

**EPA**

**Moderator: Victoria Robinson  
November 20, 2007  
1:00 pm CT**

Operator: Good afternoon. My name is (Kalea) and I will be your conference operator today. At this time, I would like to welcome everyone to the NEJAC Public Teleconference conference call.

All lines have been placed on mute to prevent any background noise. After the speakers remarks there will be a question and answer session. If you would like to ask a question during this time, simply press star then the number one on your telephone keypad. If you would like to withdraw your question press number 2 on your telephone keypad.

Thank you. Ms. Robinson, you may begin your conference.

Victoria Robinson: Welcome everybody. This is Victoria Robinson, I'm the National Program Manager for the NEJAC. I'm going to do a quick roll call before we turn it over to Charles Lee our DFO, the Designated Federal Officer.

I'm going to do a roll call by name, (Chris Holmes), Chuck Barlow.

Chuck Barlow: Here.

Victoria Robinson: (Donele Wilkins), (Elizabeth Yeampierre), (Greg Melanson), (John Ridgway).

(John Ridgway): Here.

Victoria Robinson: John Rosenthal.

John Rosenthal: Here.

Victoria Robinson: Joyce King.

Joyce King: Here.

Victoria Robinson: (Katie Brown), Lane Marsh.

Lane Marsh: Here.

Victoria Robinson: Omega Wilson.

Omega Wilson: Here.

Victoria Robinson: Patty Salkin.

Patty Salkin: Here.

Victoria Robinson: Paul Mohai.

Paul Mohai: Here.

Victoria Robinson: Shankar Prasad.

Shankar Prasad: Here.

Victoria Robinson: Sue Briggum.

Sue Briggum: Here.

Victoria Robinson: Bill Harper. Okay and is (Veronica Edie) on the call? Operator did (Veronica Edie) call in?

Operator: Give me just one moment, I'm looking.

Victoria Robinson: Okay, thank you. Charles, we do have a quorum so we can go ahead and start the call.

Charles Lee: Okay. Do we need to wait for (Veronica)?

Victoria Robinson: We may, no I think we need to go ahead and get going.

Charles Lee: Okay. Hello everyone. This is Charles Lee and I'm the Acting Director for the Office of Environmental Justice and the Designated Federal Officer for the NEJAC and I really appreciate everyone taking their time out to participate in this teleconference and I would have introduced and turned the meeting over to (Richard Moore) who is, as you know, the Chair of the NEJAC, but he was not able to for emergency reasons he wasn't able to make it and so he's identified Sue Briggum to serve as a proxy Chair in his place and Sue has graciously agreed. So Sue I will turn it over to you.

Sue Briggum: Thanks Charles. I appreciate that and I'll ask for your indulgence, I've had this terrible respiratory virus that's going around so, if my voice gives out, forgive me and if I cough I apologize in advance.

Today I think the first on the agenda is to talk about the draft letters that we had discussed in terms of the general content at our meeting in Baltimore and we sent out a small work group to develop a draft, which you have in your hands. There are two parts, first part is a letter to (Grant Natayama) basically saying that we would like to convene a work group that we think that is very important for (Aweeka) to receive our advice from counsel with regard to the new EJ tool EJ seats. We indicate the kinds of things we'd like to comment, you know, the need to clearly articulate the intended use of the tool, the considerations that we think EPA should think about with regard to how the tool would be well used and how it shouldn't be used, how they can make sure that it's not used in a way that would not be helpful.

Our recommendations in terms of the kinds of expertise that they'll want to tap into as we create the work group we commit to develop to evaluate this tool and we'll also look at all of

the details of the tool itself. We specify in particular that we're aware of the fact that tribal issues are very difficult to cover under this kind of tool and so there'll have to be special efforts to assure that environmental justice evaluative tools are appropriate when you deal with tribal lands and finally to make sure that this tool isn't used as something that might delay appropriate action to assure environmental justice but is instead consistent with NEJAC's bias for action.

Then we attached a list of just our very initial thoughts that we jotted down as individual members gave their first evaluations we realized that this is very tentative because we just had an initial overview without a lot of details and we don't by any way suggest that this is the extent of our analysis, but thought we'd give a flavor of the kinds of observations that we think we'll probably be pursuing as the work group develops.

And so at this point, I think the letters under discussion correct Charles? And we need to move it forward in order to request that the work group be convened.

Charles Lee: I think to what the action that you're (unintelligible) is to take action on the letter itself.

Sue Briggum: Right.

Charles Lee: And I guess, I mean what I would suggest to you is to see if there's any discussion and then someone should move, you know, to take action on it and then you can take a vote.

Sue Briggum: Okay. Thank you for clarifying, I'm so great on the Robert's rules of order. Okay, the discussion first.

Charles Lee: That's what we're here for.

Chuck Barlow: Sue this is Chuck Barlow, I have one point I'd like to discuss if that's all right.

Sue Briggum: Of course.

- Chuck Barlow: On the second page the last, our last bullet point states – use of the tool in a manner consistent with NEJAC’s strong support for “bias for action.” I’m not sure what that means. I think I know what it means, but I’m not sure and I’m not sure why we’ve got bias for action in quotes because it almost makes it sound like we are taking that from another charter type of document.
- Sue Briggum: We are.
- Chuck Barlow: Okay.
- Sue Briggum: You have correctly flagged that and perhaps we need, thank you for suggesting that, perhaps we need a citation in the footnote to the cumulative risk, cumulative impact NEJAC report which was done about two years ago in which we discussed in considerable detail our understanding of the need for bias for action and how that would be employed and it is an official NEJAC report, so you’re right, we should give the source for the quotation.
- Chuck Barlow: Okay, that was before my time so I apologize for not knowing that ahead of time, but that helps me just because I wondered what we were referring to. My understanding or my thought would be that what we’re really trying to say is that bias for precautionary action. In other words that, when there is a situation where the regulatory entity is not sure whether or not action needs to be taken that at least further investigation should be conducted and that’s what, that’s the type of bias for action that we’re talking about, my concern is that a member of industry could look at this and say well, you know, that sounds to me like what we’re saying is that you’re guilty until you’re proven innocent. Now if we have explained this term and discussed it in another document and then we just refer to that document, then I think we take that concern away.
- Sue Briggum: I think we’ve addressed that very topic at some length in the cumulative risk report, so Victoria, you have that document, could you do a footnote and insert that?
- Victoria Robinson: Oh yea, most definitely, I’ve already put that correction on the document as well.
- Sue Briggum: Terrific, I think that takes care of it.

