

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

July 27 - 29, 2010

***Thursday,
July 29, 2010***

National Environmental Justice Advisory Council

July 29, 2010

NEJAC Committee Members Present:

Elizabeth Yeampierre, Acting Chair
John Ridgway, Co-Chair

Chuck D. Barlow
Teri E. Blanton
Sue Briggum
Jolene M. Catron
Wynecta Fisher
Stephanie Hall
Jodena Henneke
Savonala 'Savi' Horne
Hilton Kelley
J. Langdon Marsh
Margaret J. May
Paul Mohai
Fr. Vien T. Nguyen
Edith Pestana
Shankar Prasad
Nia Robinson
Patricia Salkin
Nicholas Targ
Vernice Miller-Travis

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

NEJAC Committee Members Absent:

Don Aragon
M. Kathryn Brown
Peter M. Captain, Sr.
Kimberly Wasserman

National Environmental Justice Advisory Council

I N D E X

July 29, 2010

	<u>Page</u>
<i>Call to Order</i>	5
by Elizabeth Yeampierre	
<i>Urban Waters Initiative</i>	8
by Michael Shapiro	
<i>Comments</i>	18
by Camille Mittelholtz	
<i>Questions and Answers</i>	27
by John Ridgway	27
by Edith Pestana	29
by Hilton Kelley	31
by Jolene Catron	33
by Wynecta Fisher	35
by Vernice Miller-Travis	38
by Shankar Prasad	39
by J. Langdon Marsh	40
by Nicholas Targ	41
by Patricia Salkin	41
<i>Encouraging Voluntary Testing for Lead in School Drinking Water</i>	44
by Cynthia Dougherty	
<i>Comments</i>	50
by Ron Bergman	
<i>Questions and Answers</i>	53
by Hilton Kelley	53
by Wynecta Fisher	56

by Paul Mohai	58
by Vernice Miller-Travis	60
by Jolene Catron	60
<i>BP Oil Spill Letter Discussion</i>	64
<i>Administrative Issues</i>	73
by Victoria Robinson	
 <u>I N D E X</u> (Continued)	
<i>General Discussion</i>	75
by Jolene Catron	75
by Teri Blanton	78
by Nia Robinson	78
by Shankar Prasad	79
by Vernice Miller-Travis	79
by Margaret May	82
by Wynecta Fisher	83
by Stephanie Hall	84
by J. Langdon Marsh	87
by Nicholas Targ	88
by Sue Briggum	92
by Jolene Catron	94
by Wynecta Fisher	99
by Edith Pestana	101
by Nia Robinson	102
by Patricia Salkin	104
by John Ridgway	104
<i>Review of Letter on EPA's Draft Strategic Plan</i>	105
<i>MOTION</i>	113

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

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

(9:09 a.m.)

Call to Order***by Elizabeth Yeampierre***

MS. YEAMPIERRE: Good morning. We are about to get started. Hi, could I have your attention? Chuck, Wynecta, Stephanie, Jolene, Savi -- I am naming names -- Lang.

Good morning, good morning. So we have today, today we have a shorter agenda, it is a shorter day, but it is also the day where we talk about the things we didn't get an opportunity to address during the course of the NEJAC. So it is really important that we try to get as much as we can, as much done as we can.

Before I begin, I think that the presentations that were made in the past two days were extremely helpful, and there were issues that really spoke to the heart of environmental justice. One of the things that happened in the course of this NEJAC, which was a first and was historical, was the workshop that was held for our young people, and the presentation that they gave.

I want to give a little background on how environmental justice is intergenerational because it wasn't clear to me from the response to our young people about how we value the work that they do.

In our communities, young people are an integral part of our leadership. What that means is that they serve on our boards, they are on staff, they are the people doing the air monitoring, they are doing the mapping, they are doing the organizing, the community education, the planning.

Sometimes they have a formal education, sometimes they don't. We always think of them being that potential, not at risk. We never say, oh, you are so articulate because we think that is patronizing and condescending. We know that our young people have tremendous skills because movements in our nation, whether it was the civil rights movement or movements in South Africa, liberation movements all over the world, have always been led by young people.

And so the opportunity yesterday was not so we could say oh, look how smart they are and look at what they can do. But for us to understand there are limitations in what we can do if they are not at the table. That there are limitations in terms of our perspective, in terms of our relevance, and in terms of whether or not this work can be sustained over time if they are not integrated into the work that we do every day.

So I would like to share that with you because often times people who are not in rooms working alongside people -- we sometimes come from a very narrow place, from either our race, national origin, age or whatever our experience is.

Our challenge in the environmental justice work is to be aware of what those limitations are and make sure that we are self critical and make ourselves think as broadly and as inclusively as possible because the challenges being faced by our communities all over the country are going to require that everyone be at the table.

And when I say everyone is at the table -- in a family, in a family you have people with different abilities, you have people who are LGBTQ, you have people who are young, people who are elders, people who are little bit of everything, and to us it is all good and all necessary.

So I just want to share that with you because I would hope that moving forward that we will see more involvement, and involvement that is meaningful. I know you get excited and you are like cool, they are here, but that is not what we are talking about. We are talking about understanding that they add value, just like when we argue, that we add value to EPA, that it is the same thing.

I just wanted to share that because I felt that the young people may have felt offended by that, and rightly so.

And I also want to see that in Kansas City and every community that we come to, that we will reach out and target particularly young people of color and people who have been at the margins so they can come and feel like this is a place where they can voice their concerns and share with us the work they are doing on the ground, which is not only transformational for our communities, but transformational in their lives.

Thank you for engaging and tolerating my little rant there. I just wanted to share because the work that we have done locally in our organization and our community, we just would not have been able to do it if they hadn't been on our side and working with us. There is just no way we would have defeated the siting of power plants, no way we would have educated people on a variety of environmental burdens in our community if they were not our partners in this struggle. I just wanted to share that.

We have talked about a number of things in the past two days, and some of the things we didn't get to, for example, is the letter to the NEJAC. I think there is a draft in your package -- I am the only one who has a draft?

Does everyone have a copy of the letter that was sent on the gulf oil spill?

MR. RIDGWAY: It was e-mailed.

MS. YEAMPIERRE: Electronically sent. So I think we should start with that. There are a number of other things we talked about that I hope that we don't forget today when we get to that part of the agenda, like the structure of the meetings, facilitating meetings differently --

(Pause)

MS. YEAMPIERRE: So our panel is already here, and they are looking at us with quizzical faces saying what is Elizabeth talking about? So let me introduce the panel.

We are actually very pleased to have you, you know, coming from a waterfront community. A discussion about urban water is very interesting to me, and I want to hear what you have to say.

We have Michael Shapiro, deputy assistant administrator for EPA Office of Water. Welcome. Camille Mittelholtz -- did I do it right? Is it good? Deputy director, Office of Safety, Energy and Environment for DOT. And then later we will have a discussion about encouraging voluntary testing for lead in school drinking water but we will begin with Michael. Welcome.

Urban Waters Initiative

by Michael Shapiro

MR. SHAPIRO: Thank you very much. It is a pleasure to be here. We are actually returning with a discussion on urban waters. We spoke with this group last year when we were just beginning to get our arms around how to fashion this effort.

As I mentioned, we got I think a lot of helpful feedback that helped us move forward, and we are here kind of reporting the results of what we have been doing over the past year in an effort to update the committee and also get some feedback on the directions that we are heading in.

(Slide)

The urban waters vision, stated briefly really, is that we are focusing on making sure that urban communities, and especially underserved communities, reconnect and revitalize their local urban waters.

It is really not a different mission from the water program perspective, where our goal is still safe and clean water, but we realize that in many cases, urban populations, and especially the underserved populations, have not really seen as much as the benefits from our water programs as they could have and should have.

And a large part of what we are doing is addressing some of the unique problems facing communities with degraded urban waters, and also refocusing some of our efforts to provide more effective linkage and involvement of urban communities.

This effort really was begun through the Administrator's leadership. It is one of the first things she mentioned to me as she came on board, citing some of the examples she had personally been involved with on the Anacostia, some of the urban rivers in the New Jersey and New York area, and really, I think, had a very visionary view of the role that waters can play in not just kind of directly benefiting communities but helping provide a keystone for community revitalization and a reconnection of urban communities with their environment in a sustainable manner.

But rather than try to paraphrase the Administrator, if the technology

works we can actually hear directly from her.

(Video presentation by Administrator Lisa Jackson)

MR. SHAPIRO: Thank you. I probably don't need to actually say anymore but I will. As I mentioned earlier, we did have the opportunity to brief NEJAC last year, and really you were one of the first groups, and certainly the first environmental justice focus group, that we went to to gain input and feedback and insight on how we should be moving forward.

We heard a number of things coming out of that meeting and from some of the other stakeholders that we met with. Among them was the really important point that for this work to be effective, we really had to begin with the communities, both those that have already developed some capacity and can provide us feedback and lessons learned and examples of both successes and challenges, as well as those communities who have not yet developed the capacity for addressing water issues.

We heard the critical importance of connectivity, of making sure that people had physical access and were aware of their urban waters. Elizabeth, I think you were one of those who cited the importance of that as an example on the Anacostia.

We heard the importance of the EPA not going it alone in terms of its work as a Federal agency, but also recognizing the fact that many other agencies and Federal organizations were involved with communities in various ways that could complement and support our efforts.

But that from a community perspective, having 12 different Federal agencies talking about related but unconnected things wasn't necessarily the smartest

way to proceed, and the importance of speaking and providing resources in an integrated manner, those issues have come up again over the last two days here in terms of breaking down stovepipes.

So out of what we learned through that dialogue, we briefed the administrator on a path forward. She supported that effort, and one component of that was an initiative in the President's 2011 budget, which was specifically a grant program to help communities develop the capacity to engage on water issues and organize around them. But also for a number of what we refer to as showcase communities that have already kind of gotten to that level, provide them with some extra resources and Federal presence in order to help them move their planning and their vision forward.

Again, we don't know how that initiative will fare in the budget process this year. It is a tight process. I think the important message that I have about that is we are committed to the urban waters efforts for the long run, with or without this new initiative funding. We see it as a fundamental piece of how we are trying to refocus some of our existing resources as well.

So a lot of what I will be talking about -- in fact, most of what I will be talking about in the rest of this presentation -- really isn't dependent on that specific funding, although if we got it, it would certainly be nice and certainly help move things along.

The other point we will be talking a little bit more about this in a moment, we have very much taken to heart the message about working with other Federal organizations. We have initiated the formation of a Federal partnership with 11 other Federal agencies who have both interest and assets at work in urban areas. Next slide.

(Slide)

First, in terms of early action and work in the agency, I think the first bullet there, to my way of thinking, is probably one of the most critical within EPA.

We recognized, given the importance of environmental justice issues in the areas that we were concerned about, and the importance of land-based issues in communities surrounding waters, that OSWER and the Office of Environmental Justice within OECA really had to be key partners. I have been very impressed at the efforts that both of those organizations have put into partnering with us.

Truly OSWER is essentially a co-partner with us at this point in terms of moving the program forward. David Lloyd, who is the senior executive who has the lead for urban water efforts within OSWER has been really doing a remarkable job in partnering with us, and Charles has been very generous with his time and his staff in helping us think through some very critical issues.

A second thing we did -- and as I mentioned, we are certainly not starting from scratch. We have got lots of examples around the country where the things we like to see happen in urban areas are beginning to happen. In some of those cases with significant engagement from EPA.

What we have tried to do is help within our organization to identify existing activities that either are consistent with our urban waters theme or could be modified through changing priorities and through a little bit more specific attention to focus on urban areas.

One of the first things we did was go to our regional offices and ask each of them to identify work that they were already engaged in, in urban waters context, that

they would like to highlight. Part of that was a way for them to take credit for initiatives they have already undertaken to get them to look very closely at where they have been engaged and focus more on urban areas.

In a limited sense, get them some additional attention and resources to help move forward promising urban-related water activities. I think our regions have, as I will show in a moment, have really come forward with a number of very promising and significant activities.

We also had an existing grant program which is actually sort of at the end of its life cycle in terms of funding opportunities, but we had the opportunity, given the timing of the Urban Waters Initiative, to take what we refer to as our targeted watershed grant program and for the last award cycle of that program, which is relatively modest, \$600,000, focus that on urban water capacity building efforts.

So that grant is currently in the competitive process. The idea is that it would go to a grantee who would then provide subgrants to organizations around the country for the purpose of developing their capacity in urban underserved areas to develop community capabilities for engaging on water-related issues.

We are hopeful we will be able to announce the awardee within the next couple of months, and that the subgrants would be going out next year.

We have also been working hard to develop and articulate a strategic framework for what we are doing, and a set of metrics that will help inform us and other as to whether we are making progress in this endeavor. Both of these are works in progress, but we have been putting a lot of thought into that. And then, as I mentioned earlier, we have made a very strong start on Federal partnership efforts. Next slide.

(Slide)

These are highlights of the areas that have been identified by our regions for specific work under that challenge process that I mentioned. In many cases, the regions actually have multiple projects that are under way, and anyone who would like information about one or more of these projects, we would be happy to provide them, and I am sure the region would be more than happy to discuss them as well. So just get in touch with me and we can do that. Next slide.

(Slide)

We have been hard at work on a strategic framework, and again it really is trying not so much to revise the entire approach to achieving clean water but to figure out how best to engage communities as partners in that process, and how to build upon the successful work that has occurred in places like the Anacostia, the Elizabeth River, Passaic River in New Jersey and elsewhere across the country. Next slide.

(Slide)

The key elements of the strategic framework is first make sure that communities have the information and support they need to understand the urban waters in their area and to help them envision what the potential is for those waters in terms of becoming in some cases a major centerpiece for the community and in all cases an asset for the community as compared to current situations, where the waters may be highly degraded for a variety of reasons and often inaccessible to the community.

That connects to the second element of the framework, which is create a connection between the community and their urban waters, or multiple connections, and

we mean this both in a literal as well as an emotional sense. As we heard from this group and from others, in many communities, they may not be aware of the existence of their waters in some cases but certainly their potential because they lack any access to the water physically.

So creating physical access, safe legal access to utilization of their waters is a key component of advancing water priorities, and related to that is as communities begin to connect to their water physically, they begin to connect to them emotionally and begin to develop the kinds of visions for future use of what a healthy water body should provide for community in terms of recreation, aesthetic pleasure, opportunities to build more healthy lifestyles and sustainability.

Again, that also relates to the notion of public ownership in the sense of not necessarily ownership ownership but really a sense of responsibility for the waters in their community, that the community feels that not only do they benefit from the water but they have a direct personal responsibility to engage in the process of restoring and protecting those waters.

Which leads to the next bullet and is where a lot of the governmental authorities are extremely important, and again I think the potential for realizing gains here occurs, we found, often when the community's vision connects with the legal and enforcement as well as financial resources of Federal and State governments to bring to play the protection that communities deserve for their waters.

Often it is, as has been pointed out many times in this forum, it is the activism of the community that brings the government resources to bear. And as waters improve, hopefully this will tie into a number of other activities but really provide a

launching point for community revitalization.

So we see this as what some have referred to as the virtuous cycle, that as communities engage in their water, their water quality improves. As the water quality improves, the quality of life in the community generally will improve, and that will lead to a desire for even better water quality, and the desire to bring the resources to bear that will allow that to happen.

That is kind of in a nutshell the strategic framework that we have been working on. Next slide.

(Slide)

And this slide says it will be finalized in August. I think the handouts that you have say the strategic framework will be finalized. What we really mean is the draft strategic framework will be finalized and then available for stakeholder comment, and we are certainly hoping that members of NEJAC take the time to look at that and provide us feedback on some of the specifics there.

We are also targeting local organizations as well as our potential governmental partners as part of our outreach for getting feedback on that framework.

And we are specifically also addressing concerns about making sure that groups without Internet access and non-English language audiences also have access to the materials and can have a forum for commenting as well. Next slide.

(Slide)

Now I am going to turn to the Federal partnership that I talked about earlier, and as I mentioned, this came about really directly as a result of feedback we have gotten that if we are going to be effective, we really need to figure out how to use

partnerships across the Federal agencies to make most effective use of our resources and to deal most effectively with community organizations.

So we were fortunate in that the White House Domestic Policy Council early on identified the Urban Waters Initiative as an important part of their portfolio of community engagement activities they have been developing and helped us convene a senior level meeting across, including EPA, 12 Federal agencies listed here to talk about the initiative and how their activities could both benefit from as well as contribute to the urban waters effort.

I have to say I was really overwhelmed by the positive response we got from many of the leaders of those agencies. As a result of that meeting we created a senior executive team with senior folks at an operating level from all of those agencies to work together to provide some fabric to the partnership effort. Next slide.

(Slide)

And again this is still very much -- my boss is here. I will let him speak in a moment.

MR. SILVA: I am sorry I am late.

MR. SHAPIRO: We are just up to the Federal partnership, and Pete was one of those -- he and Bob Perciasepe, EPA's deputy administrator, were both leading that first convening.

