anything.

MR. SHEATS: Right. A very specific ask of you. A very simple specific -- but let me start by stating that word on the street that at one prior NEJAC meeting, your chair, Elizabeth Yeampierre, called me out and called for Nicky co-pollutant Sheats.

(Laughter.)

MS. YEAMPIERRE: You are Mr. Co-pollutant Sheats.

MR. SHEATS: I am going to live up to it today. I am going to tell you why she called me that. So, I want to talk about co-pollutants, particulate matter and CCS if I have time. Why Elizabeth said that is because the New Jersey Environmental Justice Alliance, the Environmental Justice Leadership Forum on Climate Change and I have all advocated very strongly to climate change policy needs not only to address greenhouse gases, Carbon Dioxide, but traditional co-pollutants such as particulate matter, sulfur dioxide and nitrogen oxides.

So, it was not enough for a climate strategy to just reduce carbon dioxide. Strategies also need to be developed that reduce the emissions of particulate matter in particular. So, let me tell you now why we are so focused in on that and why I think NEJAC should be focusing on that like a laser beam. Particulate matter kills 10 -- I am talking about foreign particulate matter, PM2.5, kills tens of thousands of people every year in the country.

It is killing people in urban areas so you know what that means; people of color and poor people at disproportionately high rates. That is why it is an EJ issue. We need to drive down concentrations as low as possible by using climate change strategy, we can achieve levels reductions in particulate matter that we cannot do it without it.

It needed to be all policies on deck, all hands on deck with respect to the particulate matter. Now, here is a specific ask. The EPA is considering lowering -- well, they are not considering. They are going to lower the fine particulate matter annual standard because they have to and the court has told them to look at this again and they are going to lower it.

So, they are considering whether to lower it -- the standard right now is 15.0 micrograms per cubic meter. It does not mean much so just focus on that number, though. They are considering to lower it between 11 to 14. We need to tell them very specifically that it needs to go to 11. It needs to go as low as possible because that is going to save the greatest number of lives, it is going to reduce illness the most and it is going to drive policy.

In New Jersey, if they put the standard at 14 or 13, it is not going to drive any policy. New Jersey DEP will say we are attaining that and they probably won't do

anything. 11 were forced policy. That were forced policy all over the country so it needs to be at 11. Now, just in case you think it is just me saying this, let me -- I have got to put my glasses on.

Let me read you a quote from a scientist by the name of Joel Schwarz who is one of the premier scientist who has done a lot of work on PM and health effects. He is talking about the standard now. He says, "If stricter limits are put in place" -- he is talking about particular matter "that will save more lives in the next 10 years than every single other thing the EPA does put together."

Let me read that to you again. "If stricter limits are put in place, that will save more lives in the next 10 years than every single other thing the EPA does put together." So, that makes it clear to me, it simple and clear what we need to do. We need to urge EPA -- NEJAC needs to urge EPA -- demand the EPA put that standard at 11.

This would be the height of -- if they do not put it at 11, all the verbiage, right, all the rhetoric about saving lives is just that. They have the authority. They know what it will do. We need to hold them accountable. 11 -- we need to put it like this to them. 11 or nothing but you have got to do it. All right. I belabored that. CCS. Let me make a general point about CCS. Why CCS is an EJ issue.

MS. YEAMPIERRE: Could you just share for the public what CCS is?

MR. SHEATS: Carbon capture sequestration, otherwise, and I hate to say it -- otherwise known as clean coal. I know our President supports clean coal but we know that there is no clean coal. You heard someone else from New Jersey talk about the plan that is being proposed for Linden. We are opposing that. The New Jersey Environmental Justice Alliance is part of the coalition to oppose it.

But in general, even if CCS works and, you know, I am not saying it will. That is a big assumption that it will. The proponents say well, it would help fight climate change by reducing carbon dioxide. CCS plans to produce local pollution. We know -- we know where plants are sited. They are sited in EJ neighborhoods. Then Linden, where it is proposed to be sited, is a great example.

That is an EJ neighborhood. Linden does not need any more local air pollution. Not one more ounce and CCS plants produce local air pollution. That is the EJ issue. That is why NEJAC needs to be concerned with it. NEJAC needs to impose itself in the permitting process. The EPA right now is trying to figure out how to do it.