Chuck Barlow: Thank you.

Sue Briggum: Thank you.

Omega Wilson: This is Omega I have one comment. It relates to the last bullet on the first page of the letter. It's just clarification, where you say at the very end of that last bullet it says potential interaction among factors used. I'm not sure exactly what that is saying or referring to.

Sue Briggum: Yea, that refers to the methodology itself and if my phrasing is imprecise in terms of the way a researcher would phrase it, I'm happy for any improvements. Basically it has a number of factors, but it's not just additive, you don't say, okay there's six factors so you add them up and divide by six. There's awaiting, which means that that will affect your final judgment based on not just the factors but the way they combined and their relative importance in terms of numerical scale. So that's what we were getting it.

Omega Wilson: Okay. Maybe in part it was complicated in my head and just looking at we're using various factors and at the end of the sentence again, we're saying factors again, maybe some other synonym that may, you know, expand the meaning may make it a little bit clearer, that's what I'm saying.

Sue Briggum: Maybe if we put elements instead of factors, would that be better?

Omega Wilson: Yea maybe so. Somebody else may have some comments about that, but that was just something that caught my eye.

Victoria Robinson: Which factor do you want to possibly consider changing to element, the first factor or the second one?

Sue Briggum: How about the second.

Victoria Robinson: Okay.

Paul Mohai: This is Paul. I'm I guess I'm looking at it as a researcher, I do in my, when I read that sentence I do think that word factors is referring to the same thing in both cases, so for me if you changed one word and used a different term in the second case, it would have implied a meaning, we're talking about two different things when I think in fact we are talking about the same thing, and I'm not exactly sure what the best word is here to use, but my understanding is when we're talking about the different factors we're talking about the pollution data, we're talking about the population data, we're talking about the health data, there were something like 18 different data sets as I recall from the EPA presentation and when I saw the word or read the word factor I thought it was referring to those 18 different types of data.

Woman: Yea.

Paul Mohai: So maybe we could tweak the wording here a little bit but I do think that we're talking about the same thing when we use the word factors, I mean in both cases, so I guess I'd be a little concerned about using different terms for the same thing in the same sentence.

Sue Briggum: Would it work if instead to capture Omega's points, but I hear you Paul and you're the expert on this. But how about we said potential interaction among these factors and then that would clearly be referring back to the factors that occur in the beginning of the sentence...

Paul Mohai: I think that would work for me.

Sue Briggum: Okay, and then we delete you, so it's just among these factors.

Paul Mohai: Yes.

Sue Briggum: Okay. Got that Victoria?

Victoria Robinson: Yes. And also I think just to make it very clear, the appropriateness and the methodology for including various factors in the tool, you got including various factors that are included.

Paul Mohai: Right.

- Victoria Robinson: And so I think we're going to get rid of that are including. So it reads – for including various factors in the tool, the accuracy of the data inputs to the tool and potential interaction among those factors.
- Sue Briggum: Yea, that's nice.
- Victoria Robinson: Okay.
- Shankar Prasad: Okay, this is Shankar Prasad, I move that we approve this letter and forward it to the OEJR to the administrator, whomever in charge you suggest that it should be forwarded to.
- Charles Lee: Well the letter is addressed to (Grant Nakayama) so that's I think appropriate.
- Sue Briggum: But do we have any other comments from other members of the council before entertaining Shankar's motion?
- Omega Wilson: I have one question as far as the attachments are concerned, the appendix. Okay are we reviewing that with the same context that we're reviewing the letter or is this just to be left as it is?
- Shankar Prasad: We thought it was more, this is Shankar Prasad, we thought that was more a general list so that will be as the working group gets formed we will have more relations and so on, so it basically outplays the outlines the sum of our initial parts so we have not gone through it to make, we are not expecting it to be (unintelligible) because the outcome will be added and so on, so that will be the part of the work groups in deliberations with the interaction with the EPA staff.
- Omega Wilson: Oh okay, all right. Well I won't make my additions now then, okay, since that doesn't, okay.
- Sue Briggum: And it does qualify, it's in the initial discussion, which of course was on the record at the NEJAC meeting.
- Omega Wilson: Right, okay. Okay. I'll just hold that then.



John Ridgway: This is John Ridgway, I second the motion to move forward.

Charles Lee: So now you call to question.

Sue Briggum: Okay, I'm calling the questions, all agreed say I.

Man: I.

Woman: I.

Man: I.

Sue Briggum: Any nays? All right, item one done.

Victoria Robinson: All right so in the next step too is I will incorporate these changes and then we'll get it to (Richard) to sign as soon as he returns to the office and get that out to (Grant) as quickly as possible and then copies will of course will be sent electronically to each of the members as well as posted on the Internet, okay?

Man: Great.

Woman: Super.

Victoria Robinson: And also while we're waiting for Sue to go to the next item, I wanted to thank everybody for introducing themselves before they ask a question, it's going to help the operator who is taking a transcript of this call, so that way they know who is speaking. So thank you. Okay Sue.

Sue Briggum: Okay, the next item, and I believe we go to Charles on this, is a description on what's happening with EPA with regard to the Environmental Justice Awards. We had keyed up this topic at our public meeting and I think there are further developments.

Charles Lee: Right, thank you Sue. This is both an announcement as well as a request. On November 1st we basically announced that there was the awards, the EJ Achievement Awards for 2008 that were, we announced a call for nominations of potential awards for the EJ Award for 2008 and those will be in the area of community organizations, state and local government, (Cabo) indigenous groups, academia and non-governmental and environmental organizations.

The business and industry award category went through a process in 2007 and that selectee will be announced as part of a larger group. And we had discussed that at the NEJAC meeting in Baltimore, and so we are really asking that everyone go and on and tell other people about this and to encourage the other people who have or organizations who have, who would like to be considered to the nominate themselves or to nominate others.