The themes that were kind of evolving in this partnership, again focusing on reversing past neglect and distress in underserved communities, promoting clean waters, reconnecting people to their waterways, using urban water systems as really a pathway to promote economic revitalization and increase the prosperity of communities,

encourage community improvements through active partnerships.

Again, engage with the communities, involve them early in what we do, and listen to their advice and then measure the results of what we are doing and use fairly rigorous criteria to evaluate success so that we can improve as we go along.

Again, this is a work in progress, and we are hopeful that we will by probably Septemberish take the work that we have been doing over the past summer and convert that into a formal agreement across the agencies to engage in this partnership and move it forward and create some clear pathways forward in terms of specific projects and activities that we can identify where two or more Federal agencies will be working together.

Again, bringing resources that we already have to bear more effectively to help communities address their water issues.

Camille Mittelholtz, who is sitting next to me, has been representing the Department of Transportation in this effort, and I thought this would be a good opportunity -- you heard from DOT yesterday as well on a number of other issues.

But this would be a good opportunity to kind of hear from just one of our Federal partners to talk about how they view both their role in the partnership and what they can contribute and how they think working within this partnership can help move their agenda forward. Camille?

Comments

By Camille Mittelholtz

MS. MITTELHOLTZ: Good morning. Thank you, Mike. As Mike said, DOT is one of the 12 agencies in the partnership, and we are involved in a number of

other partnerships, especially -- we talked yesterday about the DOT, EPA and HUD partnership on sustainable communities.

We see this as just another way that Federal agencies can work together to accomplish more than we could really on our own. And we each really bring different authorities and different funding structures and different staff expertise, and so if we bring that together, I think that will -- there will be many benefits to the communities that are part of the effort.

We do have many programs. Most of our programs are formula based, but a lot of these can be used already for things that can make communities much more livable. We can fund transit. We have bicycle/pedestrian improvements that are eligible under many programs.

We are also working very hard with the Department of Housing and Urban Development to better integrate the planning for transportation and for housing so that affordable housing and transit can be located -- so that they are actually complementing each other and we are getting around -- we are getting people better housing and better transportation opportunities at lower cost.

We do have a new discretionary program that I am sure Beth Osborne talked about yesterday. Under the Recovery Act, our TIGR Discretionary Grant, we announced the programs in February, and there are actually several projects that are really waterfront communities that are typical, I think, of the kinds of integrated projects that we could see.

The TIGR is really intended, I think, to address activities that are intermodal projects and are innovative projects that don't neatly fall in some of DOT's

other funding categories.

We have a project in New Bedford, Massachusetts, that is actually rehabilitating a number of substandard rail bridges, and this is part of a bigger project that is going to move freight away from the waterfront, and it is going to allow redevelopment in the waterfront area and make that a much more vital urban area.

There is also a project in Charleston, South Carolina, that will reconstruct the roadway to improve storm water runoff and reduce flooding. Apparently there are very serious flooding problems in that area. And that will also improve access to the waterfront area and pedestrian access. So those are two examples.

And then under the fiscal 2010 budget DOT got another smaller program that is very similar to what we are calling the TIGR program. And we call the new program the TIGR II. We have just had the pre-applications due last week, and there are many, many applications, so we will be undergoing a process to look at those.

We have a small setaside that we are actually administering jointly with HUD in their Sustainable Communities Program for planning activities.

I do want to mention also that we have funding in fiscal year '11 that we have requested that is kind of a reorientation of the Federal Highway, Federal transit planning budget that will really focus on increasing the transportation planning capacity in the local areas, and that has a specific livability focus so we are hopeful that in fact that will be part of DOT's enacted fiscal '11 budget.

So we are looking forward to participation in this partnership, along with other Federal partnerships, and I appreciate the chance to come this morning. Thank you.

MR. SHAPIRO: Thanks, Camille. I have to say, we have been working on urban waters but also these three or four other cross-agency activities, and it is great to have someone with her commitment to work as a partner in DOT. It really, I think, moved our efforts to align our work better, significantly, across a number of very important activities, and obviously yesterday you heard about the Sustainable Communities Partnership.

Although there is some overlap between that and the urban waters approach, we see a lot of these things kind of building on each other and benefiting each other.

Moving on, I have a couple more slides and then we will hear from Pete and have some opportunity for discussion. Again, one of the things we have been very conscious of from the beginning is trying to craft a set of measures that will allow us to know specifically whether we are succeeding in what we are trying to do in relation to urban waters.

In some case, we can adopt existing measures that we have already developed, figure out whether water quality is improving, whether water quality standings are being met, and those can be through clever use of our geographic information systems. We can figure out whether we are particularly making progress in disadvantaged communities and urban areas.

Some of the other metrics though that we have been looking at tried to take a broader view of the cycle of activity we are hoping to occur around urban waters to get a broader picture of what we are trying to accomplish.

So metrics like acres of urban waterfront restored or improved, dollars

leveraged for community investment, hours of community service volunteered, participation in urban water related activities, pounds of trash collected, which at first blush wouldn't necessarily be a water quality measure but actually is a very important measure of communities getting engaged in reducing the trash in their waters, which is often one of the first things that can be done to restore the appearance of waters.

So we have come up with a set of drafts -- this is very much a work in progress. There was a separate handout that was distributed already in addition to the slide presentation that lists these measures, and a set of kind of focus questions for those of you who wish to provide us some feedback. These are kind of leading questions to help focus comments, but again we are not -- due to FACA rules I can't ask for a consensus opinion of the group, but we are very interested in your feedback, and feel free to share these with your colleagues to provide us individual feedback on the metrics. Next slide.

MS. YEAMPIERRE: I just want to mention that the sheet that he is referring to is in the back of your handouts. It is the last page.

MR. SHAPIRO: Like a one a page Wordperfect document, which has those measures as well as these questions. And feel free to raise any of these issues in the Q-and-A portion of the discussion, but we realize since you are seeing these for the first time, you may want to take them back, think about them, and provide us with feedback later as well. Next slide.

(Slide)

So in terms of our path forward, as I mentioned, we are hopeful that we will be able to release the strategic framework by the end of August, and welcome

feedback. This is very much, as I said, a living document. It is not a final product. We are planning for the Federal partnership to identify a series of communities where we can focus coordination efforts and some of our existing resources sometime in the early fall.

I also mentioned we are looking forward to awarding our targeted watershed grant and some subgrants as we go into next year. We also want to support a number of activities designed to get attention to our urban waters and kind of energize communities. This fall, September 25, we will be sponsoring what we refer to as Urban Water Service Day pilots in two communities as part of a broader coastal clean-up recognition process that is occurring across the country.

The idea of these pilots are to really create a day of both celebration and attention to our waters. We have organized clean ups associated with that, but also educational events and entertainment really around getting people to the water, getting people involved in fixing problems with the water and heightening community attention and appreciation for the potential for their water assets.

So we are looking forward to those and building on again some experience we have already had locally with this type of activity.

All this information and more can be tracked at EPA.gov/urbanwaters, which is a Website we are using, at least at the moment, to communicate information about the project.

We are also looking forward to more extensive use of Web technologies to move the process forward, but this Website is our starting point.

So that concludes my presentation. I am going to turn the podium over to

Pete, who will make a few remarks, and then I guess we will have some time for questions.

MR. SILVA: Great. I don't want to take up too much time. Just want to say I think, speaking for the Office on Water, we are very excited about this effort. As Mike mentioned, we have really good participation by a lot of the other Federal agencies, which is very, very pleasing to us.

As you know, this is part of the administrator's priorities to get people reconnected with the water, environmental justice and environmentalism for communities, so personally I am very excited about this, and I would just rather get into the dialogue and hear what you have to say. So thank you.

MS. YEAMPIERRE: Thank you. I think this is really an exciting initiative, and certainly relevant for those of us who come from urban communities that are densely populated.

I do want to flag some concerns, and I hope that you can address them. One of the things that we have learned in EJ communities that are waterfront communities is that our environmental amenities are now resulting in displacement of our communities.

That as we clean up the waterways, what we are finding is luxury housing being built, and we are finding that manufacturing is being gutted.

The manufacturing is the local economy for our communities that are often walk-to-work communities, and people trying to push for swimmable waters in areas where there is manufacturing, what they are really doing is just really changing these mixed-use zones, and because the market, because is it market driven, there is no way

of ensuring that the character of the community or the people who are displaced can ever be brought back.

So these are serious concerns, and it is actually one of the more distressing things for those of us who have actually been successfully engaged in environmental remediation.

We find that our successes are resulting in the displacement of our people. So I want to get a sense of how that is being addressed, and how maybe manufacturers are being incentivized so that they could transition into the green economy, have greener practices, be engaged in making sure that the waterways aren't polluted without having them incur costs that are economically prohibitive and ends up in them leaving communities where those jobs are necessary.

What we find also is that the new jobs, anything that comes in, is highly technical, requires fewer workers. May be cleaner but requires fewer workers, and of course in environmental justice we ride that fence of environment and economy because we need those jobs in our communities.

So we can't just be green. We really have to make sure we don't lose any of those jobs. And then finally, the other issue that I would like to address -- and we find it, by the way, shocking that despite the possibility of a storm surge, this luxury housing is being built anyway, that people want to be there.

But the other issue that I would like to address, that I would like you to address is how you are incorporating climate adaptation and community resilience into the Urban Waters Initiative? And then I will call on John. Thank you.

MR. SHAPIRO: I think you have raised two very good questions. I think

the first one, I know we have been struggling with in a number of contexts. The Brownsfield program as well as some of the redevelopment and community development efforts in other agencies.

Part of the response is we are very aware that this is a critical issue, that part of what has to happen if we are going to succeed in our vision is the community planning processes have to anticipate and provide for the retention of the communities in the areas that are being redeveloped, and I think that is something -- actually we benefit from having a Federal partnership around.

Some of the land use and development issues that EPA doesn't directly kind of have authority over, there is more ability to address through some of our partners working with communities.

I don't have a simple answer or a simple solution. I think we are very open to hearing examples where we have been able to achieve that ideal mix, where the revitalization has occurred but the communities have not been displaced and the jobs have not been displaced, and to figure out what has worked there and try to incorporate those in our programs.

But I honestly don't have a simple, direct answer other than to say again this is something we have heard again and again and something that we will be very conscious of as we move forward.

On the climate adaptation, I think there are some real opportunities actually. One of the strong themes that our deputy administrator has brought to the effort as well as Pete is the whole notion of the greening of infrastructure, using green approaches, even in urban areas that are pretty gray right now, to try to increase both

the flexibility and resiliency of our water system in urban areas by relying more on green infrastructure, we create more natural opportunities to absorb water, to deal with, what is projected to be in some areas anyway, increased intensity of storms and manage them in a way that is more adaptable over time to changing climate.

But there are also other related issues in coastal areas, such as sea level rise, that have to be addressed through effective planning. Even there, issues like providing for retreat areas so wetlands can be preserved become extremely critical.

We are already piloting some of that through a related effort, which is being done through our National Estuaries Program, where communities are being given funds to plan, to identify their vulnerabilities to climate change and plan and develop ways to address those vulnerabilities.

That kind of a process will certainly be factored into what we do going forward.

MS. YEAMPIERRRE: Thank you, Michael. John?

Questions and Answers

MR. RIDGWAY: Thank you, madam chair. I am John Ridgway with the Department of Ecology in Washington state. Three very brief little comments: You are asking the group here for input, and we have already been given three assignments this week for quick turnaround, so I would just suggest to the members by all means feel free to pass the word around and send your comments right directly rather than I see a formal process where we are going to generate something at this point.

Second, Camille, I am curious about stormwater from all the freeways and the roads that end up in the waters. If you have any comments on that I would

appreciate it if they are brief. Third, the one Federal agency in here that may have an impact that I don't see listed is the U.S. Navy in reflection of impacts on urban waters. So if you have any thoughts on that or maybe you can invite them in.

In Washington state, the Navy has a very large presence. Certainly in many other states around the country, Hawaii and the islands, Alaska. They have resources, they have long history of pollution. They also have I think a strong awareness of environmental issues. They are not adversaries in this regard. They should be at the table too. Thank you.

MS. MITTELHOLTZ: Sure. Stormwater is a very important part of the transportation projects, and as new projects are designed we need to take opportunities to be sure that they are designed with good stormwater practices. And I think we have growing information as to how to do that, which is very helpful.

MR. RIDGWAY: I hope that includes existing systems, not just new designs.

MS. MITTELHOLTZ: Well, I mean the existing systems are definitely a challenge. We actually have our Transportation Enhancements Program, which most people think of for historic preservation and building bicycle paths. It also has a specific category for restoration activities for stormwater, going back and fixing existing problems, and also for both stormwater and habitat restoration.

That is a wonderful eligibility. The problem is, of course, there are many, many priorities that the States are facing with their transportation programs, and even the transportation enhancements activities that they want to undertake, and so the competition is pretty fierce.

But one of the things we did for example in the Chesapeake Bay Watershed Strategy is to say that DOT is going to go out to the States in the Chesapeake Bay watershed and encourage them to think about opportunities to go back and retrofit and undo past wrongs.

So you are very right, that is an important issue, and certainly I think with a part of this -- in fact, the Federal Highway expert who is participating in this initiative is the person who does all -- the stormwater headquarters. So we are quite mindful, and I appreciate that comment.

MR. SILVA: Just on the aspect of the Navy, I just want to let you know we do have a good connection with them on the newly created National Ocean Policy Council that is going to be looking at ocean issues. But a lot of it is also base, and obviously our connection with them is water-quality issues, and I can assure you we will bring it up with the Navy in that context, but I think that is a good dialogue to have with the Navy, as you bring up.

I can tell you, being from San Diego, that they are huge in San Diego just in terms of -- for example, National City, which is being looked at as a major environmental justice community, on the 32nd Naval Street, you know, a naval base, for example. It is a good point you raise.

MS. PESTANA: I wondered -- I looked through your list of partners -- if you were also going to include State partners in your urban water program. I think it is important to work and perhaps maybe piggyback on some of the initiatives the States may have with respect to urban waters.

Also when your are talking about community, are you including businesses

and industry that may be along the waterways to see if they will partner with you and maybe deal with some of the non-point source pollution sources? And the other was is that I wondered if your urban waters program was going to address the issue of combined sewer overflows.

MR. SHAPIRO: First, in terms of States, absolutely. Most of, as you know, most of the work the EPA does under the Clean Water Act is actually work that the States do in partnership with us, and so there is kind a legal partnership as well as an important fact on the ground that it is really the State inspectors, the State permit writers, who are managing much of the activity.

So the answer is yes. In fact, at the recent meeting with ASWQA, which is the Association of State Water Quality Managers, we discussed the Urban Waters Initiative and our interest in beginning a dialogue with them as to how to effectively engage them in the partnership as well.

And I think on the issue of, you know, kind of bringing to the table business and industry, again absolutely. It will vary from community to community as to who has to be part of the partnership, as you know, but in many cases, especially in older urban areas, there are still existing manufacturing facilities, businesses that need to be engaged in kind of envisioning the future, especially given the issues that Elizabeth raised in terms of not kind of converting a productive economy into one that is solely the domain of high-rise apartments and condos.

You need the effective participation of business leaders as well as the community. I think on the issue of combined sewer overflows, it is part of it, but in a sense it is part of the regulatory backdrop in the sense that we now have, I think, over

70 percent of the communities, which have combined sewer overflows, in some form of long-term commitment process, including most of the larger cities.

One of the thing we will be looking at is how effectively is the planning for those activities, incorporating input from the communities. I think the work that is being planned for the Anacostia actually is a great example of how attention is being played to the needs of the community as the planning for that massive investment goes forward.

MR. KELLEY: Hilton Kelley, Community In-Power and Development Association, Port Arthur, Texas, on the Gulf Coast. I commend the water department of the EPA for embarking upon this project. I think it is imperative that we give access to our waters to our young people as well.

Coming for a place called Port Arthur, Texas, we are basically surrounded by water. We have a levy that goes around our community. We have a very, very nice ship channel that runs parallel to Port Arthur and right between a little strip of land called Pleasure Island.

But there is not a lot of access to that waterway. I mean, a lot of folks like to go there on top of the levy and watch the ships go by, but at the same time there are no seating areas or there are no boat ramps there, so people sit on the rocks, and they just enjoy it that way.

But yet I think if we really want to open up our waterways, urban waters, to the community and its residents, we have to look at ways in which we can make it accessible. We also have to make in comfortable and give them some seating areas and provide some type of activity ground for residents.

But at present, many of the areas are just blighted, have a lot brush over

areas, where you can't even get to the water's edge. And there is heavy industry along a lot of the waterways. So I think it would behoove you all to try to partner with some of the industries in certain communities where they can assist with the clean up and try to make it accessible for local residents.

MR. SHAPIRO: That is a very good point, and again, consistent with our theme of connecting people to the water, I think there are -- in any one particular area there may be multiple issues including land ownership and so forth.