I am sorry. It is not EPA. It is the federal government. They are trying to decide who is going to take the lead on this, how to do the permitting process, just as the previous said from New Jersey, we have asked for information about that process and basically have not gotten anything. We are going to write an official email letter from the New Jersey Environmental Justice Alliance asking for that information.

It would be great if NEJAC would back us up on that but in the broader sense, NEJAC needs to pay attention and make sure the EJ issues are highlighted in the whole process of deciding what to do with CCS. I am out of time. Thank you.

MS. YEAMPIERRE: Thank you, Nicky. Any comments or questions for Nicky? Vernice?

***Comments by Vernice Miller-Travis, Vice Chair,  
Maryland State Commission on Environmental Justice and Sustainable  
Communities***

MS. MILLER-TRAVIS: I will make it quick. Nicky, first of all, thank you so much for your service on the NEJAC School Air Toxics Monitoring Work Group. You were a doggedly persistent advocate and you helped us get to the place that we got to. Because of your excellent service --

MR. SHEATS: I may not be that bright but I am persistent.

MS. MILLER-TRAVIS: You are persistent and you are incredibly bright and because you are so good at what you do, EPA asked you to serve on the Clean Air Act FACA. So, you are on that FACA now and I want to ask what is the FACA's conversation about the particulate matter standard? Where does the FACA come out on this?

MR. SHEATS: We have not had that conversation yet and we are going to be meeting in early June. The FACA has been really on multi-pollutant approach, which if you are interested we can talk about that, but I think it is great that you brought that up, Vernice, because I have been the only -- there are tribal members on the Clean Air Act Advisory Council but I have been the only EJ person really participating and it is a lonely life.

I need some backup -- really because you are always worried that you are going to miss something when you are the only person and, you know, that you are just not seeing things right. Am I really, you know, seeing everything that is there? It would be nice if we had interaction with NEJAC and, you know, I need help. The Clean Air Advisory Council needs help and needs your help.

MS. YEAMPIERRE: Sure. Victoria?

***Comments by Victoria Robinson, Designated Federal Officer,  
Office of Environmental Justice***

MS. VICTORIA ROBINSON: Thank you for bringing that up, Nicky. I just wanted to let you know I am working with the DFO of the Clean Air Act Advisory Committee.

MR. SHEATS: Great.

MS. VICTORIA ROBINSON: We are trying -- we are working to increase the diversity of bringing more EJ stakeholder to that group.

MR. SHEATS: I think they want to.

MS. VICTORIA ROBINSON: Yes, they do.

MR. SHEATS: Yes. I really do think they want to. So, maybe it is just us.

MS. VICTORIA ROBINSON: Right.

MR. SHEATS: We need to step up to the plate.

MS. VICTORIA ROBINSON: But, I think what would help me and would help him is to find if you guys could support -- suggest other individuals who could serve in the capacity bringing the message.

MR. SHEATS: Yes.

MS. VICTORIA ROBINSON: If you know of somebody else, that would be

great. I mean I do not really know --

MR. SHEATS: I have already talked to one person actually.

MS. VICTORIA ROBINSON: Okay. I am also like fighting with him for people to bring onto the NEJAC. So, that is one of those battles. So, if we can find -- help find smart folks, we can --- would be good.

MR. SHEATS: You know what might help -- kind of an official request from the Environmental Justice request too -- the Environmental Justice Leadership Forum on Climate Change might help Elizabeth, you know, say it is important and I will talk to the other person I have been talking to.

MS. YEAMPIERRE: That is another hat. Okay.

MS. VICTORIA ROBINSON: ---.

MR. SHEATS: Yes, but I mean from NEJAC to the forum might, you know

--

MS. VICTORIA ROBINSON: ---.

MS. YEAMPIERRE: Thank you. Any other -- I know that everybody is really tired but you know what?

MR. SHEATS: Yes. Thanks for listening.

MS. YEAMPIERRE: We can do this. Thank you so much, Nicky.

MR. SHEATS: Thank you.

MS. YEAMPIERRE: The next presenter is Laurie Schoeman from New York Sun Works.