And the only other thing I would say about this is that, you would probably get a call if you have not gotten one already from (Lisa Hammond) from the Office of Environmental Justice and she is going to be working on these awards and on one of her primary responsibilities is drumming up some level of interest among potential awardees and we would really like your help in doing that.

Patty Salkin: Charles this is Patty Salkin. I think it would be great if we could get the announcement circulated to John Rosenthal's list of who attended that National EJ conference at Harvard Law School last year. Lots of different groups and organizations.

Charles Lee: That's great, thank you so much for that and we'll get that to you John.

John Rosenthal: Thanks Patty. Consider it done. I have the announcement I'll take care of that.

Charles Lee: The other thing that I forgot to mention is that there are going to be ten members of the review panel, which we are putting together now, the awards are, the nominations are due on January 11, 2008 and the selectees or the winners will be announced in June of 2008. And that's pretty much that, we can open it up for questions Sue.

Sue Briggum: Yep.

John Ridgway: This is John Ridgway. On the awards, is there money associated with these awards or grants or what's the range if there is funding along with it?

Charles Lee: There will be, we will pay for the travel of the winners, but there is no other monetary, there's no other monetary amount associated with it.

John Ridgway: Thank you.

Charles Lee: There will be a nice plaque.

Sue Briggum: Any other discussions?

John Ridgway: John Ridgway again, any advice to NEJAC members as to particular kinds of potential nominations to look for, help solicit, in the context of maybe what NEJAC has done in the past when these sorts of nominations have been called for?

Charles Lee: Yea, I'm not sure the exact nature of the question, but we've never had an award like this in the past.

John Ridgway: Okay, so generally anybody that just seems like be appropriate we want to...

Charles Lee: Well, there is a sort of criteria, and also it talks about it's for actions taken in a five-year period between 2002 and 2007.

John Ridgway: Thank you.

John Rosenthall: Charles, John Rosenthall. Who is on the selection committee, the ten people you spoke about?

Charles Lee: We have not decided yet.

John Rosenthall: Are they, this is John Rosenthall again, are those federal employees or are you, did you set the criteria for who will serve on that committee?

Charles Lee: Well they're not going to be, they're members of the public, but no federal employees. They are going to represent the broad sectors of the group (unintelligible) industry and state and local government and academia and NGOs and so on.

John Rosenthal: Okay.

Charles Lee: Anything else? Oh, okay, Sue I think that's it. I mean we (unintelligible) you know, if you could to really encourage other people to submit their nominations by January 11th. We think that this is, you know, the idea of seeing recognition to groups and individuals that really contributed to the Environmental Justice is I think a very important thing and many people who do that kind of work do not get the recognition that they really deserve and so this will be an opportunity to rectify that and it will also be in so doing hopefully reinforce and promote the values associated with Environmental Justice and identify best practices and so really have a positive effect in terms of the larger groups of organizations that we want to influence and to address and issues of environmental justice.

Sue Briggum: Yea, this is Sue. One thing that I might recall from our discussion in Baltimore when we talked about lessons learned as we looked at the business Environmental Justice award which has already been processed not decided, but one of the lessons learned is that if you know someone and local government, state government, a community group, an environmental organization, a public health group that you think might be worth to the extent that you're able to mentor them and assist if you know them well in doing the application, that's always really helpful. It's great if the nominees have the change to put their best foot forward, which means, you know, to really take very seriously the categories of information they have to provide. It's always great if they can provide references and perhaps letters of support from other stakeholder perspectives familiar with their work in a particular area.

So if people in the NEJAC would take it on themselves to the extent they can to try and shepherd some good nominees through the process that would be terrific outreach.

Charles Lee: Thank you for that Sue. I mean we really are relying on everyone, and especially the members of the NEJAC to do the outreach and help those organizations who may have an interest to apply for these awards.

So should we move on?

Sue Briggum: Yep. And I think Europe as well now Charles on the engagement with states about environmental justice.

Charles Lee: Right. The next two items are, I just wanted to take this opportunity to share with you some of the things that we've been thinking about here at the Office of Environmental Justice and by way of providing some context of this is that, you know, we're finding, we're trying to find opportunities to engage into NEJAC more meaningfully and there's a, so in the past the NEJAC has produced some pretty extensive reports with recommendations, but we also want to move in more of in a mode where we just run ideas by you and get you to kind of respond to them and provide advisement that way. More of the kind of quick turn around advice that (Grant) was talking about when he presented that notion to you back in 2005.

And so the, so we had there is two areas that thought that we wanted to let you know of our intention to kind of ask you to think about, some of these (unintelligible) there was a substantial discussion around in the Baltimore meeting, and in fact some of the (unintelligible) of our thinking and evaluating or assessing the meeting itself. So the first one has to do with, you know, we've been saying and (unintelligible) and we got the, that was reinforced, we've been saying that it is really important for us to, EPA to engage with space around environmental justice and this is an area then that, you know, we want to throw out to you as to whether or not, you know, you have some interest in working on.

So that was the first one Sue, I'll get to the second one in a second but, you know, we can stop there and get some feedback.

Chuck Barlow: Charles this is Chuck Barlow and my comment would be absolutely yes.

John Ridgway: John Ridgway in agreement. This is a, I think, a great opportunity to help bring states into some extra coordination and sharing of resources and recognition that states have a key role to play that EPA cannot do on its own, nor can a local community, so I support it.

Lang Marsh: This is Lang Marsh. As a former, you know, environmental administrator in two states I strongly support this and will work actively on it with you because one of the things I discovered is that having support from EPA in terms of getting the attention of I would say particularly the political sector in the states is very important, it's a little bit hard for an administrator to make traction with this issue in the legislature if it is not identified clearly as an item of national importance.

Omega Wilson: This is Omega. I wanted to raise a question about where do we expect response or, you know, review or communication from the state level that is that we can track and measure so that it's in writing or by conversation or whatever.