But I think the point of working with existing industries to think about ways to provide access, working with some of our other Federal partners who actually have resources to spend on park and open space development -- we heard about the Great Outdoors Initiative yesterday from the Department of Interior, which EPA is partnering in as well -- and it is not just Great Outdoors in national parks, as was discussed. It is great outdoors in urban areas.

Urban parks, the park service, the National Forest Service, have resources for urban parks and outdoor activities, which may be brought to bear as well. The bike way efforts.

I think by working with Federal partners as well as local stakeholders, there may be ways to solve the access problem, but they will have to be tailored to the reality of each community, but certainly the engagement of community organizations like yours and the demand for that kind of access is an important element of creating a context where those resources can be brought together.

MR. KELLEY: Will there be any oversight to the various regions to try to push this agenda forward? I mean, because I think this a very, very important issue for

our young people, and I think it would be really a great treasure to many of the communities around the nation, to really get this going.

MR. SHAPIRO: As I said, we have already begun to engage our regions. In many cases, they are as eager if not more eager than we have been to engage in this work. They are very interested in these kinds of activities. There will certainly be oversight and accountability but I think more importantly, we want to build on kind of the existing energy and enthusiasm of our regional staff to do this kind of thing.

MS. CATRON: Good morning. Jolene Catron with Wind River Alliance in west central Wyoming. Water is my most favorite thing to talk about, so I was looking forward to this presentation.

I have a couple of questions. First, how many years or how long has the targeted Watershed Grant Program been around?

MR. SHAPIRO: I think its lifecycle was either three or four years. I don't recall for sure. It hasn't been a long duration program, and as I said, it was not funded in FY10. We had resources that were kind of residual from earlier years that we were able to put forward to this effort, but it received no new funding in FY10.

MS. CATRON: The reason why I ask that is I am thinking about the experience that you have gained from previous targeted Watershed Grant grantees and programs that have been in the past, and to really look at the ability to connect with their lessons learned and their successes that they achieved.

You may have already done that, but I think also the ability to network those grantees or other programs with new and upcoming programs in this next funding program will be really beneficial.

Because when we talk about watershed, we are not just talking about water flowing in the river. We are talking about the interconnectedness of humans to land, to air, to water, and how we all interact within each other.

And we are not just talking about sub-watersheds. We are also talking about larger watershed in general, so when we -- I think if we just focus on a water river as it flows through a community, we are really losing the opportunity to look at the larger picture. And so I would also encourage you to think about the larger picture, the larger watershed, and how do we create connectivity amongst others within the larger watershed.

Even a youth program, you know, YouTube program or something, you know, connecting young people along the continental divide with people further downstream or something like that.

I would also encourage you to look at the CARE program and the CARE steps and the CARE format of building stakeholder involvement and community involvement up front as one of the first things that you actually do in this program because that will be really important to start including a facilitated dialogue of all the stakeholders, including the communities, when you are talking about water development.

And also to include, you know, a strong, cultural value of the water in this program. I think that is really important. Not just today's value, but what has that value been historically? You know, to look at that value historically also.

I think water teaches us a lot. Unfortunately a lot of us just turn on the tap and turn it back off, and we lose a lot of that really important lesson that water should be

bringing us together instead of dividing us. Another really important aspect of that is how we share water and water rights, so I think that should really be a part of that discussion.

If this targeted Watershed Grant, the Urban Rivers really kind of took on a level one and a level two process, kind of like the CARE grant does, the CARE grant looks at building community capacity, because if you are just building -- if you are just cleaning up the river, if you are just, you know, putting sidewalks on the river, if you are just putting curriculum in the schools, that really isn't getting to the heart of what water really is.

It isn't getting to the heart of the society in general, so you really have to dig deep about ways to really start looking at that picture in general. If you would like to talk further about that I would be glad to speak with you more.

MR. SHAPIRO: Thank you. Those were great comments.

MS. FISHER: Good morning. Wynecta Fisher, formerly New Orleans Mayor's Office of Environmental Affairs. I have two comments and then I have a question.

The first comment is I am going to urge you to -- it is actually down on the mall -- there is a group called the National Science Resource Center -- they are affiliated with the Smithsonian, and if you connect with them now, they can develop the curriculum for you to put in the schools.

Because with most schools, whether it is public or private, people are having to either teach the test, or it has to meet certain benchmarks. So instead of you guys trying to figure that out, you can get those curriculums in, and it would be easier for

everyone to just adopt it. And you don't have to do the marketing for it either.

The second thing is for existing Department of Transportation legacy issues, have you considered bioswells? Because that would be a way you can get high school students to put in some sweat equity.

A lot of high schools students have to have community -- thank you, someone said it. Community service, and also you could possibly get your local universities to do some of the design. They could make it a service project in bioswells around existing Department of Transportation infrastructure.

So those are just comments. But then my question is how are urban waters, how will that initiative address cruise ship pollutants and the hypoxia zone, because we really experienced that. As Jolene says, things are interconnected. And also how is it going to connect with the Portfield's program?

MR. SHAPIRO: Well first thanks for those suggestions about the National Science Research Center. We are exploring a number of opportunities. I am not sure that was one that has come up though, so thank you for that idea. I think the idea of bioswells and sweat equity -- I will have to check with Camille. But I think those are good ideas. Certainly we have been pushing, as far as the green infrastructure, ideas like bioswells and --

MS. YEAMPIERRE: I am sorry to interrupt but what are bioswells?

MR. SHAPIRO: They are sort of more naturalized drainage ditches basically that instead of it being designed to move the water off the highway and into the surface water as quickly as possible, actually allows time for the water to infiltrate into get kind of natural treatment through both the infiltration as well as vapotranspiration

through the plantings there.

So it is way of providing a more aesthetic landscape but also one that is more, functioning more like a natural hydrologic system.

MR. SILVA: I think in some cases -- I know in California, where those came under the MS4 permits, stormwater permits, I think they were included in -- we had a separate permit for the highway transportation. Some of that is already being done. I don't know to what extent. Different states have different requirements.

MS. MITTELHOLTZ: Certainly that is one of the techniques that is a good thing to be using. I personally have not been aware where sweat equity was part of that effort, so that is an issue I will pass on.

DOT and the highway legislation specifically has authority to use volunteer service, so I appreciate that suggestion.

MR. SILVA: On the hypoxic zone, that is a much larger issue and just maybe -- one of the silver linings of the oil spill might be that we are going to be getting more attention to the hypoxic zone in the gulf.

And obviously the solution is -- benefits are much longer term there, but I think once we start addressing the causes of the hypoxia zone, which are primarily nutrient issues up the Mississippi River, you are going to see benefits to the community that live alongside the rivers in terms of reduced nutrient impacts.

So that is a much longer, I guess, solution, but again one of the -- hopefully one of the silver linings of the spill has been more attention to that, and trust me we are working, for example, with our Mississippi River Hypoxia Task Force to look at that as an example, and also the Gulf Alliance has asked us to start looking at that

also, so there is a lot of attention to it now.

MS. YEAMPIERRE: Thank you. I just want to mention that we have got about 10 minutes left and about six speakers. Just be aware of that. Vernice?

MS. MILLER-TRAVIS: I first want to just lift up Elizabeth's comments about what is happening in communities that are experiencing successful Brownsfield redevelopment and reclamation, waterfront reclamation.

They are being steadily pushed out of those communities all over the country, and I think it is an unintended consequence of success, but it is also the difference between revitalization and redevelopment.

We speak of the two things as interchangeable but they are two entirely different things, and what is happening is redevelopment, but it is pushing those communities out of their traditional communities, traditional landscapes, et cetera.

So I just want to lift that up as a level of sensitivity that needs to happen around what you all are doing.

Here in the -- well, next door, in the State of Maryland where all of the entire State, of course, feeds into the Chesapeake Bay watershed but at least 50 to 60 percent of communities in Maryland are adjacent to, on top of, underneath of a water system, a river.

And I want to mention particularly the Anacostia, which of course doesn't just flow through D.C. but it is -- it is headwatered in Maryland and flows through, in a ring, Prince George's County communities that often are not engaged in the conversation about bay cleanup and restoration.

That we have some very big players in the State of Maryland who are

working with Chuck Fox and working with the agency on Chesapeake Bay restoration, but the smaller communities, like Hyattsville and Edmonston and Capital Heights and all these places that are smaller jurisdictions, that are predominantly people of color jurisdictions, and working-class jurisdictions are not in that conversation to the extent that they need to be.

And lastly, I am glad to see that the Department of Transportation and the EPA working on this. One of the things that we are experiencing, another unintended consequence of success, transit-oriented development, trying to build more infrastructure, more housing. You know, we are touted as a State that is doing great around smart growth. We are going great on paper around smart growth. The jurisdictions are exploding in their development, trying to drive that tax base and bringing in more housing.

And this transit-oriented development is a great thing in theory, but in practice it is adding more impact on our rivers and our tributaries.

So somehow you have to figure out a balance around this growth issue, around communities whose voices are not being heard in this conversation, around how they access those waterways and those rivers. How they are involved in that clean-up process and how they are brought into that greater conversation about Chesapeake Bay clean up and restoration. There are a lot of voices that are missing, but they are absorbing the greatest impact. Thank you.

MR. PRASAD: I also want to echo and support the chair's comments. One of the things you could consider is if you are giving it as a grant, can you put a condition as a grant that, if it is a city of that place, so that the grant recipient makes

sure they cannot change the zoning?

It may sound very ---, but if someone is interested in improving their urban water system, and if that city is going to be a partner, that could be put as a condition of receiving the grant.

MS. YEAMPIERRE: Thank you. Lang?

MR. MARSH: Lang Marsh of National Policy Consensus Center, Portland State University in Oregon. I also wanted to, No. 1, congratulate you for this effort. I think it is really well targeted and overdue.

On the displacement issue, which I share real concern about, I wondered if to what extent you are collaborating with the partnership with which you are wearing another hat in, which is the sustainable communities partnership.

It seems to me the goals of that, probably more than any other interagency Federal collaboration that I am aware of, are trying to at least deal with the issue of displacement by making affordable housing, for example, in the communities where revitalization is taking place to serve the needs of the local community.

So a suggestion or question is whether in selecting your pilots, you will be sort of consulting with the folks who are doing the partnership activities to make sure some of the principles involved there are applied in these pilots as well.

MR. SHAPIRO: The answer is yes. In fact, I didn't mention this earlier, but the office within the agency that is leading that effort is actually also participating in our EPA Urban Waters Taskforce precisely for those reasons, both to build on their model and to get their insight.

MS. MITTELHOLTZ: Similarly, DOT, the same folks are involved so it is a

lot of cross fertilization.

MR. TARG: I would also like to echo the chairwoman's comments earlier and also build off of Hilton's comments that he made. This is a much-needed program. There is so very little money at a Federal level that is available for parks and watershed restoration programs. It is a hugely overlooked area.

In trying to understand the magnitude of this program, could you go through what the expectations of the agencies are for -- what the metrics are -- that they expect to, what you expect to achieve? If it is \$9 million program with up to \$600,000 subgrants, it sounds like that may be in the neighborhood of 20 grants nationwide at a half million dollars each, or two in each region.

So the question is, No. 1, what are the ultimate expectations, and No. 2, who would the grant recipients be from that? And I guess No. 3, in terms of additional partners, you might look at the Department of Homeland Security, both with Coast Guard and with FEMA.

MS. SALKIN: Patty Salkin, Albany Law School, and I am following along with Landry's theme that Elizabeth started with her comments and Vernice and Shankar. One of your partners is NOAA, and obviously they have the --- Management Program, which provides funding to the State's for the local waterfront revitalization plans.

All the communities that get funding have to have their plans approved by the State, and the State policies have to be consistent with the Federal policies, and making sure there is a significant EJ component in those Federal policies, tied into that funding that the State's then have to adopt, that is going to get to local zoning and get to

some of these issues about changing zoning and plans.

All the comprehensive plans and zoning rights have to be approved by the State in order for the local governments to get that waterfront money.

So it is another hook. It won't solve all the problems for all of the different iterations of the money in this program, but maybe looking into that aspect with NOAA would be helpful.

MR. LEE: The fact that there is so much interest and enthusiasm in this effort is really great to see. I really want to commend the Office of Water for its leadership in this. I am, as Mike Shapiro said before, a member of the executive team, and this is one of those projects that we at the Office of Environmental Justice really feel strongly about.

I just want to kind of give a couple of other points in terms of -- both in response to some of the issues raised as well as things that Mike said that we should emphasize. First, this is not just a revitalization effort. It is meant to complement a regulatory approach that emphasizes clean up of waters, so, you know, the Office of Water and OECA have been working on a clean water action plan that really tries to step up the enforcement issues there.

So that is the first thing. The second is that we should really look to this for what it could offer us in terms of lessons for interagency collaboration. As you know, the efforts around reinvigorating that effort, as Nancy Sutley announced, in terms of reinvigorating the interagency working group. The question there is how do we proceed in the most effective way?

I think the way to do that would be to build on our existing efforts like this,

not to create new ones. Third is -- Nicholas, you mentioned about measures. My OW staff and I have talked about using this effort, which is a high visibility signature effort, to figure out how to pilot, really being able to incorporate environmental justice into a lot of the measures the Office of Water is talking about as an example for other offices.

The equitable development obviously is a big issue, and tangential to this effort, you know, many of you know Elizabeth and Vernice participated in the OEJ and Office of Smart Growth, now the Office of Sustainable Communities, have been collaborating together on furthering the dialogue around this. This February was actually the first time there was a workshop on environmental justice and smart growth at the New Partners for Smart Growth Conference. And that will be repeated again next year in Charlotte, North Carolina.

We also have a fellow that is working -- that both offices funded to work together on these projects. An overlay to that is the same effort to raise the same kinds of issues in the partnership for sustainable communities, so there is a project there called Team Environmental Justice that is focusing on these kinds of issues.

Lastly, just to point out, you know, the need for greater community engagement on these issues is something that Pete has been really interested in, and so we have been talking about developing and building off of last year's conference, or this year's conference in New Orleans.

You know, making sure that there is a strong water component. So this is a great opportunity then to get further feedback more directly into efforts like this.

MS. YEARMPIERRE: Thank you. I just want to say, just in conclusion, Michael, if you could get us a copy of the strategic framework, that would be really

helpful for us. And Pete, since the change in Administration, I think I have seen you at every NEJAC meeting, and I know community engagement is a priority and that bringing together that kind of interagency collaborative is absolutely essential, so I want to thank you. I look forward to seeing you again hopefully in Kansas City.

MR. SILVA: Thank you, very much. I apologize, I have to leave in about five minutes but thank you so much for everything.

MS. YEAMPIERRE: We have Cynthia Dougherty, director of EPA Office of Groundwater and Drinking Water, scaring me as I pick up the glass because that is what is on the agenda. So here to talk about encouraging voluntary testing for lead in school drinking water, Cynthia, welcome.

MR. SILVA: Before Cynthia starts, I just want to again, since I am leaving, I just wanted to say again one of the big things for us is how we help small communities, underserved communities and urban areas because they are the ones hit the hardest when we have regulatory issues or issues that require more intense scrutiny or more funding.

So I think that is one of the issues we are talking about, and they have been working very diligently on these types of issues.

Encouraging Voluntary Testing for Lead
in School Drinking Water
by Cynthia Dougherty

MS. DOUGHERTY: I was going to start by saying one of the first drinking water issues that Pete got put in front of him when he came on board was looking at compliance issues related to small drinking water systems and especially those drinking

water systems that are not even communities but are actually individual schools, and what was going on with them.

For the most part, as we have looked at those issues, we have found that States have actually done a very good job, a better job than they do with some of their other noncommunity systems in dealing with school issues because obviously they share the importance of making sure that children are getting safe water.

But there are a number of issues that have been raised, and Pete asked us to build on work that we have done in the past to really focus more on children in schools, both for those schools that are their own drinking water systems, who we are -- the States regulate, but also schools that are served by community water systems and get water from community water systems.

So we are going to talk a little bit about an approach that we have in terms of trying to focus on making sure that the water in schools is safe, and we are really in the pilot stages in terms of how we would deal with schools that are within water systems.

There has been some work done, and our focus there is on lead, so we will talk about that a bit. And I have got Ron Bergman with me, who is one of my branch chiefs, who is going to talk about this as well. Next slide, please.

(Slide)

So we will talk a little bit about the initiative, a little bit of the background on exposure to lead in particular, and then Ron is going to talk about our action plan for the two different kinds of schools, how they are served by water systems. And we will talk then about some questions that we have that we would like you all to help us

answer. Next slide.

(Slide)

So I pretty much covered this somewhat. So our initiative is to really try and make sure that we have good compliance with those schools that are on public water systems and housekeeping practices, meaning housekeeping practices in terms of how the premise plumbing is dealt with within the school or the school area.

And to also then secondly encourage voluntary lead testing at schools and child-care facilities, not just schools, that are served by public water systems and help them understand what they might need to do to remediate as necessary.