(No response.)

MS. YEAMPIERRE: Is she here?

MR. : ---.

MS. YEAMPIERRE: I have called several times. Okay. Mae Lee from the Chinese Progressive Association?

(No response.)

MS. YEAMPIERRE: I am really sorry she is not here because the Chinatown community in New York City is not only riddled with tons of diesel trucks and traffic, but is also under the shadow of the World Trade Center disaster and is a community that I do not think got the attention that it deserved. So, I am really sorry that Mae Lee is not here. So, I am going to try again. Laurie Schoeman?

(No response.)

MS. YEAMPIERRE: No?

MS. : No.

MS. YEAMPIERRE: Okay. Wig Zamore?

(No response.)

MS. YEAMPIERRE: All right. Then we are going to go to our last presenter. The last presenter is Lori Johnston from the Southeast Indigenous Peoples' Center in Eatonton, Georgia. Welcome back.

***Comments by Laurie Johnston, Designated Federal Officer,  
Southeast Indigenous Peoples' Center***

MS. JOHNSTON: Thank you. The southeast is home to many different nations who live in weakening winds, waters and lands. The land was created for us to

share but nations came who did not respect life or the one who created. Some nations of birds, bug, fish and people have already disappeared. The southeast faces a long legacy of lies as we address climate change in a culture dominated by colonial escapism and destruction.

We still combat the legacy of slavery, which forced my ancestors and others to serve colonial systems of unsustainable consumption and destruction. European slavery was based on the myth of the superiority of European culture, governance, heritage and goods. This myth of European superiority created the Bureau of Indian Affairs to remove many indigenous peoples away from colonial invaders in the southeast.

Today, southeast indigenous peoples invite NEJAC to find a way to work with the indigenous governments of the southeast for the benefit of all who suffer from the myth of European superiority and the European economic system failure that has caused climate change and the continuous series of ecological crisis we suffer.

If NEJAC wants to recycle indigenous wisdom that colonial society has discarded as garbage for centuries, NEJAC will have to find a way beyond the BIA to work with southeast indigenous peoples. NEJAC has an opportunity to work through indigenous governments, not an opportunity to impose more colonial constructs on indigenous peoples.

Instead of perpetuating myths and repeating lies because it is easier to escape into colonial consumption than to work to resolve our problems, let us speak openly and honestly and work productively to achieve environmental justice. Climate change is occurring. Southeast indigenous peoples are not inviting the BIA to come and colonize the southeast now.

Southeast ecosystems are regulated by indigenous governments of original nations. The U.S. federal government does militarily and legally recognize southeast indigenous governments. The U.S. does not work with southeast indigenous governments to mitigate climate change or other U.S. damage to our ecosystem, but the U.S. does still have the option to do so.

The southeast indigenous peoples seek environmental justice, not the opportunity to become corporations and the victims of violence and drugs that comes with southeast aquifer killing, water defiling casinos. Southeast indigenous peoples are violently attacked by unsustainable developers working through the BIA system to extinguish our original title to our winds, waters and lands.

Southeast indigenous peoples are not asking NEJAC to indianize us, convince us we are the foreigners here and impose BIA government on us. We are presenting NEJAC with the opportunity to promote the enforcement of indigenous regulations on peoples interacting with our ancestral ecosystems. Our laws are not inferior because they evolved through a millennial legal cannon in the southeast. U.S. laws are not superior because they are rooted in European and imperial law -- Roman imperial law.

Southeast Indigenous Peoples' Center addresses issues of concern to southeast indigenous peoples militarily and legally recognized by the U.S. but independent of the BIA system. We are not from India. Though the U.S. governors of South Carolina and Louisiana are. We are from our own nations, still located in the southeast where our progenitor nations were located 100 generations ago.

If NEJAC wants to promote environmental justice, learn our names and our laws. Promote U.S. communication directly with southeast indigenous peoples on environmental issues and integrate this direct U.S. communication with indigenous governments into your plans.

If NEJAC is interested in environmental justice, it can work with southeast indigenous peoples to combat the corporations working with the BIA to convert indigenous government's rights, to regulate human activities with our ecosystem into financial mechanisms that benefit violent foreign unsustainable developers.