Bill Harper: Charles it's Bill Harper. You know (PG&E) is really already working with the state and so the question I would have is, is there a model that we as a whole would want to use, you know, and linked to (Omega's) question is how do we track that and/or is the expectation that we would do it, continue to do it individually or has anybody thought about that?

Charles Lee: Well, those are two good questions. I mean I think first of all, there's a, I mean a little bit of backdrop and I think all of you who have responded to our kind of query, you know, knows this, you know, there's a substantial amount of activity around environmental justice on the state level. The 50-state survey that the American Bar Association and Hastings Law School recently published a second edition found that 42 states plus the District of Columbia have some kind of activity around environmental justice, either legislative, programmatic or policy-wise.

We are crafting, and so Omega the answer to your question, there is, there are mechanisms out there that are tracking that activity on the state level. There are probably, there is probably a need for much more of that because the different states have done some pretty significant things that other states may have not. I mean (Richard) knows that New Mexico recently found

an executive order, you know, New York state I think in 2007 put forward \$800,000 in EJ grants. You know there's a, California has a whole plethora of activities.

And so, I mean we're trying to, but we also note that on the state level it is very, very uneven and so we want to really try to figure out an approach that I guess to, like (Ryan) said, that really engage, you know, the state leadership, the environmental agencies leadership and have it done in such a way that it works together with the EPA particular in the regions and so, and so as we move forward we're trying to fashion some thoughts about this and once we do that we want to share it with you with some particular questions for, and our process I think will be, and hopefully a number of you will work together in a small ad-hoc group and just give us some responses.

We do intend to take that and as these ideas develop in (unintelligible) (ECOS) and (Ishwamo) and (Ashto) and the (Air) organization, so we are going to do that. The other thing is that it is also important and some of the discussion goes and engages not just the environmental agency but the health agency, transportation agency and other agencies, the housing agency at the state level. So that's what is coming up and I'm not, I think at this, I'm just trying to take this opportunity to share this with you and in the next month or two we're going to have something that is sent over to, I'm going to talk with Richard about what is the best of the best process.

Omega Wilson: This is Omega again. This is a quick follow-up. Based on our interagency discussion maybe this is already a part of what you're already working on Charles, but to suggest that the states have their own interagency activity as a response organism or the response group that it in fact it includes help transportation, you know, etc., that it's not just one individual agency at the state level who is responsible for responding and in some kind of reform way, you know.

Charles Lee: Thank you for that Omega.

John Ridgway: John Ridgway here. I like Lang would be glad to help, Charles, in supporting the development of this concept and for the sake of the group it may be worth noting that it's my understanding that NEJAC would be advising EPA on how EPA can engage coordination with the states or better linkage with what states are doing in unison with what the regions of EPA are doing but

that this is not setting up a distinctly new state coordinating activity but rather advising EPA on how to work with states. Am I correct on that Charles, any thoughts?

Charles Lee: Yes that's right, I mean you know, this is not a – NEJAC is not a functional group and nor are we looking to through the NEJAC figure out how to coordinate our activities with states, I mean EPA has its own apparatus for, that's rooted in the EPA regions in terms of work with the states and some of that is pretty extensive. So John you are absolutely right, I mean there is a certain set of questions to move the engagement with states forward particularly EPAs actions in that regard that we want to get your feedback on.

Just as a note a number of the EPA regions are already meeting with the EJ coordinators in their respective states and that is becoming, I mean Regions 1 and 2 and 3 and 4 are doing that already. I think Region 6 is doing that as well.

So there is activity that we think that this is a time in the issue of each (unintelligible) in the state level is maturing to the point where some feedback from you would be really kind of play a very positive role in terms of offering and crystallizing new directions.

Joyce King: Hi, this is Joyce King if I may say a few things. On the EJ thing and this coordination with, you know, the states, I'm wondering, we you know, just to bear in mind how do we make them accountable because there was a point that New York state had a directive not to talk to Indian Nations unless it went through the State Department? Now I think, you know, with New York state getting EJ moneys then shouldn't that have been a cause for concern when no one who was considered an Indian was allowed to talk to New York state or any other departments?

So just bear that in mind when you're developing this, you know, there has to be some checks and balances in there so that this doesn't happen again so that, you know, we can have, you know, some sort of dialog with any agency within the state and not be, you know, so that they wouldn't be gagged because I think that was an EJ issue and it needs to be addressed or looked at to make sure it doesn't happen in the future. Thank you.

Charles Lee: Thank you Joyce for that.



John Ridgway: John Ridgway here...

Shankar Prasad: Charles this is Shankar Prasad. Just a comment, in your coordination efforts and you know that most of the program, many programs you have at EPA where you pass through the part of grants and other things for different activities and sometimes some of them are also (unintelligible) grants and EJ related grants and so on, is there any way that you're office at EPA could influence that at the people, the states which focused on EJ activities will get a brownie point and get that through, and if they do not they get penalized?

Charles Lee: I don't know if I understand the nature of the question, but why don't we, I mean I think that's – that's probably a pretty complicated issue and it's probably best that we talk about that off line. I mean there's a lot of considerations in – to do a determination like that.

Shankar Prasad: Okay. Because what I see is you're EJ seat has determined this potential in terms of evaluation of the state's performance or how they're doing, so it has a lot of potential for that and as I had (unintelligible) while it is important to have (unintelligible) to coordinate, at the same time it should incentivize any of these programs as also be a checks and balances for those who do not follow it through.

Charles Lee: Yea, no I hear you Shankar, I mean...

Shankar Prasad: It's more a comment than a (unintelligible) but considering.

Charles Lee: I think I hear you, I mean the other question there is that, the other question is it goes back to the question we would like to focus and engage with in NEJAC on workers, you know, that you already stated that, you know, how, is there a common understanding of how EJC is going to be used because EJC's use does impact many, many different groups and so state and local communities and states and others of course, and so you know, why don't we step back a little bit and start that discussion before we start to make any kind of, you know, we start, get too far ahead of ourselves in terms of potential implications of EJC.

Shankar Prasad: All right. Thank you.