What we are after here is making sure that children that have access to tap water at their school have access to safe tap water, and that safe tap water is a good alternative to sugar-sweetened beverages that kids get a lot. So there has been -- the Department of Education and others are looking at obesity issues related to children, and we think making sure that tap water is safe in schools, and that both kids and their parents know that could be an important part of that in terms of actually providing an option.

There are -- when you look at the universe of schools and child-care facilities, there are 98,000, almost 99,000, public schools, by our estimate, that receive their tap water from a public water supplier, so they are not regulated by EPA.

There are about 7,700 schools and child-care centers that we can identify in our public water system inventory as being individual public water suppliers. These are usually schools that are outside the jurisdiction of a water system, but they may also be schools that have a well and the community grew up around them and so they still

are a separate water system.

And then there are about 325,000 licensed child-care facilities in the country, so we would presume that most of those then would be -- receive their water from a public water supplier or they -- they couldn't be on private wells if they have many kids. Depends on the size.

So then I want to talk a little bit about why we would focus on lead, which is the next slide.

(Slide)

Our plan -- Ron is going to talk about this a little bit more, but our plan is on those schools that are on public water systems we would focus on all the compliance issues that they might have, or the things they would need to be looking at.

But on systems that are served by other water systems, we would focus on lead for a number of different reasons. One, the health effects of lead in children -- you all know as well as anyone that the health effects associated with elevated blood lead levels in children are very serious and can last a lifetime.

Those impacts include impaired mental development, IQ deficiencies, shorter attention spans. And children under age six are more particularly at risk for lead exposure than others as well.

We have developed a lead action plan to look at ways to make sure that lead is being reduced in drinking water in schools and health care facilities, and done some work on that in the past but we want to try and step it up a little bit more.

There are other parts of EPA and other agencies that have been focused on reducing children's -- sources of lead exposure for children, dealing with lead-based

paint and lead in dust and soil and so on.

As those exposures are reduced, the exposure from lead in drinking water, which originally was a very small percentage of the exposure, might actually be becoming a larger portion of the exposure. I don't think it is growing in terms of amount of exposure, but in certain areas they are becoming a larger portion of the children's exposure to lead.

Testing water in schools and child-care facilities is important because that is where children spend most of their day. If they drink tap water at those places, we want to make sure that water that they are drinking is not leading to exposures that they shouldn't have.

And targeting facilities to make sure they are evaluating their plumbing, they are doing their testing -- really helps target that remediation. The next slide.

(Slide)

In terms of lead in drinking water, lead is almost never in the water that comes from the drinking water treatment system. It doesn't come from the drinking water plant to people.

So when people -- every year public water systems provide a consumer confidence report. They tell people what they found in the water, and when you look at what leaves the treatment plant, occasionally but almost never -- it is either very low or negligible amounts of lead.

What happens is that in many cities and communities, lead is in the service lines from the water main in the street to people's houses, or in the plumbing or

parts of the plumbing within people's houses, and -- if you can keep going. You can do the whole slide.

If the water is corrosive that lead can leach out of the plumbing materials or the pipes and then put lead in the water that people drink. So what water systems do to try and make sure that doesn't happen or to control the levels that might happen at, is to control the corrosivity of the water. They have corrosion control plans to try to make sure that doesn't happen.

But if water stays -- sits in pipes for a long period of time, or depending on how the plumbing is used and stuff, there is still potential, if there is lead in the pipes, for lead to leach out. So what we want to try and do is make sure that schools look at that issue to make sure they are doing --

Right now the monitoring we require under the lead and copper rule that we have for the Drinking Water Program is monitoring at houses. So we require monitoring at a certain percentage of the houses in the community, and those houses are picked based on the housing stock in the community and the houses that we expected at least at the time we did the rule, which was in 1979, '89, '80. The houses that we expected would have the highest lead levels.

So we are looking for the worst case in the city, and if then a certain percentage of those homes have high lead levels above our action level, then we require the system to do more work to better control the corrosivity of their water.

But we don't look at schools. One of the issues that we have in front of us on a regulatory agenda right now is we are looking at further revisions to the lead rule, which we revised five or six years ago. One of the issues we are looking at in particular

is do we need to change the monitoring scheme that we have currently for that program.

So that is one thing that we are specifically looking at on the regulatory front, but in the meantime, we think that it is important for us to be looking -- trying to figure out if there is a good value to us looking at lead in the schools as they go on. So I will let Ron -- I have taken too much time, because I want you guys to talk. So Ron has like two minutes.

Comments

by Ron Bergman

MR. BERGMAN: As we are encouraging children to drink water --

MR. RIDGWAY: Excuse me, I am sorry. Could you introduce your full name again and your position? Thank you.

MR. BERGMAN: My name is Ron Bergman. I am the chief of the Drinking Water Protection Branch.

As we are encouraging children to drink water, we want to make sure that the parents have confidence in the water the children are drinking in the schools.

So we have a two-part action plan, as Cynthia said. The first part is to work on those 7,600 schools and child-care facilities that are public water systems. We are working with the Office of Enforcement.

Historically we have looked at national trends, and we are now actually working with the enforcement office to look at specific systems, and as Cynthia said, the good news is that actually compliance is better at schools than in the universe at large, and also the States that have primacy tend to react much more quickly to schools.

We are developing some general best practices. Schools that have their

own water systems are all very small, so they really don't have a full-time operator or anything. So we are trying to develop very easy-to-understand materials on how to operate that water system. Next slide.

(Slide)

For the rest of the communities that are -- schools that are served by a public water system, we want to try to get them to look at testing and other activities that they can do to improve their water quality as Cynthia -- or to at least understand their water quality.

As Cynthia said, lead is one of the contaminants that actually changes or can change within the distribution system. It tends not to be a source issue. It is the piping within the homes or within the schools. So trying to get testing done where the children are spending the bulk of their day. And we have, again, best practices and other things to help the schools with that. Next slide.

(Slide)

A few years ago we worked with, we partnered with the drinking water -- the various drinking water utility associations with the state drinking water programs, Centers for Disease Control and Department of Education to develop what we call the three T's: focusing on lead in schools for voluntary testing, training and explaining to the community how that -- the results.

We developed a series of materials on that to encourage that testing. Partially as a result of that, there have been a number of States and utilities that have done testing. They have -- either the utility has done it or the State has mandated it, and they have used those three T materials to work through the testing on that.

What we have found though in most of these situations is that they have not really involved the community. They have been focused on -- because the regulated entity is the larger water system -- getting them to do the testing, having the school -- maybe the school or the school district would do the testing, or the State would just simply mandate that somebody do it. But the community itself had not generally been involved.

(Slide)

So we want to build on that effort. We are developing some more tools to help -- more easy-to-understand fact sheets and other things for the school, the various entities within the school, the sanitation people, the nurses and so on, to understand lead levels and to understand best practices.

What we would like to do then is build on these examples where testing has been done and try to roll out an adopt-a-school-district effort, focusing either on one school district or a number of schools districts and working with a variety of partners to do testing. To take this three T's concept and expand that and look across a school district at testing.

So as you can see, we are developing a number of materials for that. The last slide.

(Slide)

Again, talking about the partnering that we want to do with other entities, with educational associations and what not. But the challenge again that we have had up to this point is how to engage the community in this.

Water systems do a lot of testing. They are required to provide that

information in what is called consumer confidence report, annual reports that go to their consumers, on the testing that they do and the results of that testing. But it is not school focused. Schools have a lot of other things that they are dealing with, so there is some reluctance to engage the community because they feel that just might be opening up a can of worms.

So we want to figure out how to engage the community, how to help parents understand the results, understand why we would be doing testing. Again, what the results of those tests mean, and to try to encourage school districts, water systems to do more of that testing. Again, so parents can understand not only the water they are getting in their home but what their children are getting in the schools.

So we have a number of questions for you related to that. How can we engage communities? Again, how can we help schools? How can we encourage schools to do the testing? Are there other things that we should do to build on the three T's concept and the partnership that we have had with the utilities and the Department of Education and CDC?

So with that, since I went over my two minutes that Cynthia gave me, I will stop.

Questions and Answers

MR. KELLEY: Hilton Kelley, Community In-Power and Development Association, Port Arthur, Texas, on the Gulf Coast. I have a question. I mean, I understand the lead issue, but what are we doing to address the water quality variances issues when it comes to bacteria across our country?

In some areas across our nation, there is a certain level of bacteria that is

allowed in some water, and some water quality is better than the other. What is the Federal government doing to sort of address that particular issue to get rid of that variances issue within our water standards?

One thing I am very adamant about is trying to do everything I can as a part of this council to ensure that every city, every community across this nation has clean drinking water with the best standards. What are we doing to address that?

MS. DOUGHERTY: Are you talking about water quality standards for the rivers or water quality standards for the drinking water, because there are no variances for microbials --

MR. KELLEY: Drinking water.

MS. DOUGHERTY: There are no variances allowed for microbial standards in drinking water, so every system is supposed to meet the same microbial standards, period. They have to. So if you don't think that is happening, tell me.

MR. KELLEY: The last meeting we had there was an issue with some type of bacteria variances in the small systems.

MS. DOUGHERTY: I think at the last meeting we were talking about affordability variances for systems but those were not for microbial standards because that is not allowed.

MR. KELLEY: What was it for?

MS. DOUGHERTY: It was for chemical standards. I knew I was here at one of your last meetings. It would have been for chemical standards.

MR. KELLEY: So are we addressing that particular issue as well?

MR. DOUGHERTY: Well, the thing we talked to you about the last time

was whether or not we should be redoing the affordability criteria and looking differently at whether or not there could be variances for systems that had issues in terms of affording to meet the standards.

Since then we have decided not to change that criteria because this Administrator in particular does not believe that anyone should get a standard that is less protective than anyone else -- at least national standards.

So we haven't changed the criteria. Basically there is a national criteria that we look at that has to be triggered before variances would be allowed at the State level, and we have never triggered that. And people complained that our criteria was too stringent, and we have decided to keep it where it is for now.

MR. KELLEY: Well, this is one of the reasons why -- whenever you have a situation where people are perceived to have better water quality in one area, and then another area the water, for some reason or another, is not up to that standard, well, people do not trust the system.

Particularly like in southeast Texas, we have issues all the time, particularly when it floods or we have hurricanes, to where a certain chemical wasn't added to the water, and you get a notice a day later that you shouldn't drink the water. Well, it is a little late.

And, you know, the antennae go up and there is a lot of concern. Somehow we need to look at ways in which we can address that, then we can have more trust within the system. People need to be educated on bacteria and chemicals that are added, and why.

I think once we address that, people would trust the municipal water

system more.

MS. DOUGHERTY: Those are important points. Thank you.

MR. SHAPIRO: Just adding, I think in kind of emergency situations, normally the authorities would probably put out the alerts before the test results are available, because if there is evidence that the well has been compromised because of flooding or something like that -- it takes about a day for the current tests to actually yield results.

So as a result, the kind of protective approach would be once you have evidence that the system has been compromised, you would put out a either boil water alert or something like that.

MS. DOUGHERTY: There are also times when something happens and they put out the boiled -- just even around here, when there are water main breaks, there can be the opportunity for contaminants to get into the water line in certain neighborhoods, and there will be a boiled water advisory.

But it comes out after that has happened because they have to find out that it has happened, and make sure they understand what has happened, but I understand what you are saying, and those are important points for us --

MR. KELLEY: For millions of people it would be too late, especially for those who are super sensitive to chemicals and other contaminants. It could be fatal.

MS. FISHER: Wynecta Fisher, formerly New Orleans Mayor's Office of Environmental Affairs. A suggestion of a group you can partner with: HUD has a healthy homes or a lead -- and if a municipality, state, if a governmental entity has been awarded a HUD Healthy Home Grant, they have already demonstrated they have a lead

hazard, that would be a good partner.

As they are treating the areas dealing with the lead in the soil and the blood levels, you can look at the schools. That is just a suggestion of maybe a potential partner.

Then the other issue, and coming from a local government, there were some areas in our city that had really high lead levels because of the pipes. Most citizens don't know that it is their pipes that are bringing in that lead. If you make a request to our local sewer system they will replace the pipes. However, as with most governments, you don't have an infinite amount of money.

One thing that they said they struggled with is they have to prioritize whose pipes they replace because the pot of money is about --

So because it is not just an issue in New Orleans -- I am quite sure it is an issue with a lot of older cities, do you think you would have revolving loan fund program where possibly sewer water systems can borrow money, pay it back at a low interest, similar to like brown fields to replace some of these pipes because a lot of people do have older infrastructure.

MS. DOUGHERTY: We have now a Drinking Water State Revolving Loan Program that States use to provide low-interest loans to communities to do treatment upgrades or put in treatment or replace pipes. So they could use those funds to replace service lines that are lead service lines as well, and some systems have.

But when you replace a service line, they only own part of it, and when you get to the property line, then the homeowner owns the rest, and you run into the issue of who pays and how do you pay and whether you pay -- that actually is another

one the issues we are looking at in terms of our regulatory revisions, is replacing half of the service line.

Does that make a difference? Because that is a requirement right now that they would have to replace their part of the service line.

MS. FISHER: Thank you.

MR. RIDGWAY: Paul?

MR. MOHAI: Thank you. Paul Mohai. I am a professor at the University of Michigan. I had a similar question to Wynecta, but maybe a little broader about the remedies.

I noticed in one of the slides you mentioned replacing faucets and flushing pipes. I think those are the only two things that you mentioned, but now that we have brought up the possibility of replacing the pipes altogether, I am curious about what you see as the options for remedying the problem, because if you are going to test the schools, and you say yeah, you have got a problem, they are going to want to know, well, what do you think we should do about?

So are those the three things that they can do? And if it is replacing pipes, I guess the issue of costs come up. Is that a practical thing for the schools to do? A lot of the districts are strapped for funds.

I have one more question, and that is as you are getting more and more schools into the program, obviously you are going to be collecting data that might give you some idea of the extent of the problem, so my question is do you already have some ideas about the extent of the problem, or do you think you will have it by a certain point when you get more and more schools into the program? Thank you.

MS. DOUGHERTY: On the data issue, right now we have data from those cities that have done some monitoring already, so we know in some of the larger cities on the East Coast that have done monitoring, that they have found lead issues in schools.

There are some -- the solutions to that could involve the system changing how they do their corrosion control, as well as looking at a replacement of plumbing parts or looking at how the water is managed within the school building as well, which could make -- if water sits the whole weekend, the likelihood on Monday that you may have a problem in terms of lead leaching might be higher depending on the water that is coming into the school.

So if you do the flushing, that may make a difference. In some places, it won't. There are some issues in some school districts where that hasn't helped, so you may not know before you start what the remedy would be for a particular place, and that could lead to a real problem because you might be looking at a very costly thing.

Some schools in some cities have brought in bottled water to deal with the issue while they sort out what they can do. The large bottles.

MR. BERGMAN: Within a school -- our New York region 2 office had worked with New York and New Jersey to do some testing in schools, and what they found there is that about 10 percent -- within a school about 10 percent of the faucets might have an issue. It could be less than that.

So one of the solutions they used was simply the school turned off that particular faucet, still having 90 percent of the water available.

MR. RIDGWAY: Thank you. We are wrapping down here, so, Vernice?

MS. MILLER-TRAVIS: Vernice Miller-Travis, Maryland Commission on Environmental Justice and Sustainable Communities. So I want to ask about an issue of progress, and where is the agency's progress with reducing the very high and elevated levels of lead in the District of Columbia's and Prince George's County's drinking water supply, and what alternative measures were taken to provide alternative drinking water sources for the school children in D.C. and in Prince George's County. Where are you on that?

MS. DOUGHERTY: I would have to get back to you with the specifics since our regional office is the one that deals directly with that issue. But I do know that the WASA and Washington aqueduct that run the drinking water for D.C. have changed the treatment that D.C. uses in terms of corrosion control over the last several years since the problems that they had earlier, and that significantly improved or reduced the lead levels that they see in drinking water.

They have made significant progress in terms of what they are now demonstrating.

MS. CATRON: Jolene Catron, Wind River Alliance. I am thinking about your question about the reluctance of schools to test for lead, and me as a parent of young children, how I would want them to test for lead to make sure that my kids have safe water, and the disconnect in communities in even reading the consumer reports that are put out by the water treatment systems.

And the disconnect of understanding corrosiveness of the water and how that relates to lead. I think in general, a lot of community members think that EPA, if they have oversight on the drinking water, that they have oversight to the point of where

it comes out of their tap in the building. So that is a huge misconception that I have run into in a lot of the work that I do.

A lot of people say, well, my water smells bad. What are we going to do about it? And then I am thinking about clean air in the schools, and I am thinking about the Clean Schools Initiative and all of these kind of real stovepipe fashions that we are using for schools, and schools are going to be really reluctant to do that because there isn't necessarily a remedy if they find a problem, right?

What do they do? They have to pay more money to do this, and so in schools that are already strapped for funding, what are they going to do? So of course there is going to be this reluctance.