NEJAC's legal mission to aid U.S. agency policy makers could review U.S. legal compliance with international legal instruments including human rights conventions and the declaration on the rights of indigenous peoples recently endorsed by the U.S.

MS. YEAMPIERRE: Okay. Thank you. Any comments? Questions?  
(No response.)

MS. YEAMPIERRE: Well, thank you for joining us. I want to direct your attention to -- is Danny here? Danny Gogal?

MS. VICTORIA ROBINSON: Is Danny Gogal here?

MR. : He is outside.

MS. VICTORIA ROBINSON: He is outside.

MS. YEAMPIERRE: So, we want to direct your attention to him so that you have an opportunity to talk to him. I think he is -- I think he may have left but if you can just stay, we will give you the information.

MS. JOHNSTON: I did speak with him and got his contact information.

MS. YEAMPIERRE: All right. Thank you. Thank you for joining us. Okay, everyone. Thank you so much for being patient and staying and listening to everyone's testimony. I want to make two announcements. One is that the community EPA dialogue on EPA's Proposed Mercury and Air Toxics Standards is going on right now in Salon F.

It is supposed to -- it started at 5:30. So, I am assuming it is still going on. It would be great if you could join them. Tomorrow we start early. I hope that you can all be here. It is going to be a really important day tomorrow. We are going to be joined by the mayor of Massachusetts and David Bragdon from New York Mayor's Office of Long-term Planning and Sustainability.

We are going to have Jo Ann Chase who has been with us all day who is the director of the EPA American Indian Office Environmental Office making some remarks and so we would really urge you to come tomorrow. Also tomorrow, at the end of the day, is a really important workgroup session that I think you should all participate in, particularly because we know that just like environment is everything, issues in our communities do not happen in silos.

They really require the attention of a variety of agencies and so oftentimes, people come to EPA so that EPA can solve all the problems when EPA's role is really enforcement. So, it is really important that you come and raise issues that have to do with the Department Transportation, the Department of Labor, the Department of Energy, the Department of the Interior -- whatever agencies you think should be playing a role or federal agencies, which is what we are talking right?

Federal agencies that you think need to be working together in a way that makes sense to address interdisciplinary -- interagency issues. I would urge you to be



there tomorrow to raise those issues. So, the Federal Interagency Work Group on Environmental Justice will be meeting from 1:00 to 4:00 in Salon D and let me just read the purpose, even though I have said it. I am going to say it again.

It is to provide an opportunity for stakeholders to talk about ways that federal agencies can share information about community focus work or opportunities, as well as how federal agencies can most effectively work with community representatives experiencing environmental justice concerns. So, please be there.

I want to thank you. I want to thank all of the NEJAC members for your brilliance, your energy, your patience and your heart and I look forward to seeing you tomorrow morning. This meeting is adjourned.

(Whereupon the meeting was adjourned at 6:23 p.m.)

## WRITTEN COMMENTS

The following individuals submitted written statements for the General Public Comment Period, but they did not speak during the public comment period.

1. Ms. Janet Doyle, Concerned Citizen from Manassas, Virginia
2. Ms. Vannessa Frazier, Howardville Community Betterment
3. Rev. Robert Murphy, Unitarian Universalist Fellowship
4. Mr. Marvin Robinson II, Quindaro Ruins / Underground Railroad- Exercise 2011
5. Ms. Janice Moynihan, Sustainable Long Island

### **1. Ms. Janet Doyle, Concerned Citizen from Manassas, Virginia**

The issue in which I am interested concerns the inability of persons living in Prince William County, Virginia, who rely on private wells for their drinking water, to ensure the protection of their wellhead. My own drinking water supply was tainted when a greedy County Supervisor pushed for dense infill development behind my home on the recharge area to my aquifer. His only concern was in obtaining the proffer money from the houses rather than in the protection of the people who rely on private wells near the Chesapeake Bay. The Supervisor knew that my home was on an environmentally sensitive area (i.e. situated between the watershed boundary and an intermittent stream channel), yet allowed for the filling in of wetlands and intermittent stream channel that were keeping my property dry. As a result we are left with unpotable water, severe erosion, structural damage to the house, a proliferation of noxious weeds and severe flooding.