Charles Lee: Okay so, I mean we're really excited about your excitement around this issue. We think that this is an area. I mean I just want to say in terms of what I have looked forward to as one of my priorities is the, it is moving out into a, in a very strategic way to engage with states around environmental justice. So your help and the NEJAC's help in helping us think through how to do that in the best way possible would be really appreciated.

(John): Charles this is (John) and I wanted to bring up one perhaps related point on this, again I support it, I think it's a good thing to pursue in relation to advising EPA but also, I want to just leave the point open for maybe further discussion on how NEJAC itself in its meanings may be able to provide a opportunity for states and tribes, I would add, in part based on what Joyce mentioned, how to work in a coordinated way to the extent that it's practical and appropriate because I do think NEJAC is a resource for states and just in the example of looking at the EJC tool and understanding implications that NEJAC should be there to help ask appropriate questions and guide good decisions on that relative to the needs of the tribes and states.

Charles Lee: I think the – as to the issue – I mean I hear you about tribes and we need to have a (unintelligible) way to approach that but, you know, I think that I mean all the signs that we hear in terms of the issue EJ and the states and, you know, reinforced by your just response here today is that, I mean as we – this is not a kind of short term effort, I mean we're going to really address this, I'll try to address it in a very conservative way. Which probably means that in the June 2008 meeting agenda there is going to be a significant agenda item on EJ in the states.

(John): Thank you.

Woman: Thank you.

Charles Lee: And at that point I think the issues are going to be, and our ideas, are going to be a lot more crystallized and actually it would be good timing for that.

Okay great. So you want to move on to the next one?

Sue Briggum: Yep.

Charles Lee: Okay, so the next one, and this came a lot out of the discussions that you had at the NEJAC meeting in Baltimore including Chuck Barlow's comment about engaging the corporate leaders around issues like climate change. When we went around the room at the end and got your ideas about emerging issues, the issues related to climate change and sustainability were all issues that, you know, many of you talk to in one way or another.

And so we went back and started thinking about this and it occurred to us that there's a really good nexus in terms of, and being really forward-thinking about this because the kind of developments, particularly in the business area for example the fact that Bank of America put aside \$20 billion for investment in (unintelligible) investment and you know, this is an opportunity as we look to (green) investment in the future, green business, green buildings, etc., that it's an opportunity to factor in on the front end issues of equity and issues related to the environmental justice.

And so we began a process to start to think about how to engage a business dialog around environmental justice, green business and sustainability, and so the concept with that is being developed and there's going to be a significant amount of work done to reach out to identify and reach out to business and industry and so this is something we wanted to let you know about at some point when the concept comes out we probably want to come back to you just like around the state and EJ issues and get your feedback on this.

So this is something that we want to let you know and thank you for the, to really thank you for your input that led us to this point. As we all know, there is a real commitment here to engage substantively, meaningfully and proactively with business and industry to address issues of environmental justice and that this is a great opportunity to do so.

So Sue I just want to throw that out for feedback.

Sue Briggum: Yea that sounds good Charles. Any response from the group?

Shankar Prasad: This is Shankar Prasad. I think that's the right thing, in fact we could have some more discussions on some of the different ideas different people may have and forward it to you or

the chair and to you all part of keep the, your different people may have different ideas. For example, someone (unintelligible) here are working on some framework for protecting (community) interests in the, in developing market (unintelligible) and for reducing (unintelligible) greenhouse gases. So like that there might be different opportunities for the, for all of us to sort of engage and EPA to sort of think ahead and take a little proactive step in these (imaging) issues.

Charles Lee: Absolutely, I mean I think that one thing, absolutely Shankar. The one thing that we want to do on this is to make sure that we have a clear, that this is focused around business and industry, I'm not just saying that what you just say isn't or that a lot of things that are happening in this arena don't have, they all have a relationship but we really do want to start from the point of view of trying to use this to reach out to business and industry and to get them engaged.

Shankar Prasad: Right.

Omega Wilson: Yea this is Omega. I just wanted to add, you know, just a point of referenced is to, you know, what does green business mean. You know I don't know whether it's been clearly defined already or not but, are we talking about the internal activities of a business to reduce pollution solid as well as air, or is this customer service activity or is it looking at who is investing in that particular business and what their report card is, so to speak, as far as their green activities, or are we also looking at the partners of these, of any particular businesses operating as a green business as whether or not those partners national or international comply with some kind of understood standards about, you know, their active concern about eliminating pollution and environmental hazards.

Charles Lee: Well you know there's a, it probably is all of those and probably many more things but I think the, I mean our starting point would be that there's significant businesses have taken policy positions around sustainability and going green, you know, having green investment, green business practices, green ventures, etc., and so that's a very I think robust area in which, you know, we can factor in a dialog and an understanding and the projection of future activities that take into account issues like environmental health equity considerations.

Sue Briggum: And John Rosenthal you're on the line here too. Some of us have talked over the past several years about the kind of natural alliance between environmental justice and corporate sustainability in terms of the social aspect of sustainability and it seemed like a good idea to see if there was interest in making this more explicit and that it should be a natural for any company that considers itself pro-environmental and pro green that they would also be pro-community and pro-environmental justice.

John Ridgway: John Ridgway here. I agree with what Sue said and it's been my observation over many years there's been a bit of a disconnect between the sustainability movement and the environmental justice movement, particularly on the sustainability side where they reference kind of three legs of a stool, one being economic, one being environmental and the third being social justice, and very little information or guidance about what does that means, this gets to points we've heard over the last few minutes.

I think there is an opportunity to help all of us and businesses understand what does that mean in relation to being green, being sustainable, supporting the community and supporting environmental justice. I think that there's a golden opportunity here to flush that conversation out a bit more and help EPA do that, help businesses do that, help NEJAC ourselves do that, there's a lot of overlap as we've heard and it's the timing's right, I think it's good.

John Rosenthal: This is John Rosenthal. Sue you're absolutely correct and my experience with the industry in most instances is being they're very interested in exploring those possibilities if it can be done in a manner that is non-controversial or non-accusatory or non-confrontational.

Shankar Prasad: Sue and Charles this is Shankar. I have to sign out. Thanks.

Charles Lee: (Unintelligible) Shankar.