But there is also, as a parent, I would want to send my kid to a clean school and assure that they are safe. So what I am thinking is there needs to be more coordination on EPA's side to be working together on some of these programs in the schools that are already in the schools and already doing good work and getting to the school districts and to the communities themselves.

In a way, in the communities, in a way that is very plain English, and not even just plain English but pictures, graphics, not pie charts, not bar charts but -- you know, I have seen examples from like the National Institute of -- NIOSH.

I think that is what it is. I am trying to remember, but it was a presentation about why we get cancer from some source of whatever. Very plain, basic information in a graphic, in a cartoon almost, and it told a story that related to the community and why this is a source that we need to be --

So I am thinking this needs to be a Clean Schools Initiative multimedia

blitz kind of thing. And if EPA keeps going to schools and saying now you have got to change your cleaning supplies, and now we have got to check your air, and now you have to look at your lead levels, of course the schools are going to say go away. And that is what is happening.

And I think the connection to the consumer reports from the drinking water is not there. And so, you know, as a community organizer working in communities, trying to get that information out to the communities about the safety of their drinking water, your focus needs to be on the community itself, and not necessarily -- I mean, getting the information to the community, to the parents themselves so they can support that kind of change in their schools.

MR. BERGMAN: The agency does have a -- and we are part of the Healthy Schools Initiative, which is looking multimedia at various aspects of the school program.

I am also just, on another point you made, as part of our three T's approach, we do actually have some lesson plans in there for the lower elementary school, and that is something we want to build on in this next round.

MR. RIDGWAY: Thank you. I am going to close this session out and thank everybody for your attention. One comment I have to your question about what you are asking of the NEJAC here, there is a large body of advice, of course, that this council has already produced over the last 10 years on how to engage the community on a number of issues.

The wisdom within that, the advice there is certainly worth looking at if you haven't already. So to that degree, there are a lot of good suggestions for you. Thanks

to the council for your input on that.

At this point I am going to turn it back to Elizabeth, and we are going to get into some logistical changes for our last session. So thank you very much for your presentation. We appreciate it.

MS. YEAMPIERRE: Thank you. So I have heard from some people that they want a break, and some folks don't. They want to go right through. I am of the mind that we should grin and bear it and go right through, but are there folks who think that we should take a little break?

I just want to make sure that a lot of the issues that were flagged during the past few days, that they don't get lost because of time constraints. But I also understand some people haven't checked out.

So if I could have a show of hands of how many would like to stay and just go on?

MR. BARLOW: Elizabeth, how long, do you think? How much more time do you think we need?

MS. YEAMPIERRE: Well, to some extent that depends on the issues that are raised by the members. We need to go over the letter to the NEJAC that we are addressing to Mathy Stanislaus. That is one action item that we have to move forward on.

And then Victoria has a few administrative issues that she needs to address, and I know some of the members wanted to raise some issues as well. So we are scheduled to end at 1:00 p.m., and I know some people have flights and train tickets, so it really kind of depends on the members.

MR. : 10-minute break.

MS. YEAMPIERRE: 10-minute break then? Okay, let's do 10 minutes, but let's try to be really back in 10 minutes.

(Whereupon, a brief recess was taken)

BP Oil Spill Letter Discussion

MS. YEAMPIERRE: So we are going to get started. If you had an opportunity to read the letter, the letter -- hold on a second.

MS. V. ROBINSON: The letter is located in section two at the very back, and there is a green page covering it that says draft NEJAC letter.

MR. : Section two or day two?

MS. V. ROBINSON: Day two. It is under day two, behind the day two tab for the members. And near the very end it says NEJAC advice on Gulf of Mexico oil spill. Has everybody found the letter?

MS. YEAMPIERRE: Everybody good? So this letter was written in response to the concerns and the comments that were raised during the teleconference call that we had June 15. So we are hoping that everyone has had an opportunity to review it. It is not set in stone. It is a draft. So this would be a good opportunity for you to comment, to suggest language, tone, give amendments. This would be the time to do that because we would like to get it out as soon as we can. So I am going to start with Sue.

MS. BRIGGUM: Thanks very much. I appreciate this. Mine will go to kind of an overall sense of how this might be construed, and admittedly I know a lot about the spill and the way EPA has managed it based not on a NEJAC discussion, so

that probably informs the way I am reacting here.

I am worried that -- I think that Mathy and OSWER and EPA in general, in fact, did read and pay attention to our NEJAC report on Katrina, that they have done a number of very innovative things, and that since we don't mention them, it might look as if an EPA Advisory Council has suggested, oh, once again they do this without any control.

So what I would like, if people might be willing to look at language that I would then write up. Unfortunately I don't have it nicely written up now.

I would like to insert after the second paragraph a third paragraph that said something like -- and forgive the roughness -- "We appreciate EPA's leadership in a number of innovative aspects of its management of the spill."

And then list things like their Federal oversight of all environmental aspects of the clean up. Federal review of the State response plans. Oh, the transparency of the information that they have provided on their Website, including specific data.

Their articulation of a waste handling plan, and their Federal oversight of the site selection process for staging areas and disposals sites in terms of both compliance and environmental justice.

The mandatory community outreach plan that they made binding on BP, and the expanded monitoring that they have done and their commitment to continuous monitoring as long as it goes in order to assure that the waste characterization is as they initially determined.

We were a contractor in those spills, and I can't remember seeing this

before. It is the sort of thing that -- you know, as Vernice always says, we raised up in the Katrina recommendations in terms of the ways that EPA could enhance performance. And I think having acknowledged that then -- and actually Mathy said that, he just said it really fast. I am not making -- he did say it, but he said it a little crisply.

Then it would make the following recommendations in a context that I think they would hear as oh, yes, we can always do better.

MS. YEAMPIERRE: I do believe that -- and this is something I have said to a few of the members that the good work the commitment, needs to be supported and encouraged. It is a level of commitment that we have never seen before, and attention to detail. And also an effort to provide us with more information than we have ever received. And I think that needs to be articulated. So I think that is a really good amendment. I would like to hear from others.

Father? Where did he go? Oh, I am sorry, Charles. Charles and then Father, you are next.

MR. LEE: I think what Sue is saying is really correct, and just to add to that, it is really important that you emphasize the extraordinary emphasis that the Administrator has placed on doing direct outreach to communities and the number of trips she has taken as well as trips that Mathy has taken. I think Mathy has spent an extended period of three weeks down there, and Lisa Garcia has taken -- so that is the first thing.

I think the other thing that you should note is that the agency had looked at your recommendations around Katrina, you know, in putting somebody at the very

top echelons of the incident command structure, you know, and that is somebody you all know well. It is Mustafa. And so that is the second thing.

The other thing I just wanted to say, and I don't think this changes the letter but -- and, you know, Mathy was going to say that but I don't think -- he wanted to say a lot. We are working on developing a set of grants for the community groups in response to the oil spill. And something is going to happen on that pretty shortly.

FR. NGUYEN: First, I would like to thank the NEJAC for doing this, especially for the people in the gulf. We deeply appreciate this. I want to echo what some have said, that EPA has been really just tremendous in terms of its presence with the Administrator and everyone else down there constantly updating the community.

I would like to look at No. 1, if possible. Based on what Mr. Floyd Maury said the other day at the public comment, there are places in which there is no community based organization to help people to begin. So it is not just CBO, but also those areas who need funding so that can happen. That would be very helpful.

Another very deep concern of the people in that area is the dispersant used, long-term effects. So we are looking at the long-term health effect in terms of the oil, but what about the dispersant use?

Another thing -- with the use of the dispersant, one of my concerns here is it is out of sight and out of mind. Yet we know that the oil is still in the water column. It is not going anywhere. It is still in the water column.

And when we don't see it on the surface, my concern here is because of some other emergencies, EPA or the whole nation can just walk away and focus on something else while the people continue to deal with that.

Looking back at the Exxon Valdez situation. Finally, another concern is if it is wide range or a total impact on the seafood industry, how are we dealing with the economics of those areas? How can we bring in other agencies to help with that?

What about all of the displaced fishermen for the next -- we are not talking about one or two years if we have that wide-range effect. We are talking about 20, 30 years. What are we going to do with them? Helping them, that is. Somehow if that could be included, that would be very helpful.

MS. YEAMPIERRE: Father, is there some language that you would like to suggest? I mean we have a notetaker taking down these recommendations, but is there maybe some language that you would like to suggest or do you want to leave that up to us?

FR. NGUYEN: I would say only to include those elements.

MS. YEAMPIERRE: Fair enough. Vernice?

MS. MILLER-TRAVIS: Let me interrupt. I am going to add, it would be very helpful in getting the letter out quicker if you do have some specific language -- you don't have to have it this moment, but feel free in the next couple days to send me the language, and then we will incorporate that.

Of course we will work with our contractor to incorporate the comments and the tone that has been recommended on some things. But specific language would be very, very helpful so we are not having to come back to you and say is this what you meant. Okay? Thanks.

MS. YEAMPIERRE: And if you don't have the time to do that, just make sure that when you read the letter when it goes out for your approval, that it reflects the

concerns that you have raised. Vernice?

MS. MILLER-TRAVIS: I just wanted to reiterate what Charles said about the personal engagement of the leadership of the agency, and I think we should mention it by name. I have heard from communities in the gulf that Lisa Jackson and Mathy have had so many meetings, as Father Nguyen said, that people are being asked to be engaged. Their opinions are being seriously considered, they are getting follow up.

I also think we should mention Lisa Garcia's name, who also has been down there many, many, many times, and most especially I think we should mention and thank the deployment of Mustafa because as I understand, it is the first time ever that someone has been detailed to the national contingency and emergency planning process of EPA specifically to guarantee the inclusion of environmental justice constituencies and voices in this process and their concerns.

So there is some historic stuff that has happened in this otherwise unbelievably awful catastrophe.

MR. RIDGWAY: And I think specifically the Emergency Operations Center, having that presence.

MS. CATRON: My question is are non-recognized Tribes, non-Federally recognized Tribes, part of the NGO, the Non-Governmental Organization category?

MS. YEAMPIERRE: Charles, do you want to address that, please?

MR. LEE: Well, I don't know if that is the right category, but they are -- in terms of looking at these and looking at the EPA's outreach as well as in terms of the possible grant organizations receiving grants, non-recognized Tribes are included.

And there has been a huge amount of outreach, particularly to the --- Nation in Louisiana.

MS. YEAMPIERRE: Are you done, Jolene?

MS. CATRON: Yes, go ahead.

MS. GARCIA: I just want to say, yes, so the outreach to Tribes includes the recognized Tribes and NGOs, and there are calls that have started about three weeks ago nationwide to explain the response, and I know that Michelle DePass's office and Sadie from the Tribal Office is handling those, and then there has also been -- three or four weeks ago we also started faith-based calls with the White House, Faith-Based Office, to reach out to other stakeholders.

So those are calls that happen every week along with the EJ and environmental calls that are still happening every Friday.

MS. CATRON: Thank you. Thanks for that clarification. The other question that I have -- these specific nine items that we have listed, I am just trying to - I am thinking in my mind we need to organize it so that it goes back to that second paragraph as it stands right now.

And even in that second paragraph, I think we need to organize or categorize these issues as things that maybe the EPA can and probably already -- I am pretty sure already -- is addressing, and other issues that will take more agency coordination kinds of efforts.

What comes across to me is that these nine are just listed in no particular order, and when they are numbered like that, it is inherent that we are putting some kind of priority on them.

MS. V. ROBINSON: I am sorry. They really should be bullets. We normally number our recommendations so they can get a count of how many recommendations. It is not an indication of priority, but I see your point.

MS. YEAMPIERRE: And they are not priority. They came out of the meeting. And they didn't come out in any particular -- there was no sense of which was more important than the other when they were articulated.

MS. CATRON: And I don't know that we as NEJAC need to prioritize them as what is more important, but I think we need to give them some kind of organization.

MS. YEAMPIERRE: And we may think that prioritizing some, and make that recommendation. That is also, I think, acceptable. John, are you --

MS. V. ROBINSON: I was going to go ahead and just to clarify with Jolene. You pointed out two things: that there are things that EPA is already addressing, those that EPA should be addressing, and the third item, those that require interagency collaboration/coordination.

So that is how -- one way you think that we should look at categorizing these, organizing these particular recommendations, as well as taking a look at paragraph two. That is what you said, right?

MS. CATRON: Yeah. Those three, the three that you just listed is what I was saying. Thank you for putting them in a coherent manner, but that really kind of applies to paragraph two.

MS. V. ROBINSON: Paragraph two.

MS. CATRON: Paragraph two. So then the nine recommendations could

reflect that organization in paragraph two.

MS. V. ROBINSON: Got you. Thank you.

MS. YEAMPIERRE: Thank you. That was very useful. Really helpful. We are going to move on and just -- I am sorry, Teri. You did a little sneaky card up.

MS. BLANTON: Mine is very simple. I just really have a problem with calling it a spill. Spill is when I knock my coffee over here on the table, and think it just minimizes the disaster that happened in the gulf. So I don't know if we can reword it to something else --

MS. YEAMPIERRE: Yes, we can.

MS. BLANTON: Disaster, catastrophe.

MS. YEAMPIERRE: What would you like to call it? I am fine with changing the language. Disaster? Everybody good with disaster? That is fine. Is there anything else? Charles.

MR. LEE: One other thing I think would be good in terms of promoting, you know, kind of by example for others is that there was an EJ analysis done on using the EJ mapping tools called EJ view. So that is just -- I think it might be good by way or your saying that as an example for others in situations like this.

MS. YEAMPIERRE: So any other comments? Anybody. Oh, Shankar. Your light is on but your card is not up.

MR. PRASAD: I just want to clarify what Charles said. Are you suggesting we kind of endorse the method that was applied at the EJC to --

MR. LEE: It is not EJC. It is EJ View. It is a geographic assessment tool, which is not a formula in how you do screening, but it is just a -- providing information

around demographics and environmental burdens, and so it was done by way of, you know -- the user just decides how they want to use the information but it was in fact used.

MS. YEAMPIERRE: I know that it has already been said, but I just really want to echo the fact that this disaster, and the fact that -- how blessed we were, and how blessed we are to have people who go there with their hearts and minds, and that are as committed as some of the folks working in EPA like Mathy and Lisa and Mustafa.

And I am sure I am going to leave people out and then later one I am going to be told about it, but you get what I am saying.

We are really, really blessed and really fortunate that we don't have to make the case for them. That they get it, and that all we have to do is really help advance the agenda and push the envelope.

Victoria has about five minutes to talk about some administrative issues, and then after that we are going to move on to some of the issues that you all have brought up.

Administrative Issues

by Victoria Robinson

MS. V. ROBINSON: All right, just really quickly. We have the balance back for the steering committee, but to be fair, there are five members of the council who were not here, who had to leave early, so I will be sending the balance out to them, and I will send an e-mail to everybody. Yes, ma'am?

MS. BRIGGUM: (off mic) ---

MS. V. ROBINSON: Okay. I will make sure I get that out to you. Second

this is travel. Has everybody handled their travel? Have they brought the vouchers to you to sign? They are supposed to be doing that. Before you leave, please come and see Aaron or myself to make sure we have indeed got your vouchers.

The third item was Kimberly had asked the question about whether the NEJAC could provide advice on a subject that the EPA had not solicited advice about. So I conferred with EPA's FACA attorney -- the wonders of technology -- and basically the NEJAC's role is to provide advice to the agency, and the agency needs to solicit the advice.

However, there is always some give and take between the Federal budget committee and the EPA about what that advice is. And she recommends that the council possibly -- would be to send a letter to the EPA stating what they want to provide unsolicited advice about, and why they think it would be valuable to EPA. And then EPA would respond back.

That would be the way to -- first bring that to the attention of the agency and then EPA would respond and say well this is where we feel it might fit in with something or not.

That is best approach they would recommend. There are lots of other issues involved that are internal but that is just the bottom line, the best way to handle it. I know that several people had some recommendations they were looking at dealing with coal ash, I think, both Kimberly and Teri.

If that is something you are interested in, you think the council should talk about, you might want to talk about it during this timeframe about why you think it is important for the NEJAC to provide some advice around that particular topic. And then

we will move from there. Does that make sense? Okay, thank you.

General Discussion

MS. YEAMPIERRE: Which I would actually encourage because I think that while EPA is a the repository of a lot of information, part of the relevance of us serving on this council is that we should be able to flag issues and trends and perspectives that are not reflected in their thinking. So I would encourage that.

So I guess we should get started. Jolene?

MS. CATRON: Along those lines, at the last NEJAC in New Orleans we had to leave early, so we weren't able to present that request for a work group or a request to provide unsolicited advice, I guess is what it actually was, in forming a tribal work group around climate change and climate adaptation.

And I requested copies for all of the NEJAC members while they were here, and I don't know if that got handed out, and Wynecta offered to read it into the record for me, and I don't think she was able to do that either because of time constraints.

So I never heard back from EPA on my request for that, so I just felt like it just kind of disappeared. But I would like some follow up on that, please.