Our watershed and aquifer were mapped long before the construction started. It is not enough for these big developers to “perform in accordance with the permits” when the permits should not have been issued to them in the first place. I have spent countless thousands of dollars trying to mitigate the damages for a problem that cannot be fixed and only gets worse. My husband and I have been continuously ill since the start of the construction. We have nothing left and cannot even sell our house.

As communities continue to grow, people who rely on private wells for their drinking water can no longer protect themselves from greedy politicians and developers. Where is the justice in that?

### **2. Ms. Vannessa Frazier, Howardville Community Betterment**

I remain concerned about the **transparency and accountability** regarding the Environmental Injustice grant awards and w/ CERCLA compliance of awarded grants. A few of the projects taking place across the country do not include minorities or serve minorities, tribal and underserved minority populations. There has got to be a way for the poverty stricken and other underserved communities to directly benefit from this program. It might help if the people that selected the awards be rotated out, every

couple of years. Including some of our representatives who are not so friendly to the environment. Special interest groups always have someone on the inside re-directing or channeling awards. There are worthy organizations, whose submissions are being deleted (and never receive notification of elimination or award). Thanks.

### **3. Rev. Robert Murphy, Unitarian Universalist Fellowship**

#### **RELIGION AND ENVIRONMENTAL JUSTICE**

My name is Robert Murphy. I'm a parish minister, on the coast of Massachusetts. So I care for a congregation and a set of communities that often stands in harm's way. On Cape Cod, we're concerned about global climate change, because we're exposed to hurricanes and the threat of coastal flooding. We're concerned about toxic dumping and threats to our drinking water supply. We're worried, also, about the rising costs of energy and food, because we already pay some of the highest consumer prices in the United States. My church is involved with a variety of environmental justice issues.

I want to speak, very briefly, today, about religion and environmental justice. The Abrahamic traditions include Judaism, Islam, and Christianity, and some other traditions.

I'll offer an observation that may surprise some people, including some environmentalists. Simply stated: "If you want to understand the environmental justice movement, start with the Book of Exodus." Even if you're an agnostic or an atheist, I encourage you to go back to rediscover the Exodus story. And, then, ask the question that's really important, "Why has this story of liberation survived, for so many centuries, and why is it still important to people of faith in every part of today's world?"

I suggest that the Book of Exodus is the oldest, and the best-known, of the environmental justice narratives. It's honored by Muslims, Christians, and Jews, and others. In African-American churches, especially, there is a long tradition of singing hymns and telling stories that are inspired by the escape from slavery in Egypt. And, of course, there are many people who pause, every year, to celebrate the season of Passover.

The Exodus story is very simple: According to the Bible, the people who owned and managed ancient Egypt were rich, sophisticated, and powerful, and, in some ways, ancient Egypt was very attractive. When there was a famine in the Middle East, Joseph's family fled to Egypt, where Joseph was already established as a high-ranking official in the Egyptian government. Egypt looked like a nice place.

However, something went wrong in ancient Egypt. If you study the problem, and do some reflection, you'll understand why the environmental justice movement developed and you'll know why it still matters.

The rulers who owned and managed ancient Egypt were concerned about their natural environment. They had some of the best engineers, architects, physicians, and scientists in the ancient world. The rulers developed an elaborate system for nature worship, so they had temples to honor cats, and crocodiles, and every year there were elaborate festivals to honor the Nile River. Pharaoh was concerned about air quality and water quality. However, the Bible tells us that Pharaoh wasn't interested in human rights. At the bottom of the social pyramid, the Hebrew slaves were forced to do the dirty and difficult work that made Egypt's power and prosperity possible. Egypt was a divided society and it was a corrupt society.

A healthy society can survive during difficult times. However, ancient Egypt wasn't a healthy society. According to the Bible, one environmental crisis followed another - the scholars talk about "the plagues of Egypt" - and many people said that God was punishing the rulers of Egypt. After much suffering, and a lot of confusion, the Hebrew slaves fled into the wilderness to create a new kind of society. In the books of Leviticus, Numbers, and Deuteronomy you can read about their wilderness experience.