Joyce King: This is Joyce, I think if you want my two cents, there has to be a lot more education out here because, you know, there has been denial in this country and this continent about the effects of global warming. If we can have good science, I know it's coming out there, I know that, you know, we're hearing about it but a real good conference on the science and the effects that global warming is going to bring to us, I think, you know, more businesses can buy onto it and

not only that I think it's in businesses best interest anyway to reduce, you know, recycle and reuse, you know, help their profits in the end as well, you know, develop new technologies to start greening and so there. That's my two cents. Thank you.

Sue Briggum: Yep, absolutely.

Bill Harper: So this is Bill Harper, I'm sorry. I started to say something earlier and I pushed the wrong button and disconnected and so we just rejoined the call but, and you may have already talked about this but you know, Sue, I know waste management is going a ton of stuff, (PG&E) is doing a ton of stuff already as are the major corporations that are part of NEJAC and my thought was that because many of our companies have been so proactive, and Charles you were talking about, you know, gathering, you know, starting the nexus, it seems to me that there's a good basis for, you know, getting some of that information that the corporations have done and sort of using that as a starting point to Joyce's perspective, take that stuff, use that as a starting point so we don't spend a lot of time reinventing the wheel or just spinning our wheels.

Charles Lee: Absolutely. The, no this is how, Sue?

Sue Briggum: Yep.

Charles Lee: So you know, let me just kind of lay out, I think that this one here is you know at some point when we have something a little bit more crystallized we'll share, we'll talk to Richard and figure out process about, you know, getting over to you with some, you know, initial questions that you know you can kind of respond to but it's part I think of a longer discussion, and just like the issue of the states, this will probably end up in the agenda for the June 2008 meeting. And we think that this is a really kind of (unintelligible) we think as well as a really wonderful opportunity to engage proactively and constructively and with the business industry around at the front end around environmental justice issues.

Sue Briggum: Yep.

Lang Marsh: Charles this is Lang Marsh. Just one, I don't know I would raise it to the level of a caveat, but just one thought that I wanted to insert here is that something I've noticed in the very welcome interest in global climate change and the impacts on human beings both now and projected, this is you know about 20 years overdue but it's very welcome that it's coming now. The thing I've noticed a little bit is that it's tending to push other issues to the background a bit.

So for example, in the very issue that we're dealing with in the current NEJAC on goods movement there's just a little bit of push I've noticed that, you know, no we have to put all of our, you know, effort into climate change now and there are certainly huge effects potential and actual of climate change on, you know, the people we're concerned about, but there also needs to be a clear linkage to the other issues that also impact on those populations and I just want to make sure that that is not lost in our interest and getting into climate change.

Charles Lee: Absolutely, you're absolutely right Lang and we need to be aware that, and I mean there are other issues are just as important. What we want to do with this, I mean there's a lot of people that want to do a lot of things, what we want to do is to have a very focused discussion around the set of questions that I articulated, and not do much more than that at this point because you know, we know that there's a lot of different issues that we want to bring to the NEJAC's agenda including this movement.

So do we want, I think the next is Victoria you have some...

Victoria Robinson: Yea I have a few administrative stuff. First of all, I wanted to just as a reminder or announcement to everybody that this week we'll be sending out a notice on the EJ list serve actually calling for resumes for individuals who would be interested in serving on the NEJAC or any of its associated work groups. As we're talking about doing different kind of work for the NEJAC next year there is going to be short term work groups that we formed that we'll need people to participate on, and so we need to really build up our resume database for people who are interested and have the background that we need for a variety of tasks for next year. So that will first of all be sent out probably the end of the week or Monday on the EJ list serve will also be sent on the Federal Register and that should also go out sometime next week as well, and...

Man: Victoria, I'm not sure if I'm on the EPA list serve, how does one get on it?

Victoria Robinson: Okay, EPA EJ list serve. If you go to the NEJAC Web site which is on EPA.gov/compliance/environmentaljustice there is a link on that main environmental justice page to the EJ list serve or if you click onto publications it's also on there as one of the options for getting information and when you just, you go online and you just register your e-mail address and then you automatically will be registered for the EJ list serve.

Man: So that's EPA.gov/compliance/environmentaljustice, is that right?

Victoria Robinson: Yes, that's correct.

Man: Okay, thank you.

Victoria Robinson: And that'll go out, right now we have about 3,000 people who are on that list serve right now and then the Federal Register (unintelligible) regard as well. We're anticipating that we want to fill any vacancies, any new vacancies on work groups or counsel whatever by middle of July of next year, so we're requesting that nominations be received by March 15th and it's important to note that self-nominations are accepted and highly encouraged, don't hide behind the side of self-deprecation, you know, please nominate yourself if you feel that you want to participate and can add value to the NEJAC and its deliberations.

The point of contact will be me, Victoria Robinson. You can reach me at [Robinson.Victoria@epa.gov](mailto:Robinson.Victoria@epa.gov). Does anybody have any other questions about the call for resumes and nominations among the members, does anybody have any questions? Okay.

I'll go into the, and we now have a date for, approximate date for the next NEJAC public meeting, it is tentatively scheduled for Washington, D.C. the week of June 9, so we're looking at June 10th, 11th and 12th, a Tuesday, Wednesday and Thursday here in Washington, D.C. I need you members to take a look at your schedules and please get back to me as soon as possible to indicate if there are any kind of conflicts with like major events going on, industry association meetings, things like that that we may not be aware of. But that's the date we're looking at, we've got to start securing hotel space.



The third item is the next call for the NEJAC is going to be an administrative call and will not be a public call it's scheduled for January 24th. The purpose of that call will be to discuss the revisions of the bylaws that we began discussing earlier this year, we need to complete those, as well as start planning for the next public teleconference call. That would probably occur sometime in either February or March depending on the schedule and what we want, what you want to have on the agenda for that public call, so if you can take a look at your calendars it's the, I think that's the fourth Thursday, January 24th and get back to me with your, if you have any issues with that date.

Woman: Would that be an afternoon call Victoria?

Victoria Robinson: Yes. All calls are in the afternoon, 2:00 pm Eastern Standard Time okay? And I think that is it right now in terms of administrative. If anybody has anything please raise it or give me a call or send me an e-mail, I'd be more than happy to get back with you. Okay?