MR. LEE: So let's speak to this because -- I mean, when the question was raised, I thought that we needed to have a full discussion of this because it is not -- I don't think it is a perfunctory yes/no answer.

Ultimately the best way to approach this is that advice, particularly when it comes to work groups, and the establishment of work groups is a decision that EPA has to make, both from the point of view of larger issues, like Cynthia said, in terms of the

many issues that come in front of us and in front of the committee.

And then secondly because those things require commitments of resources, and I think another part of it is in terms of buy in from offices so they have some relationship to really kind of taking these recommendations and implementing them.

So it is a process, I think, of conversation back and forth, and we want to do it in a way that is structured, so as Cynthia said, we want to take your recommendations. So in the -- what does that look like in real time? The thing is that over the past six months especially, lots of issues have come up, and we need to have a structured way to look at them all.

So after this meeting we are going to establish that. So your recommendations as well as others are going to be put into a hopper, and then we are going to look at that. It is not going to be possible for us to deal with this, for you to deal with this, you know, on a deal with it as they come basis. We need to establish something where, you know, there is some priority and focus and time for you to do your work and then move on.

So that does require choices, and as a far as conversation about how we make those choices, and we certainly want your input into those choices. And certainly that conversation is going to lead to us making choices that are most creative, if you will.

That includes as much as, say, like an issue like yours, in something -- I am not saying this is going to happen, but if we were going to do something about climate, then certainly we need to make sure that is part of that. That is as an example.

And I am not saying by way of saying that, that is going to happen because we are looking at a whole bunch of issues. That is what I think the way that this would work out.

We do encourage you to raise these kinds of issues, concerns, new ways of looking -- ways you want to see things, how issues get structured in your minds, but we also need to have some process for kind of going through them, and then establishing goals and work plans and then moving on.

You need to know what that looks like so you can see in what place your recommendations are coming in.

MS. YEAMPIERRE: I just want to add that in addition to a structure, you need to have a response, and there has to be a timeframe within which there is a response to your request, a reasonable timeframe.

If you are presenting an issue that is urgent and that is time sensitive, you should at least know that within a certain amount of time from the time you put that on the table, why it is a priority or whether there were administrative reasons why it didn't happen or whether it was a matter of resources. You should have an understanding of why it wasn't acted on.

So hopefully as we move forward in creating this steering committee, which I am really looking forward to because I think it will be a more thoughtful and inclusive process and more democratic, we will be able to come up with some, provide some guidance that will prevent something like this from happening, where you asked a while back -- you made phone calls, you sent e-mails -- and you didn't get any traction.

Sometimes it is because there is an oil spill or because things happen that

are God forbid -- you know, that are unexpected. But you should know, and you should have a response. So there should be something like that in place.

Any other -- come on, guys, you know you have a lot of things you want to talk about, and this is your time now to raise those issues that you wanted to raise.

Teri.

MS. BLANTON: I thought her comment about the movement of coal and coal ash be included in the goods movement report was very important because, you know, it is an EJ issue that everyone in this nation actually faces.

MS. YEAMPIERRE: What is your request? Is there something that you would like is to do to address that concern that you think we all should be doing as a council, or is it a comment on the fact that they didn't include coal?

MS. BLANTON: I think it definitely needs to be included in the goods movement. I mean, I don't know why it wasn't because we weren't here to bring it up. I don't know.

MR. LEE: The report had a certain charge that came from the Air Office, and I think they did a really outstanding job responding to it. That doesn't mean comment on the issues. And so I think the way to handle your particular point is that we will go back to a different office and make sure they address that issue.

MS. N. ROBINSON: I remember Shankar saying that they included the moving of coal as a good, but not the impact, not looking at necessarily the health impacts of coal and coal ash, but it was included as a good in the goods movement report.

So I think it could get kind of dangerous to start to expect extra study in

the goods movement report on coal and coal ash when there are tons of other things that we could also then start to lump into that report if we want to start looking at the health impacts of the particular good. But I didn't think that was what the report was about. It was about the movement of the good not the good itself.

MR. PRASAD: I just want to add that -- and actually that report is already completed. It has gone through the process, so it is kind of -- if you want to deal with any of these issues, it should be a new topic. It cannot be added on to any of those parts at this point in time.

We don't mention coal ash or anything. It is just as I said, it could be either coal, it could be a car. It was the movement part that was considered in there, not the content.

MS. MILLER-TRAVIS: I don't know about everybody else but -- this has been a really, really great meeting, but I am feeling so overwhelmed by all the information that was given to us and so overwhelmed by the request for engagement in a time-specific time. I like it but I am feeling really overwhelmed by it. And I don't know how we can humanly respond to it if we don't try to come up with some systems to do that.

So Victoria I think that is why I am always badgering you about looking backward to the subcommittee structure because at least there we had a way to detail a particular set of issues and a drill down on it to a given group of people who were then responsible for getting back to the Office of Environmental Justice on the resolution of those issues.

I am just once again, for the umpteenth time, raising the concern. We

need a system to be able to more systemically respond to what is being asked of us. It is not just us sitting around a table, as Elizabeth says. It is the millions of people who can't be here, who are not engaged in this process, who we have to get that information back to them too, right?

Somehow we need a process to do this, and I mentioned when Jim Jones made his presentation that this rule-making issue is really critically important, as is everything else the agency does.

But there are some heavy-duty rules that are moving right now, and I would at least like there to be a mechanism that when those rule makings are announced and the deadlines for comments. That there is some kind of trigger or announcement that goes to the NEJAC that this rule is out for public comment.

Of course it is posted in the Federal Register, but that just is not a document that the average person reads. Even the average NEJAC member I am sure does not make it a habit of reading the Federal Register every day.

So I want to mention that, and then, you know, one of the most important rule makings that is coming up is the coal combustion rule. And the deadline for public comment on that is August 30th.

And for all the conversation we have had about coal and all the communities who are impacted by coal, their voice needs to be heard in that process, but you know, those people who are working on it are trying to get the word out to folks, but we reach another constituency.

So I want to just lift up -- if there can be a relationship and a trigger between when those rule makings are announced and the public comment period is

open, that an announcement goes to the NEJAC members as well to let them know that.

And lastly there is a rule making that the public comment period is closing on Tuesday. I have shared with a lot of you about the incineration and combustion of solid waste. That is really important. There are 100,000 facilities in the country. Many of them are in our communities, and we need to weigh in on that.

Again, I don't know how we are going to manage all of this information, I don't know how we are going to manage all this input but we need a way to do it, so I am offering to help think about it, though I don't have a specific solution at the moment.

MR. LEE: This is just to respond. I think it is important that the NEJAC members know, and Lisa has been really emphasizing this. We need to be doing outreach to all the communities. The NEJAC is not the same as all the communities, and point of fact is that there has been a kind of overdependence on the NEJAC as a kind of check-a-box, reach-out-to-the-communities kind of effort in the EPA.

You know, we need to do this in a broader sense, so that is what we are moving toward. You will see there is a lot more efforts like that, both on the part of OEJ but not really primarily on the part of OEJ, but on the part of a lot of the offices. So I think that is the first thing.

Having something that triggers an announcement as we are making those announcements to NEJAC members is fine. You know, again, you are going to get overwhelmed. And you have got enough work to focus on in terms of the questions that we are putting forward to you. So we will figure out balance there. And I think it is an ongoing discussion that we should be having.

MS. YEAMPIERRE: Margaret?

MS. MAY: Well, this may be the last time I can say I am new person since you said there will be other new people, and I think you have noted I have enjoyed being able to say that. I am looking forward to the group coming to Kansas City in November. Many of you have maybe not been there before, and there were some perceptions that people have about Kansas City that usually are erased once they come, so we look forward to welcoming you.

I have sensed throughout the time I have been here that there may be a tad of tension that exists between those who have worked in the movement a long time, those who may not have been on the NEJAC very long and certainly those of us that are new in trying to become better acquainted, know what our role is.

I would like to suggest that in Kansas City you consider having a facilitator and some time for the group on the first day to work through some of these things. There tends to be organizational dynamics that you have to work with with any group as new people come in and old people are no longer there.

And I think that may be helpful because we do have a pretty heavy lift, and getting some of those things where they are no longer the ghost or the elephant in the room, I think, may be very, very helpful.

Finally I would like to say that the compassion and dedication of NEJAC members is so apparent. And I feel inspired to go back to Kansas City and try to do the best job I can to help inform and receive information from the community so that when I am sitting here I feel I am not representing Margaret but that I am representing the broader community. I appreciate the opportunity. Thank you.

MS. YEAMPIERRE: You are, and you are doing it beautifully. Thank you. Wynecta and Stephanie.

MS. FISHER: I know we are supposed to provide advice, and we have some tasks before us, but I think until we get some documents, some resource documents, so that we are all on one page.

Before I started working for local government, I honestly assumed the EPA was, for lack of a better term, God. They ruled everything, and the States had to listen to the EPA, and in fact, you know, you could use the EPA's rule to override the State's rule. But that's not true.

So I think if we are going to provide advice, and John and I were talking about this a little bit yesterday, we need to exactly what EPA has authority over and what it doesn't. Mathy said yesterday that when it comes to solid waste, the EPA gives that authority to States. That is important to know because every State has their own set of regulations.

And then the other thing, and I have heard this in several of the presentations, some people reference risk assessment, some people reference health assessments, some people reference toxic assessments. Is there a way we can find out which media look at which assessments, because that can also assist us when we are making decisions.

MS. YEAMPIERRE: I just want to respond to that briefly. You know, for this NEJAC we had an orientation. I don't know if we have ever had that before, and if it was ever done, it was so long ago I don't know if anyone remembers.

I thought that it was really helpful, and I think that it should be incorporated

into every NEJAC meeting where we have a time to either have facilitated dialogue as suggested by Margaret or also an opportunity to address issues that we don't know about so that we can be educated as well including the questions you have just raised. How does that sound to you?

MS. FISHER: I think it sounds great, but my concern is if we have to respond -- there is something we have to respond to I think in 60 days.

MS. V. ROBINSON: There is the plan, EJ 2014 in 60 days, and then there is the permitting charge. There is a 60- to 90-day timeframe that we are looking at for some preliminary response.

MS. FISHER: It is the permitting charge that I guess I am concerned about.

MR. LEE: As we speak, the Office of General Council is drawing up that list. We communicated with them, we are ready, and they have made a commitment to do that. And I think sometime pretty soon they will bring that to you.

You know, one needs to be clear that there are a lot of these things which are gray areas, but to the best of their ability they will give that list to you.

MS. FISHER: I appreciate it. That would be fine. Thank you.

MS. YEAMPIERRE: Stephanie?

MS. HALL: Thank you, Elizabeth. Identifying completely with Vernice when she says she feels overwhelmed, I feel the exact same way. Really appreciating what Margaret brought to the floor. I think that is very important. I feel like there is a lot I need to go back and cogitate on, that I need to read and think about and evaluate.

But looking ahead, I would also like to better understand what I should anticipate with forthcoming meetings. The format we had this week entailed a lot of presentations and a lot of involvement with the administration. Is that the same set up for the Kansas City meeting and other meetings or are those meetings more of an engagement just among the council members?

Just kind of, again, trying to understand the process and what we should come prepared to do at that next meeting.

MS. YEAMPIERRE: This has been the set up for as long as I know. I am not happy with the way it is set up, which is why early on I had talked about the fact that 12 ½ hours the first day is just -- I can't even speak. And that we need to figure out how we can do it in a way that makes it possible for us to be fully present and participating in a way that is meaningful.

There are some suggestions that some folks have brought to my attention, so for example, we have been pushing for more interagency interaction. It is absolutely essential that we take this political moment to try to transform the culture of how these agencies work with each other.

But it doesn't always work because we don't have the time to ask the questions that we need to ask, and someone said that there was actually a NEJAC once that the entire meeting was focusing on interagency work, so it was like facilities, it was a theme. That was the theme of the NEJAC, and it sounded so exciting and possible to me.

So these are the kinds of things that we need to hear so that when we meet, we can actually begin to start restructuring how the time is spent and how we

address priorities and the questions that are being raised by EPA, in way that makes it possible for us to be most productive.

It is overwhelming because, you know, our communities are overwhelmed, and that is how it is going to be. But there should be a way of structuring it so we can move more effectively and more strategically, so we are going to be looking at that. So any recommendations that you have will be most welcome.

MR. LEE: I think it is really important for you to hear that we think that there needs to be a lot more discussion and dialogue, and not too many talking heads. There are -- and I think the establishment of a steering committee is going to be really helpful to that so that the agenda setting process is a two-way street.

So that is the first thing. The second thing is that, you know, in terms of this meeting, this meeting is really a watershed. A lot of things came together, and a framework was established and moving forward, and that really is very important because that is going to structure your work, I think.

As an advisory committee to EPA, you know, for environmental justice, you know, without that kind of framework, it is hard for you to understand where you fit in that. So that is, I think, very important. The third thing is you just need to realize that -- and we need to figure out how to best deal with this working with you -- is that a lot of offices and a lot of other agencies want to come to the NEJAC because they see us as a very important body.

And so as you know, we didn't do it this time, but in New Orleans, every single assistant administrator came. And we said no, we need to have -- the NEJAC needs to have time to talk among themselves. But there is that pressure.

But you know, it is a good problem to have. There was a time when we had to beg for them to come.

MR. KELLEY: Well, that was New Orleans. Come on.

MS. HALL: Just a quick point of clarification. My comment was not a complaint in any means. It was more of a way of kind of posing the question of how can I come best prepared for forthcoming meetings?

MS. YEAMPIERRE: And Stephanie, I don't think it was received that way. At least I didn't. I really -- just from a personal point of view, really want to hear what people think because the bottom line is this is not about us. This is about us trying to figure out how we can be most effective and strategic with limited capacity.

So I would encourage you -- you can complain too. It is all good.

MR. MARSH: I have another overload question, and that is about follow up on past reports. Like yesterday after the goods movement discussion, I offered to further engage with the agency to make it clearer what exactly we were talking about in our recommendations and hopefully they will, you know, adapt some of that thinking into their actions in the future.

So it is sort of a little bit tricky because I don't want to appear to be acting on behalf of NEJAC without full disclosure and support and so forth. On the other hand, I think there is an opportunity to actually make our recommendations more solidly embedded into the agencies work.

So I don't know if you have some thoughts about the proper way of doing that kind of follow up or examples from the past.

MR. LEE: The NEJAC exists to provide advice and recommendations to

the EPA Administrator as a body. That doesn't preclude you from doing a lot of other things as individuals or, you know, being creative and raising your voice in the way that you feel is going to be -- is important or necessary.

You know, I don't think that -- I think trying to create as much as communication and understanding of that happening, but there is not a way to actually formalize that, and I don't think you need to worry about that.

MR. TARG: This is my first NEJAC meeting in many ways so I appreciate the opportunity. I have a question about the agency's strategic plan for 2011-2015. The comment period, which ends on July 30th, which is tomorrow, and environmental justice is a cross-cutting element throughout the document. My understanding is there are no objectives or measures of environmental justice that are included in that document.

The document is submitted to OMB, it is submitted to Congress, and it tracks the agency's budget. In large measure it identifies how the agency's mandate and the use of Federal funds is generating results. And it is used in subsequent years as a measure for allocation of Federal funds.

So we have a comment period that ends tomorrow. We have an important document. We have environmental justice, which is a cross-cutting element, and to my understanding and -- Victoria and Charles, I recognize that it is unfair but I am going to do it anyway -- if I am incorrect that environmental justice isn't identified as an objective, or isn't identified as a measure, or there aren't specific measures that are called out in it, please correct me.

But I am wondering if we shouldn't submit at least a summary note that we

believe that environmental justice is a very important issue. That we support its inclusion as a cross-cutting measure. That we are disappointed that we weren't asked as a body to have an opportunity to comment on it, and to the extent that there are not specific metrics for environmental justice included, that we would recommend the agency include metrics in its final draft of that document.

And I am completely open to what the appropriate response would be either from this body or from other individuals who might want to write individually.

MR. LEE: You know, I think that -- Nicholas, you raise a really good point, and you have raised it before in this meeting and you have a lot of understanding as to why that point is really important.

And I think it is important to state for the record that we think it is really important too. And ultimately that, you know, the integration of environmental justice, accountability for environmental justice, rests in the existence of measures for that.

Just backtrack -- let me get to that point in a second. The first thing is in terms of the timing of the comment periods for the strategic plan, it is governed by a schedule that OMB has set. So this is going at a really fast pace, and so I think it is unfortunate generally speaking that we all have to fit that schedule. That is what we are working with.

I don't think that the issue of whether or not there will be measures, you know, within or related to environmental justice, because there is a question in there about what exactly you mean by EJ measure as opposed to, you know, a measure, existing measures, that can be -- or ways to imbed in measures, the identification and quantification of EJ benefits.

But that is a longer discussion. There are -- the way, if you look at the strategic plan there are five, six goals -- and in each of those there are references to environmental justice and then there are five cross-cutting strategies, which overlay against all those, and those are -- those are going to be broken out into an action plan that is yearly.