Some of you may ask, "Is the story true?" You're free to answer that question in your own way. What may really matter, for today's discussion about environmental justice, is the question that was asked earlier in my comments. "Why has this story of liberation survived, for so many centuries, and why is it still important to people of faith in every part of the world?" Why do I mention the Exodus story?

The answer is simple: The Book of Exodus, and the books that follow, tell us that environmental protection is important. The ancient Hebrews had to manage camps and villages and they were very concerned about pollution problems. So, in some ways, the ancient Hebrews were like the ancient Egyptians, when it came to some very practical matters. In the Middle East, everybody is concerned about protecting the public's drinking water supply. However: The Bible tells us that there was a big difference between the escaped slaves and the slave-owners in Egypt. The Egyptians cared for their natural environment, while abusing people. The Hebrews wanted to live in a different way.

Think about that bit of irony: It's possible that the roots of Western religion can be traced back to an environmental justice story. There's a lot more that needs to be said about the origins of the Abrahamic tradition, but, still, in the midst of your current projects, I encourage you to think about people like Moses, and his brother Aaron, and their sister Miriam, and Moses' wife Zipporah. They may have been some of the first advocates for what we now call "environmental justice." Please keep them in mind.

Keep the Exodus story in mind, when you go into the world to organize for environmental justice. Don't be surprised if you meet some people who think and talk like Pharaoh and Mrs. Pharaoh. "By their fruits you will know them," as one of the great leaders in the Middle East once said. You'll be told that the world will be a better place when the human population is reduced, and you'll be told that people waste too much energy and food, and it will be argued that "everybody has to make sacrifices so

that we can protect Mother Earth." When you talk about problems like racism and poverty, don't be surprised when you meet people who say, "Well, those aren't real environmental issues. We need to look at other matters."

Talk with Christians, and Jews, and Muslims, and others, about the Book of Exodus. It will do some good. As you work together, you'll come to a better understanding of what environmental justice means. Together, we can move away from Pharaoh and his understanding of environmental protection. We may be in the wilderness for a few years, and there will be some difficult moments, but if we want to create environmental justice for all people, we'll have to break away from ancient Egypt. Amen.

#### **4. Mr. Marvin Robinson II, Quindaro Ruins / Underground Railroad- Exercise 2011**

Come 17 May 2011 will mark the 24th consecutive year of my co-ordination / out-reach, network and Team Building attempt to seek and obtain simple factors regarding the QUINDARO RUINS / UNDERGROUND RAILROAD - the largest archaeological UNDERGROUND RAILROAD in all of NORTH AMERICA - that leadership tried to make / allow being converted into ANOTHER toxic waste dump!

Quindaro Ruins/ Underground Railroad is a premiere ENVIRONMENTAL JUSTICE-POLLUTION PREVENTION site and is situated along the banks of the Missouri River and was the only FREE-PORT-of-Entry off the Missouri river to assist the African fugitive run-away enslaved freedom seekers, with the help of New England Emigrant Aid Society / Abolitionist - alongside the French Canadian Wyandotte Indians.

So, had I had the money to come to the NEJAC in BROOKLYN, I would have tried to EXPRESS the tremendous gratitude and importance of this pre-American Civil War archaeological site, that almost became a dump: And the current - ENDOWMENT through the WYANDOTTE COUNTY PARKS FOUNDATION as a LAUNCH PAD.

To re-assure the public, that womb and cradle of the western world's shrine to LIBERTY: almost became just another toxic waste dump, but- due to the conscience - deliberate organizations in the grass-roots communities and the COURT of PUBLIC OPINION this PREMIERE ENVIRONMENTAL JUSTICE and Pollution Prevention site is poised to be taken into the future for Americans, yet- unborn to better comprehend the struggles and sacrifices from many cultures and races in our great NATION!

Thank you.