So, hearing nothing else then Sue, I think it's time for, we can go ahead and turn it over for public comment. If you'd like I'll go ahead and ask the operator to come back on? (Kalea)?

Operator: Yes ma'am.

Victoria Robinson: Okay wonderful. (Kalea) we had three people sign up in advance to hear public comment. The first person is (Sheila Nolan) the second person is (John Sullivan) and the third person is (Juan Perez). In a moment if you – first of all are all three of them on the call?

Operator: Ms. (Sheila Nolan) is and I'm not showing Mr. (Sullivan) or Mr. (Perez).

Victoria Robinson: Okay thank you. Okay, the basic rule of thumb for the public comment is, is that it's five minutes to present your comment. The NEJAC members may or may not respond or provide a response or discuss. They may ask you additional questions. At that time operator, when that discussion is over with then we'll ask you to mute Ms. (Nolan)'s line and then we'll call up for the next person, they may still join because we did publish it and say it was going to start at

3:30 but we're going to try to go ahead and get started because we don't really have anything else on the agenda at this time.

Operator: Okay.

Victoria Robinson: Okay. So if you could go ahead and open up (Sheila's) line and Ms. (Nolan) we'd like you to introduce yourself, your organization, and then go ahead and give your comments.

Operator: Ms. (Nolan) your line is open.

(Sheila Nolan): Can you hear me?

Victoria Robinson: Yes.

(Sheila Nolan): Okay. My name is (Sheila Nolan), I am an employee of the (Sinsera) organization. (Sinsera) is a non-profit organization comprised of nine state air quality regulatory agencies dedicated to improving health through reduction in air quality emissions. We applaud the efforts of the National Environmental Justice Advisory Council in their efforts to assure environmental justice for this country. (Unintelligible) before the NEJAC today is the comments proposed to the Office of Enforcement and Compliance Assistance. On the Environmental Justice (unintelligible enforcement assessment tool. (Sinsera) supports NEJACs concerns raised over the following issues.

The need to describe clearly the intended use of the tool a consideration that must be anticipated to assure the tool does not have unintended adverse consequences, sources of expertise who can provide technical review of this data, intensive and complex tools, appropriateness and the methodology for including various factors that are included in the tools, the adequacy of the data inputs to the tools and potential interaction among factors needed, means to assure that tribal issues are adequately covered and EPA's enforcement initiatives and the efforts by the American Indian Environmental Office are integrated with other enforcement activities and use of the tool in a manner consistent with NEJACs strong support for bias for action.

In addition to those comments (Sinsera) requests that the final EJC provide a technical support document to track tweaks to the variables and the level of uncertainty or input based on additional information received during the development phase. A specific request of the NEJAC would be for the addition of the variable of population density. There is sufficient peer review journal articles to support this consideration in over factor development.

Thank you for this opportunity to address the NEJAC committee.

Victoria Robinson: Thank you very much. Do the members have any questions of Ms. (Nolan) or comments to her presentation?

John Rosenthal: This is John Rosenthal. Ms. (Nolan) thank you for your comments. Will you tell me what part of the country you come from, your organization?

(Sheila Nolan): Oklahoma City, Oklahoma.

John Rosenthal: And is this a state organization?

(Sheila Nolan): No sir we are a non-profit organization.

John Rosenthal: But your area of coverage is the state of Oklahoma.

(Sheila Nolan): The nine central states, yes sir. We cover the nine central states.

John Rosenthal: Okay thank you.

(Sheila Nolan): Yes.

John Ridgway: (Sheila), John Ridgway here and I also say thank you very much for the time to prepare your comments and clarify sorts of concerns you have. I think a lot of us have similar ones and this letter that you've been maybe hearing us talk about is going to hopefully address most of your concerns. My question to you is have you read this draft letter that we are putting forward and

are there any points that you think are missing that you think should be added or any comments on that?

(Sheila Nolan): Not at this point.

John Ridgway: You have read the letter, is that correct?

(Sheila Nolan): Yes I have read the letter and not a point, I'm in my executive director is the one who is assisting in this and she's not here so I am just kind of really filling in.

John Ridgway: Well thank you.

(Sheila Nolan): I – some of the questions that you might have, you might want to ask I might not be able to answer them.

John Ridgway: No I think you answered it pretty well. Mostly just said you're familiar with this letter and to be sure that it's synchronized to some extent with what you're saying and so that you think we're.

(Sheila Nolan): Yes of the draft letter, yes.

John Ridgway: Yea, thank you so much.

(Sheila Nolan): Yes. It's important that we address a lot of issues that was addressed in the letter especially when it's regards to health and society and it's important that there is some type of engagement with all sectors.

Joyce King: Hi (Sheila), this is Joyce King. I am the National Tribal Operations Liaison to NEJAC or the other way around and I'm wondering have you, do you have any particular concerns on tribal issues with the EJC?

(Sheila Nolan): I think that there are issues that I believe that we should incorporate as far as tribal issues because that does impact them a great deal in the environment and economically and socially

and I believe that when everyone is in the same thought process of everyone understanding the need for NEJAC and how it represents everyone then it's a better tool for everybody.

Joyce King: Okay, just in particular I meant with the National Tribal Operations Committee and you know, I didn't get any feedback yet, so I am waiting for that and I thought maybe you could give me any...

(Sheila Nolan): Oh okay.

Joyce King: Okay?

(Sheila Nolan): Well yes, I understand okay.

Joyce King: Thank you.

(Sheila Nolan): Yes.

Victoria Robinson: Okay, are there any more comments or questions, if not we'll go ahead and thank Ms. (Nolan) for taking the time to provide public comment and operator has Mr. (Sullivan) or Mr. (Perez) joined the call yet?

Operator: No ma'am, I'm not showing either one at this time.

Victoria Robinson: Okay. Sue, we're going to have to stay on until 3:30 because I think somewhere in some, which is basically ten minutes, which I think is somewhere in the, some of the correspondence that might have gone out to people that for public comment. So if there's anything else that anybody would like to discuss or bring up, now would be the time I guess to do that of the members and then we can adjourn at 3:30 if Mr. (Sullivan) or Mr. (Perez) doesn't show. Is that all right with you Sue?