And within them, commitments will be established. We believe these commitments need to be -- will be negotiated with the national programs who are responsible for those, you know, big area goals like enforcement and air and climate and water and land -- and those need to reflect, as the process moves forward, in terms of actual metrics that account for and show EJ benefits.

My only suggestion to you is if anybody wants to write about this issue and, you know, submit it in for the record, you should definitely do so. But I don't think you necessarily have to do that as a NEJAC but as individuals. I mean, I think that is most practical way of doing it right now.

MR. TARG: I would like to suggest that as a body we would consider submitting a letter identifying in a couple of paragraphs, because we have got a very limited period here -- I think I will be submitting a longer letter under my own name and probably outside of any ABA or other institutional capacity that I may have, but as a citizen.

But as a body of the NEJAC, I believe this is very important, and I believe that this is the sort of the document that this body should have a role in reviewing.

And that it is worth making a note that we didn't. That we would like to, and that individuals would be submitting independently. And if there are other more

substantive elements that should be included, those could be worked out as well.

MS. YEAMPIERRE: Shankar, do you want to respond to Nicholas? Is that why your card is up, or is it another issue? Okay, would you guys mind?

MR. PRASAD: I strongly think that Nicholas brings about a good point, and if we can agree upon two paragraphs and just sign off on that, I think we should do that.

Does the protocol allow that to happen is a question for Charles, for us to submit as a body.

MS. V. ROBINSON: Any Federal advisory committee can submit your comments as a body to the public comment because it is out there for comment. So you can do that. You just have to make those deadlines, and you would have to submit it, address it to the Administrator, is what you would have to do in your letter, and it would be submitted through the public comment chain, but it would also go to the Administrator.

MR. LEE: You have to do it by 1:00 p.m. because you cannot deliberate as a body outside of -- you have to deliberate in the open, so if you want to do it, I would suggest you hurry up and do it.

MS. YEAMPIERRE: Do you have a draft letter that you want us to look at?

MR. : (off mic) I can write pretty fast.

MS. YEAMPIERRE: Well, why don't you write while we talk and then --

MR. LEE: Another thing -- this is related to this -- you know Plan EJ 2014 makes a connection between that plan and the EPA strategic plan. So that is an

opportunity for you as a body also to make more substantive comments. But it is important, if you feel that you can do it, do it as a body right now.

MS. YEAMPIERRE: I also want to say that since this is a time when everyone has an opportunity to bring something to the table, that if you know that there is something that is due at 1:00 p.m. tomorrow, just as we are asking other people to give us a heads up and give us information in advance, to provide it to us in advance so we can deliberate in a way that is meaningful.

This is a little weird to me. I can't help but be candid sometimes. I am trying to be more politic. I am learning -- I am being schooled on being more politic. So I think that we can apply different standards to ourselves that we ask to be applied to other people.

MS. BRIGGUM: This is along the same lines. I know we have mentioned it a number of times. It would really be helpful to have very good discussions at our in-person meetings if we can have the materials ahead of time.

Our ability to even react about how we wanted to approach the EJ in rule-making proceedings would have been informed if we had had the opportunity to read it ahead of time. And receiving it the day before, when we went up to 10:00 p.m. at night, that is just not realistic.

I know the burdens that Elizabeth and John and Charles and Victoria have trying to get those materials to us, because I know you try really hard. But if the record could just reflect -- it is an interesting time, because the NEJAC is an advisory group. We also have an Administration with a number of EJ experts who also don't feel the way --

In the past, people thought, oh, we would have to get NEJAC to even start talking about things so there will be documents that will come out that won't come from us, as well as the commitment to, you know, public transparency, so there was the simultaneously broadcast to apparently the Wall Street Journal as well as to the NEJAC of the document.

But it does make it hard for us, and it puts us in a tough situation too. I got all these e-mails about, well, so what do you think of this document? And I said well, you know, I didn't get a copy. I couldn't read it. I wouldn't be surprised if you had the same thing.

So as part of the new steering committee, if there could be a thought about the way that providing advanced opportunity for reflection might make us more helpful.

MS. YEAMPIERRE: Absolutely, and this has been an ongoing theme throughout the entire NEJAC because we have been asked to speak on issues that have just come before us for the first time, and look at plans we haven't even seen.

MR. LEE: Let me just say that we definitely hear you on that, and there was a lot of things going on in terms of these particular documents. And so, not going to go into all of them but, you know, we definitely hear you on that.

You know, there was a desire to make sure you had enough time to really look at these. At the same time there were other issues. So having said that -- I mean, the rule-making guidance in and of itself was -- we had planned to have it released about a week ago, and these things have to do with contractors and things like that so it got released the day before. Be that as it may, we hear you on this.

MS. CATRON: I had mentioned this in our meeting on Monday but I also wanted to go on public record. I am very interested in discussing with the leadership of NEJAC the Tribal representation and how that is presented at this table.

And the need for more coordination and understanding between the National Tribal Caucus and how they fit into delineating the Tribal Government chair at this table, and so I am really interested in furthering that conversation.

MR. LEE: Well, you know there are at this point three members that are Tribal/indigenous, two of which are Tribal. There is a liaison officially between the NEJAC and the Tribal Operations Committee. And that is Don Aragon. The person is appointed as a result of conversations between OEJ and the Office of American Indian Environmental Office and the Administrator's office.

So the -- you know, it is a very important element of this, and the conversation should go to how do we enhance that?

MS. CATRON: Right, how do we enhance that. I have been on the NEJAC -- I am going on my third year now, and since I have been on the NEJAC, we had one Tribal representation that quit or stepped down, right? And then now Don, and he is not here, and he hasn't been here for a couple meetings.

So I am little concerned about that representation, especially in light of the discussion, the level of discussion that we are having here, that there is no Tribal Government representation at this table.

So that brings to question, will he have the opportunity to provide comment on some of these issues that we have been talking about? Will he get the materials? Will the Alaska Native village representation, Peter Captain, will he get the

materials and have the opportunity to comment on some of these issues that we have talked about?

MS. V. ROBINSON: All members who miss a meeting, they receive all the materials, and yes, Don and Peter particularly as well as Katie, they will have an opportunity to participate in the discussion on these conversations, because these conversations are going to be ongoing.

As we know, we are talking about doing some public conference calls to deal with Plan EJ as well as to deal with the permitting charge as well as some other conversations. So yes, but you do raise a good point about the level of participation at meetings, and when does it become -- do you have the time to be an effective representative of your constituency, of your perspective? We do need to talk about those questions.

MS. YEAMPIERRE: I do want to say something about that because that issue has come up before. I am not certain people are aware of this, but I think that people need to recognize that a lot of the EJ representatives that actually represent the grassroots communities of color live and work in those communities and often have a lot of health problems.

And we are more likely to get ill than other people who serve, and so I would urge that we be accommodating and flexible because if you really want meaningful participation from the grassroots, you have to understand that some of us get sick often.

Some of us have lost loved ones to asthma attacks and all kinds of illnesses that are directly related to the overwhelming number of toxins in our

community, and I see it happening as a pattern. And it doesn't matter or how old or how young, but it is a pattern and it happens often, even with members who serve on the NEJAC.

So we have to figure out ways and be creative, and figure out ways, how we can engage people and support their attempt to exercise leadership on behalf of their communities while they are going through some of the things we are here to talk about.

MS. CATRON: I appreciate that, Elizabeth. I think what I am really concerned about too is just the availability and the -- the availability to network and to provide a more coordinated front. The Tribal side too has not been available to me through efforts I have tried in the past.

So I am really concerned. It is a huge concern, and I can't state strongly enough that this is an issue that the NEJAC needs to support and needs to look at ways in which we can really bring more voice, a Tribal voice to this table. Not just when we meet, but also when we are not meeting, when we have the opportunity to network. Thank you.

MR. PRASAD: Jolene, continuing on the point you are raising, are you concerned that the person or persons who are supposed to be here have not been consistently present, so we should look at an alternate way of ensuring somebody else to be there or in addition to be there? Or is it something else?

I mean, maybe I am too blunt but that is the question. If you are saying they are not being here for three meetings now, the question they may be so busy, should we looking at an alternate, or in addition to add another person from that same

background --

I mean, it can happen to any of us, so I am not trying to be sort of like last time I missed the meeting -- I have not missed any, but if I had missed this meeting, the council can recommend that Shankar be removed. That is there in the bylaws.

So if it is something like that, I think we should be open enough to accept that, and also if we cannot fulfill our duties, I think we should be ready to step down as well.

MS. CATRON: I think that is an important clarification. I think that -- he is not here, he hasn't participated. But it is not just that. It is how we go about designating that chair. Does it need to come from the National Tribal Caucus?

And if it does, do they appreciate the importance of this Tribal Government voice on the NEJAC? Has there been enough interaction between the NEJAC leadership and the NTC to designate the right person? And so I think I we need to be asking those questions and looking at that.

MR. LEE: I hear you about the issue of people who do not show up for meetings and, you know, what the strict letter of the bylaws are as well as the actual, practical circumstances that take place in terms of illness or other kinds of circumstances that need to be taken into consideration.

And I think we need to work them through. I don't know if we want to go to the point of saying that we then remove because then we have to go through a whole process of identifying someone and, you know, that is a whole -- there is a whole nomination process that goes on in terms of the membership and that might actually do you more -- that might be more detrimental than really trying to work with the individual.

So that is the first one.

On the liaison between the NEJAC and the NTOC is supposed to be providing, you know, communications and updates around the activities of each other and promoting the importance of the other committee and the work the other committee is doing.

And so I think what we should do is -- the action item is go and try to make sure that is happening and to encourage that to the greatest extent.

MS. CATRON: I would just like to add that as far as I know, and just from my experience, those NTOC meetings are closed to the public, so there is really no way to ensure -- I mean, I would go, but I am not, you know, part of that committee.

And I have tried to invite myself but that didn't work either.

MR. LEE: And the clarification on that for everyone is the NTOC is not a Federal advisory committee. It is a Government operations committee that deals with -- is on the level of Government to Government, you know, consultation, so it is a different type of body than the NEJAC.

MR. KELLEY: I just want to interject something here. Chuck --- just brought up a good point. A proxy could be appointed --

MS. V. ROBINSON: I will address that. It is something that -- it has been raised before and there has been a clarification. Proxies for members of Federal advisory committees are not allowed for one main reason. You are all appointed by the Administrator. Your proxy is not.

You are here to represent a perspective. The proxy has not been approved or reviewed, and that is the reason why they do not allow the use of proxies.

When they started getting a whole slew of them at lots of Federal advisory committee meetings, they realized it was a problem because these proxies were voting and providing advice that -- and they were not appointed members.

So they came down with the ruling, if you will, that proxies are not allowed.

MR. KELLEY: The bylaws need to be amended then.

MS. V. ROBINSON: Yes, that is what we recognize. But that is something that -- you do raise a good point, and I know, Jolene, that Charles and I will be talking more about -- because you raised two different issues, and we will talk more about that.

MS. YEAMPIERRE: You know, it is a good point, but it is a point that is out of order. And I am going to ask that you wait until I call on you. The only times that I have ever been interrupted and not given an opportunity to call people in order, I have never had a woman do it to me, and I just want to be real clear about that and how I feel about it.

I have had about three gentlemen do that, and I am going to ask you not to do that. I have five brothers, I grew up with a lot of men, and I am not going to be handled or managed. So if it is not your turn, please wait, and I will call on you.

Wynecta.

MS. FISHER: This is just a quick question. A lot of the comments that we heard from the EPA and what we have been saying around the room, a lot of the EJ issues, both legacy and the ones that are going to come before us, are local land-use issues. So I am wondering if there is a way -- and I don't know what category they would fall under -- that the NEJAC could have a standing member from the American

Planning Association, because they are the people who are writing our zoning laws. Their memberships are writing our zoning laws.

And also somebody from the USGBC council because there are a lot of unintended consequences from LEED certifications, and cities are blindly adopting LEED. So if we could somehow get those two people at the table, that would be great.

MS. YEAMPIERRE: Could I just say that APA and some of those organizations are some of the most problematic people in dealing with. They are really top down. They are very homogenous in terms of their make up. They have very few people of color in leadership, and they don't include community-based planning in their thinking.

I think it would water down the environmental justice perspective, but there may be places, perhaps in working groups, where they might be welcomed. That is just my view. Charles?

MR. LEE: I think the point you are raising, Wynecta, is a really good one, and we felt strongly about that. Patty Salkin is here precisely for that reason, and other people that have that -- and Patty has deep ties with the American Bar Association, the local government land-use section, and well as the American Planning Association.

She is also the person that helped develop the training for land use for local government that came out of the National Academy of Public Administrators Report on the issues. And I think others who bring that perspective, many from their own experiences, you know, should bring them forward.

MS. PESTANA: I just wanted to support Jolene's concern with respect to the representations of the Tribe. I mean, I hear her loud and well, and they have been

historically unrepresented.

I didn't know if it was possible, but I was wondering if there was -- if we might not nominate another Tribe, since it appears that some of the members might have some health issues, and it might be insensitive to remove them, if we might be able to add an additional Tribal member at this point. We are not full. Is NEJAC full?

MS. V. ROBINSON: The NEJAC, according to its charter, can have up to 27 members. We are currently at 25, and we have -- the process to add more individuals is -- can we support 26, 27 people for travel and all the related stuff. That is the first question.

Then it becomes the process. To nominate and go through the appointment process is a minimum of six months to actually go through that. So if we are to consider that, now is the time, at this point we now need to consider whether as an agency, how we want to deal with those other two slots if we want to do them, because we are limited to 27.

We have to be very strategic about how we use those last two slots, when and where we do use them. But that is a question that I will certainly discuss with Charles about whether we need to expand the participation of Tribal Governments and indigenous organizations from three to four. But we have to make a decision on that.

MS. PESTANA: I also have another question. Often times on other boards and commissions there is a limit to how many meetings you can miss, and there is an understanding when you start that -- when you are in that process, if you miss three meetings, you give up your term. You give up your nomination.

I didn't know if NEJAC had those limits, but it might be good to --

MS. V. ROBINSON: In the bylaws there have always been an understanding that there was a certain number of meetings, but it has never been enforced because part of the problem is when we do enforce it, it still takes six months to a year to bring in somebody to replace the person. So we kind of play it by ear.

MS. PESTANA: But you can start the motion to nominate while you are also terminating that individual, correct?

MS. V. ROBINSON: Right. But to do it out of cycle, to do it for one person, it becomes a cumbersome process within the agency, but we can talk about that in a separate call.

MR. LEE: On a yearly basis, everyone here is essentially -- typically a person who is appointed for a three-year term, every year, sometime in the fall, we start the process of renominating a new class. A third will go off. That is the time when we do that kind of consideration.

To do it, like Victoria said, to do it out of cycle is not going to -- is going to end up being in the same cycle essentially. But I think the point you are making, and that is what I was saying before, we should be practical about it -- is to, if it is a real problem, we will do the nomination of another person.

But in the meantime we try to work with the person and make sure they are really as productive as possible.

MS. YEAMPIERRE: Nia?

MS. N. ROBINSON: I am interested to know what the process is for starting a working group, and in starting one, how you pull in people outside that aren't NEJAC members.

I think -- well, I know, that sitting here, the young people asked for something very specific, concrete and institutional from the NEJAC.

And I feel like they got -- and they also, per text messages and conversations with me, feel like what they got was just a lot of petting and oh, they are so cute, and here is what you should do with your life, but no real conversation and commitment from the NEJAC about how to institutionalize the needs and ideas of young people in this body.

So I am interested in starting or figuring out how to start -- and seeing what kind of support from fellow NEJAC members there is around a youth and student working group inside of the NEJAC.

MS. YEAMPIERRE: I was just going to say that working groups are usually created around a charge or an issue, and that when I think about the integration of young people, I think of them being integrated into the work, not a work group of young people -- I think what was not clear was what the purpose of the work group was, and I think that is probably in part why there was no response. Charles?

MR. LEE: I think if you want to pursue this, you should do what Elizabeth suggested. Like we said, we are going to take all these recommendations and look at them as a whole, and then try to make the best decisions based on a lot of larger, overarching questions as well as your recommendations.

MS. N. ROBINSON: Well, I think what would also be good then is if the working group is usually done for specific types of things, or there are other ideas, I think other than silence, the idea then is to tell them what we can do, and not just to not offer a response.

MS. SALKIN: I just want to pick up on Wynecta's comments where I hope you were going, and that is I would like the steering committee to consider what is it that NEJAC can appropriately do to communicate with EPA to try to get more attention to the land-use issue.

So whether it is a letter to the Administrator, whether it is ultimately I would like to see some sort of report come out of this in the end, because I think there are lots of opportunities within EPA, and EPA taking the lead with other Federal agencies.

I am just not sure of the process on how we get EPA to give us a charge to do that, with the unsolicited idea as Victoria started in the beginning, but I think it is worth considering.