#### **5. Ms. Janice Moynihan, Sustainable Long Island**

(see following pages)



To: US EPA  
From: Sustainable Long Island  
Re: Draft *Supporting Community-based Action Programs* Implementation Plan  
Date: April 29, 2011

With the publication of Plan EJ 2014, the EPA has re-dedicated itself to addressing nationwide environmental justice concerns. The plan calls for recognition of community health, community empowerment, and partnerships as important goals to achieve by integrating environmental justice considerations into the Agency's programs and policies. As we move towards more equitable and sustainable development, it becomes incredibly important to understand the value of community and create opportunities for those overburdened by pollution, health hazards, and other environmental harm to participate in the process. This begins with honest community engagement, conducting outreach and connecting community members with each other and their local, state and federal officials, as well as to the knowledge and resources needed to create their own strategies and solutions.

Sustainable Long Island is a nonprofit organization whose mission is to promote economic development, environmental health, and social equity for all Long Islanders. We are a catalyst and facilitator for sustainable development across Long Island, cultivating the conditions, identifying resources and providing tools to make smart growth happen in Long Island's economically distressed communities.

Sustainable Long Island prioritizes the involvement of diverse stakeholders and the community in its efforts to revitalize communities. Our work across Long Island emphasizes community engagement, recognizing that establishing a unified, organized, and skilled coalition of community members is a critical component to advancing sustainable development and environmental justice throughout the region. From the bottom-up, we work with the people who live in our neighborhoods- residents of all ages, community leaders and clergy - coming together over shared concern for their community to develop new solutions. From the top-down, we work with public officials and other leaders to change policy and identify resources at the village, town, county and state levels to achieve those solutions.

Sustainable Long Island supports the desired outcomes of the Draft *Supporting Community-based Action Programs* Implementation Plan and commends the EPA for their emphasis on the significance of community. We believe that these goals will help to promote integration of environmental justice considerations into a broad spectrum of federal government programs. By enhancing place-based community programs through better information access, coordination, and leveraging, the EPA will create many more opportunities to engage stakeholders in the process and to better identify and address a community's needs and desires. The strategies set forth in the plan have the potential to serve as a model for other federal, state, and local agencies interested in coordinating and streamlining processes.

Over the course of the past twelve years, Sustainable Long Island has facilitated community planning processes in more than a dozen communities throughout Long Island. This work has established strong

partnerships between our organization, community members, local community organizations, and elected officials that have helped to advance the goals set forth in the community plans. These coalitions have remained an integral part of our work, and we are committed to building local capacity and empowerment by sharing skills, knowledge, and resources necessary to create vibrant communities.

Through our Community Roundtables Program, Sustainable Long Island has been successful in convening stakeholders, creating partnerships and exchanging information about challenges, opportunities, and models for development that advances sustainable, equitable development. Each roundtable focuses on a specific theme and engages community leaders, universities, state agencies, banks, builders and other experts in an interactive discussion to share resources, best practices, and lessons learned. The general presentations are followed by an interactive session where the community partners share information and experiences with each other. This program has been a tremendous success in bringing community leaders and members from different municipalities together to share their experiences.

Sustainable Long Island is the nonprofit leader of brownfields redevelopment on Long Island, offering a unique perspective and understanding in this area through our work with community organizations over the past twelve years. Our Brownfields Redevelopment Program was developed as a result of discussions with community members, government officials, and business leaders to identify tools, programs and policies to create an effective strategy for the approximately 6,800 brownfields on Long Island. Sustainable Long Island advocates for community engagement throughout the revitalization process, as well as using an area-wide planning approach to redevelop brownfields. We have worked with several municipalities to facilitate collaboration within low-income, minority communities across the region to create a unified vision that addresses local environmental contamination while improving community health, enhancing the local economy, and protecting natural resources.

While in the process of identifying elements of other community-based programs that advance environmental concerns, build partnerships, and support sustainable development, the EPA should make a concerted effort to create a diverse set of tools and strategies that recognize the uniqueness of each community. Additionally, the EPA should promote techniques that foster honest community engagement throughout the process to ensure participation from a widespread, representative population. In our role as facilitator of equitable, sustainable development across Long Island, we have learned that encouraging an open exchange of information between stakeholders at the beginning of the process helps to create partnerships built on trust and establishes a foundation from which to improve community and environmental health. To truly integrate environmental justice considerations into EPA's programs and policies, the process must start by actively engaging the community.