Sue Briggum: Sure.

Victoria Robinson: Yea, so if there's anything, I know this is like throwing it out in the air, but if there's any questions or Charles what would you, do you have anything?

Charles Lee: Well let's see, I was told that I needed to thank the members of the NEJAC for your support and cooperation around the EJ awards program and the award program was the result of your recommendations, always (unintelligible) before and that one of the things we should do in promoting this idea is to clarify to the perspective applicants the benefits of doing so, which is that they would receive national recognition for their efforts. It is a possibility that the administrator or a senior official definitely will be there to present the awards and that there will be likely to be press coverage certainly for those who we will be featuring the awardees or recipients in our newsletter which is a quarterly newsletter and that, and that will be featured on the Office of Environmental Justice Web site.

Like I said before, we want to do this in such a way as to really give credit to people or organizations that have done some pretty important work but, you know, don't have the opportunity to be recognized and at the same time be able to promote the values associated with environmental justice and best practices. So, I think I kind of skimmed over some of that before, so this is a good opportunity to restate that.

John Rosenthal: So Charles, John Rosenthal. Would you give us some idea of how you, the program is going to flow for that, for the awards night or the awards date?

Charles Lee: I haven't figured that out yet. I know that (John Camon) met with (Grant) and I and one of his suggestions was that, which we thought was a really good one, that we used the venue of the state of EJ 2008 conference to present the awards, and that actually is actually a good one but for this particular year the timing is off. There are, and we would try to look at that as a possibility going into 2009.

So we aren't at this point looking at a venue for 2008, but the and I mean, some of the reasons for why the timing is off is because you know, we have to go through a process in order to set up the kind of apparatus and to support the awards program and that takes awhile and when that was done we projected out, I mean that was done essentially sometime in September or October and when we projected to since then, I mean the shortest time we could make it was

in June of 2008 so. So the specifics of what your question is, John, we don't know the answer of to yet.

John Rosenthal: Okay.

Charles Lee: But the desire was in terms of certainly what you asked was something that may be much better but we can't do it this year.

John Rosenthal: I understand.

Joyce King: Charles, oh go ahead. Charles this is Joyce King, I'm wondering when you get hotels and bids for hotels is one of the requirements that they recycle? You know I've noticed that when we've got, when we're staying at places sometimes I don't see any recycling bins. It's a small point but it's a big one on the national level.

Victoria Robinson: Right yes. Joyce this is Victoria. EPA and its meeting guidelines and procurement requirements, they highly encourage and really support green, they call green meetings. They have a big initiative in which they encourage that EPA hold meetings at facilities that one, recycle and have other green activities related to it.

Joyce King: Okay.

Victoria Robinson: Some of the issues we run into in some of the hotels is that you have, one, we've got to check one that's gone to the appropriate side for the kind of meeting that we will need to do, but also is if a hotel says they do recycling and do it but is that just a façade or is that really what's going on behind the scenes, so we do always ask that and try to seek that out, that's a good question. If we can make sure that we're a little bit more, that we can try to find a place that is actually more visible in it's, so that's a good question.

Joyce King: Thank you.

Victoria Robinson: Okay. Oh I did want to tell the members that we starting in January EPA is going to a new travel system and so you all will be getting calls from one of our staff members to create your

profiles in the new travel system and also give you options in terms of indicating your travel preferences as well as how you would prefer to receive travel reimbursement through like direct deposit, and so I know for some of you that might actually be much more convenient than actually having to wait for a check to come in the mail. So in January the process will start so don't be surprised when you get it a what a phone call from one of the staff members here at OEJ.

Okay, it's getting close to 3:30. Operator has Mr. (Sullivan) or Mr. (Perez) joined?

Operator: No ma'am I'm still not showing either one at this time.

Victoria Robinson: All right. So Sue it's pretty much like 3:27, should we just go ahead and...

Sue Briggum: Yea, I think so, I mean we have been available for the (unintelligible).

Man: Uh oh, somebody just joined us and left us.

Sue Briggum: Pardon?

Man: Sounded like someone just joined or left.

Victoria Robinson: Someone join the call?

Operator: No ma'am.

John Ridgway: John Ridgway here. I want to add just one very quick little comment that won't keep us more than a moment, but it gets back to (Sheila Nolan's) comments and one of the things she mentioned that I maybe Charles you can pass this along informally given that the letter we're recommended go, but it's that a technical support document might be considered to go along with EJC tool as it evolves, that's just I think a really good idea to help provide a venue to address the many questions that we have brought up in the letter and that others might rather than expecting EPA is going to try to, you know, answer all these questions kind of on the fly but if there was a support document that could explain the data elements, the assumptions,



the algorithms, maybe your work group if it develops can help support that idea, that's all I wanted to say.

Charles Lee: Great, thanks John, I mean that is an important issue.

Sue Briggum: Yea, I took note of that to remember as the work group gets formed.

John Ridgway: Thank you.

Sue Briggum: Okay, I think that it is indeed 3:30 and we don't have the additional commentors but many appreciations to Ms. (Nolan), we appreciate the presentation you gave us and for the group, an excellent call. You all deserve a wonderful Thanksgiving.

Victoria Robinson: Yea, thank you. Sue I'd like to do one last roll call of the missing members just to make sure that none of them came on so I can have a record. Real quick (Chris Holmes), (Donele Wilkins), (Elizabeth Yeampierre), (Greg Melanson), (Catherine Brown). Okay that was it because I know Bill Harper joined us. Okay wonderful. Thank you.

Charles Lee: Great.

Woman: Thank you.

Charles Lee: This is Charles Lee I want to thank you for your time and participating on this call and Happy Thanksgiving to everyone.

Man: Thank you and Happy Thanksgiving to all.

Man: Thanks Charles, same to you.

Woman: Okay.

Charles Lee: Thank you, bye-bye.

Man:               Bye.

Woman:           Bye.

Operator:        Thank you. This concludes today's conference call, you may now disconnect.

END