MR. V. ROBINSON: First of all, does anybody else have any other comments, questions -- John does, of course.

(Laughter)

MS. V. ROBINSON: Vernice and Nicholas are busy finishing up, I think, the letter and they may -- Joy, you are going to go check to see? Yes. They are likely upstairs getting it printed out, so hopefully in a few minutes -- so we can entertain a few more comments, people can stand up and stretch for a second if we don't have anymore.

MR. RIDGWAY: Thank you. I would like to add emphasis to what Margaret added. This is a logistical comment, not about issues. But in future meetings to have an initial half day, I would suggest, if not a whole day, like we did at this meeting, where we can get into some business matters. We are not addressing specific issues in the context of bringing in presentations, but rather to --

I think the idea of facilitating how this group can work would be most welcome. And second to move this session, which always happens at the end when we are burned out and people are leaving early, to earlier into the agenda.

And the Steering Committee certainly has, I hope, some influence on future agendas that we have not seen in the past. We have not had a steering committee in the past, so we are looking for a new opportunity there. Thank you.

MS. YEAMPIERRE: We are really looking at a way of doing things differently with all respect to everything that has happened before us because our work is built on that foundation. But we are looking at, you know, we are looking at a way of doing things differently and more efficiently. Are you guys ready?

MS. MILLER-TRAVIS: Yes.

MS. YEAMPIERRE: Okay. That is what is up. You have got copies for all of us?

MS. MILLER-TRAVIS: It is going to go up on the screen.

Review of Letter on EPA's Draft Strategic Plan

MS. MILLER-TRAVIS: -- administering our disappointment in the omission of specifically articulated measures of environmental justice in the EPA's draft strategic plan for FY 2011 through 2015.

We are disappointed not to have had the opportunity to review the draft strategic plan at a more substantive level. We note that other of your priorities such as climate change include specific goals and measures in the draft strategic plan.

We are disheartened that no such measures are included for your environmental justice priorities.

In Administrator Johnson's memorandum reaffirming EPA's commitment dated November 4th, 2005, the then-Administrator stated EPA will (1) establish an appropriate, measurable environmental justice commitment such as strategic targets for 8 environmental priorities and other areas of focus to identify the means and strategies to achieve the commitments and measures and measure outcomes to help ensure that agency resources reach disproportionately burdened communities, including minority and/or low-income communities.

Failure to include environmental justice measures in the forthcoming strategic plan would mark a step backward for the agency. We would be very pleased to have the opportunity to provide specific advice and recommendations on this critical set of issues before the strategic plan's finalization.

Most sincerely, the National Environmental Justice Advisory Council.

MS. YEAMPIERRE: Let me just give my first reaction to this. I think my problem is with the tone, starting out with "We are disappointed." The Administrator has worked diligently to integrate environmental justice into all decision making and to coordinate --

MS. MILLER-TRAVIS: --- (away from mic)

MS. YEAMPIERRE: Let me finish, okay? And to bring in interagencies, and we have to -- I think that the fair thing to do, and I am the first one to take something to the mat when it has to, but I think the first thing to do is to acknowledge the intent behind this effort, which was they were trying to do the right thing.

MS. MILLER-TRAVIS: --- (away from mic)

MS. YEAMPIERRE: Let me just have my say a second, Vernice. And to

basically change that tone and then lay out what our concerns are and what we think would have been a better process, like consulting with us in advance or consulting with environmental justice leadership in advance. But I think it needs to be put in context.

MS. MILLER-TRAVIS: We concur, but we didn't have time to write those paragraphs --

MS. YEAMPIERRE: I understand that, but do you want feedback?

MS. MILLER-TRAVIS: Yes.

MS. YEAMPIERRE: All right.

MS. MILLER-TRAVIS: We agree with you 100 percent. We do not disagree at all. We just didn't have time to write that additional paragraph.

MS. YEAMPIERRE: I understand. We all know that we are getting this at 1:00 p.m. Anyone else? Sue?

MS. BRIGGUM: I want to reiterate what you said, because this is something I couldn't support the way it is now. I think we need to mention -- we need to start by saying, "We appreciate the priority and emphasis the Administrator and the agency has placed upon environmental justice, and we see this in their interactions with NEJAC as well as the way they implement all of their program.

"On this specific document, we would have appreciated ..."

And I would really like to do that rather than the "We are disappointed" just because things can be so easily misconstrued by others whose hearts are not in the environmental justice space.

And I would hate to have something that looks like the council is -- you know whatever I mean, really pissed off at EPA.

MS. YEAMPIERRE: Let me ask this. The letter is due tomorrow at 1:00 p.m.?

MR. TARG: I believe it due close of business 5:00 p.m., but yes.

MS. YEAMPIERRE: Tomorrow.

MR. TARG: Yes.

MS. YEAMPIERRE: So if it is possible -- if we can have consensus on the spirit of the letter, maybe a draft can be e-mailed, and if you hear from us -- what, we need like 13 of us? Can we do that? It will just have to be here.

MS. V. ROBINSON: If we get 13 people to respond yea or nay on it, that will be fine.

MS. MILLER-TRAVIS: Can I just ask though, we would have done that if Charles hadn't said that you have to do it during the course of the body -- while the meeting is happening. We would have done that -- we would prefer to do that and give you a more detailed and comprehensive letter, but Charles said we had to have it before the meeting adjourned today. We can't do NEJAC business outside of the NEJAC --

MS. YEAMPIERRE: Maybe we should have gotten the letter before so we could have discussed this when we started.

MR. TARG: If I may make a suggestion, please? If I can ask that we approve the letter with a modification of tone, with a subcommittee making that modification that would include Vernice, Elizabeth and Sue, and perhaps an additional individual to make the appropriate modifications to the letter.

But I believe we need to actually have a resolution done here, and if we

want to have our comments included and registered --

MS. YEAMPIERRE: Nick, I have to leave. You missed a comment I made earlier. I think you should talk to Hilton and John about it before you leave. I would be very comfortable if Sue has the time to go over it. I have to go.

Any other --

MS. MILLER-TRAVIS: Can I just ask -- are we within the --

MS. YEAMPIERRE: I am sorry. Before you go, Margaret?

MS. MAY: My question is regarding paragraph two and the reference to the previous Administrator. I think if I got a letter and it was referencing something to the previous Administrator, that would be a big turnoff.

MS. YEAMPIERRE: Vernice?

MS. MILLER-TRAVIS: Well, the purpose of that is just to show that is the language from the strategic plan, from the previous strategic plan, and we were just trying to demonstrate that at least there was language in the previous strategic plan.

If we could at least parrot that in this strategic plan, that would at least give the agency the framework to go forward. I don't disagree with anything that anybody has said. We were just trying to get something on paper in the timeframe that Charles said we had to do it. So I want to know from Charles, what Elizabeth and Nick just negotiated, is that acceptable within the NEJAC bylaws and guidelines?

MR. LEE: Yes, I mean, I think what you could do -- Nicholas said it. The only thing I would add to it is you have to take an action. You know, you have to take an action here that basically says that, you know, we endorse or we agree that in terms of the spirit and content of the letter, and then somebody could finish it.

MS. MAY: Well, are there 13 people remaining that would be willing to spend a few more times so that we can just get this out of the way? Sue suggested some language. You have got the computer over there. Do it. I don't see why we need to make this something that has to go on and on.

But I definitely could not support something that is referencing the previous Administrator. If you want the language that was in the previous plan, just say in the previous plan this was stated. We would like to see that again.

MS. YEAMPIERRE: I agree. The language is provocative. I think that if people are willing to stay to like about a quarter to 2? Or is everyone available to stay to 1:45 p.m.? How many people have to leave?

(Show of hands)

MS. V. ROBINSON: We won't have a quorum. What needs occur before everybody leaves is that, as Charles said, the action needs to be taken. The deliberation, which must occur in a public environment. Your action could be, as Nicholas suggested, do we want to make -- do we accept the letter as amended or modified with the people who have been identified to make those modifications.

You can make that vote, and then that letter can go out and -- but you can still cast the final vote first thing in the morning. That is not a deliberation. The voting you can just say yea or nay and that can be gone, sent out.

Literally we are going to have a five-hour turnaround in order to make the deadline if that is what you want. But the best thing, I would think, would be to go ahead and have the modification, and accept the people who are going to make the modifications are going to make it the way you want it.

MS. MILLER-TRAVIS: But we are consistent with our bylaws if we do that?

MS. V. ROBINSON: No, that is not bylaws. That is FACA. That is a FACA requirement about deliberations.

MS. YEAMPIERRE: How does everyone feel about that? Everybody cool with that? Sounds fair. Chuck?

MR. BARLOW: It just gives me the willies to approve something I haven't seen.

MS. MILLER-TRAVIS: --- (away from mic)

MS. YEAMPIERRE: Vernice, can you just please let him talk and let him get his thought out? Go ahead, Chuck.

MR. BARLOW: So we are going to have a draft here, it sounds like, and then we are going to be able to read it tonight or first thing in the morning and vote in the morning by e-mail or -- I just got lost.

MS. V. ROBINSON: What would happen is as soon as I get the letter, we will e-mail it out to everybody and ask that you submit your vote, yea or nay. Okay? And then whatever -- and as long as we get the minimum 13 responses, then we can go ahead and take that, whether it is mostly 50 percent plus one, which is the normal. I think that is -- not, it is a consensus. Everybody has to agree on it.

MS. YEAMPIERRE: Does everyone understand? Everyone follow what Victoria just said? Stephanie.

MS. HALL: Just a quick question. When that letter comes out for the vote, will you be asking at that time simply for a vote and not comments or changes or

anything else to the letter?

It will just be a vote on the content as it stands at that time?

MS. V. ROBINSON: I think given the time, we probably don't have time for comments, so.

MR. PRASAD: Chuck, is your concern because of not seeing the letter? Or in the modifications, the tone? Or is it the whole content of that letter?

MR. BARLOW: It is just the lawyer in me, not being willing to say I approve and want my name on the letterhead or on the side of a letter that I haven't read.

But if we get to read it and just say yea or nay in the morning, then I am okay.

MR. PRASAD: But you are not opposed to sending the letter off the content part of it?

MR. BARLOW: No.

MR. PRASAD: You don't have a concern in terms of this issue being raised to the Administrator?

MR. BARLOW: No, I do not.

MR. PRASAD: Thanks.

MS. YEAMPIERRE: Anyone else? Oh, Lang. I didn't see you.

MOTION

MR. MARSH: Just to move things along, I think I would like to either offer maybe with Nick's amendments a simple motion. Is that in order --

MS. YEAMPIERRE: Yes.

MR. MARSH: -- to approve the substance of the letter at this time with the understanding that the tone and some of the references will be amended so as to remove anything that might be considered bad, offensive.

MS. V. ROBINSON: Wynecta, can you give us like two more minutes, and Nia, so we can do this one little motion? Thanks.

MS. YEAMPIERRE: Lang, do you want to make the motion?

MR. MARSH: Well, I will make that motion subject to, you know --- to make it clear, yes.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: I second.

MS. HALL: I am sorry, I am a little unclear on exactly the motion. Can you restate?

MS. YEAMPIERRE: Lang, can you restate, please?

MR. MARSH: The motion is to approve the substance of the letter to the Administrator registering our wish that we could have had an opportunity to articulate some -- help me Nick. I can't read what your main point is up there.

But the letter would include that the strategic plan would include some specific measures relating to environmental justice. And the rest of the motion is simply that the draft that we have seen will be amended to remove any references that might be misunderstood.

MS. YEAMPIERRE: Anybody want to comment on that? Want to second that?

MS. MILLER-TRAVIS: Second the motion.

MS. YEAMPIERRE: Discussion?

(No response)

MS. YEAMPIERRE: No? All in favor?

(Show of hands)

MS. YEAMPIERRE: Any opposed?

(No response)

MS. YEAMPIERRE: Abstain?

(No response)

MS. YEAMPIERRE: Okay, there we go. All right, thank you. I think I am overtired. I just want to -- before we adjourn I just want to say a few things. You know, this was the first face-to-face -- this is my first time chairing the NEJAC, and the first face-to-face hearing meeting. I did it on the call recently. It is a position I take extremely seriously and I am humbled and honored to have the opportunity to be in this position.

It is my hope that if I am serving, and the only reason I agreed to do it is because I hope I bring a perspective where we can have involvement that really sort of reflects our core values in environmental justice.

I have shared that, and so I feel like I have been supported in pushing for the steering committee, pushing for making this body more intergenerational, pushing for more interagency interaction. Those are things that are extremely important to me, and so I am really happy that I have been supported in that.

I welcome any guidance, any advice, any e-mails that you want to provide so I can be more effective. If you have any ideas, I take my leadership from you. That

is the way we do it in our community.

The work that we do, for those of us that run grassroots organizations, you know, we work as volunteers, so when you come here, you are leaving your families, your children, your agendas, the work, urgent issues in your communities so you can be fully present here. So you don't have one foot here and one foot someplace else.

And so I just really want to thank you for being fully present. I want to thank Charles, I want to thank Victoria, John. John, Victoria and I meet every week for about an hour and a half before this meeting. It is not always easy to do.

Sometimes we have a protest -- well, I have a protest -- organized like within hours, and I have got to get on the call, be present, and then run to my protest. There are always a lot of things we are handling. So it is really hard, but we are trying to do the best that we can and this is a process, always a learning process. Always open to hear about how it can be done better.

It is really not about our egos, it is not about how we feel about things. It is about how we use ourselves as vessels to facilitate a community vision and address issues that have been plaguing our communities for so many years.

So I really want to thank all of you. I specifically want to thank those of you who have been really supportive and very patient with me, and I hope that I have, you know, I have handled this in a way that has been positive and constructive. I do lose my temper sometimes because there are just some things I have no rhythm for.

But I want to thank all of you and wish you peace and blessings in your travels. And I look forward to seeing you in Kansas. So this meeting is adjourned.

I am sorry. Hilton?

MR. KELLEY: I just wanted to say, Elizabeth, that I think you are doing a great job, even though it is the first time you have chaired. But I think that implying someone is rude because they are male or female -- I think you should really steer away from that. I am a very opinionated person, and I always have been. I think that is one of the traits that helped to get me to the table.

But yet because a person is male or female, doesn't necessarily mean that they are rude or vulgar or stepping on toes most of the times. I think it just happens. But what I was trying to do was weigh in on the conversation because I kind of felt that what I had to say could possibly help to clear the matter up.

Ordinarily I just don't blurt out, but that was the only thing I was trying to do. Not to be rude but to weigh in on the conversation to move the process.

MS. YEAMPIERRE: You know, it is funny. I actually thought you were going to set the standard for the other males who interrupted me and apologize. And it has happened, it has happened by two others, so I didn't -- so it was becoming for me a pattern. And I try to be self-aware, and autocorrect when people tell me I have a tendency to --

So it wasn't the first time, and you weren't the only one, it just happened that at that moment I felt like I needed to say something so that others don't think that because I am a woman, that it is okay to do that, because really all of the other organizers in our community are women, and a lot of the people doing it in our community -- I am talking about New York City -- the organizers that are doing environmental justice work, we are doing important work, and I have watched how male leadership is treated and what happens often is that men defer to men, and women

defer to men.

Just like we suffer from internalized racism, women sometimes internalize their own isms as well. And so it adds another layer of challenge for me to see that happening. So at the point that you did it, I said that, but you were not the first. And so I have to respond to that.

MR. KELLEY: Thank you for the opportunity to respond back to that. Even in our community, most of the women -- most of the people in the struggle are female -- and I just don't think it is a gender issue. I just think it is a passion issue.

But I think that is something that you might want to work on and consider that. Most of the time, a person is not trying to overrun another person because they are male or female. I mean, most of the women in our fight in southeast Texas -- most of the people are female.

MS. YEAMPIERRE: Margaret.

MS. MAY: Being the grandma in the room -- actually I am a great-grandma, I would strongly suggest that we go along with your adjourning the meeting. I think some of these conversations need to be held separately outside of the group, and then I am hoping that these are some of the kinds of issues that when we have our facilitated discussion in Kansas City, that we can work through.

Again, I accept the fact that I am probably the oldest one in the room. Very important thing I think we all need to do when we come to these meetings is leave our egos at the door and let's get on with the business. Everybody has unique feelings about this or that, and we represent different perspectives, and I think we are going to somehow have to figure out how we can work with that.

If I just may say -- let's go home happy.

MS. YEAMPIERRE: Thank you, and the meeting was adjourned. So this is really, as far as I am concerned, all off the record because the meeting was adjourned.

MR. TARG: I would like to point out that Sue, I believe, has done -- I can't actually read that font -- I believe Sue, from my perspective, has done an excellent job in modifying the tone to more accurately reflect at least my beliefs and my attitudes. She has served as a lodestone of good judgment in the past, and I would recommend that we very quickly take the opportunity to have the language read right now. And if there are additional thoughts on it, that those be addressed.

(Off-record discussion regarding letter)

(Whereupon, the meeting adjourned at 1:22 p.m.)