U.S. EPA NEJAC Committee Meeting

April 13, 2004

Members Present

Veronica Eady, Chairperson
Mary Nelson, Vice-Chair
Charles Collette
Judith Espinosa
Robert Harris
Jodena Henneke
Phillip Hillman
Lori Kaplan
Pamela Kingfisher
Juan Parras
Graciela Ramirez-Toro
Andrew Sawyers
Wilma Subra
Connie Tucker
Kenneth Warren
Terry Williams

EPA Representatives Present

William Farland
Phyllis Harris
Barry Hill
Charles Lee, DFO
William Sanders
Larry Starfield
Thomas Voltaggio
Larry Weinstock

Also Present

Sue Briggum
Timothy Fields
Hector Gonzalez
Patricia Hynes

"—-" indicates inaudible in the transcript.

I N D E X

	Page
Opening Session	
by Veronica Eady, Chairwoman	5
Welcoming Remarks	
by Barry Hill	6
Remarks	
by Larry Starfield	11
by Karen Gautrealou	14
Introduction of Members	
by Veronica Eady, Chairwoman	19
Introduction of the NEJAC Cumulative Risks and Impacts Workgroup Process	
by Charles Lee, DFO	23
Overview of the NEJAC Cumulative Risks and Impacts Workgroup Process	
by Judith Espinosa	25
EPA Senior Officials' Perspectives on Cumulative Risks and Impacts -- Office of Research and Development, EPA	
by William Farland	85

I N D E X - (Continued)

	Page
Office of Air and Radiation, EPA	
by Larry Weinstock	93
Region 6, EPA	
by Larry Starfield	99
Office of Prevention, Pesticides and Toxic Substances, EPA	
By William Sanders	107
Region 3, EPA	
by Tom Voltaggio	113
Office of Assurance, EPA	
by Phyllis Harris	121
Community Panel on Multiple Impacts	
by Wilma Subra, Moderator	130
Vietnamese Fisherman	
by Helen Vinton	132
Four Corners Mutual Help Association	
by Clementine Matthews	137
Mississippi River Industrial Corridor	
by Marylee Orr	141

I N D E X - (Continued)

	Page
Community Panel on Multiple Impacts - (Continued)	
Tar Creek	
by Rebecca Jim	145
Kelly Air Force Base	
by Genaro Lopez	152
Key Concepts	
by Hector Gonzalez	186
Stressors	
by Tim Fields	194
Vulnerability	
by Phyllis Hynes	196
Community-Based Participatory Research	
by Connie Tucker	205
Qualitative Analysis	
by Sue Briggum	209
Proportional Response	
by Sue Briggum	211
Unifying Environmental Protection and Public Health	
by Hector Gonzalez	213

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

(9:12 a.m.)

Opening Session

by Veronica Eady, Chairperson

MS. EADY: Welcome and good morning. Welcome to the 19th meeting of the National Environmental Justice Advisory Council. The NEJAC is a federal advisory committee that was established to provide independent advice of the EPA Administrator. So at the 19th meeting, we are really happy to be here in New Orleans. I am Veronica Eady, I am the Chair.

I have a few administrative remarks. Please remember that the meeting is being recorded by a court reporter and, therefore, it is very important to always speak into the microphone.

For those who wish to offer public comments, there is a public comment period sign-up desk outside the room by the registration desk. Please follow the public guidelines posted by that desk. The public comment period begins this evening at 7:00 p.m. Please note that tonight's public comment period will only focus on cumulative risks and impacts. There will be a public comment period tomorrow that will focus on general environmental justice issues.

If you have not already checked in at the NEJAC registration desk, please do so. This will ensure that you receive a copy of the proceedings. The restrooms are located directly outside this room past the elevators. The telephones are located on the second floor near the restaurant. I am going to give you the phone numbers and the fax number for the hotel as well. The phone number is (504) 525-2500, the fax number is (504) 595-5552. Messages and faxes will be posted on the message board by the NEJAC registration desk, so be sure to check that.

As I said, we are really happy to be here in New Orleans of all places, and hosted by Region 6. So, to start off the proceedings, I want to introduce the Director of Environmental Justice who is going to welcome us, Barry Hill.

Welcome Remarks

by Barry Hill

MR. HILL: Good morning everyone. I have been asked to welcome you on behalf of Phyllis Harris. Phyllis' plane is getting in at about 10:30, so I have been asked to read some of her talking points, so if you won't mind, I just got this maybe about five minutes ago. I will ad lib as I go along.

Good morning.

(Laughter)

MR. HILL: It is a pleasure for, obviously, me to be here and for Phyllis to be here. She was looking forward to making this trip and participating in this meeting because of the fact that it is, in many respects, --- issue, cumulative risks and cumulative impacts. The reason why New Orleans was chosen as the site for this particular NEJAC meeting was because of the fact that Louisiana and many of the states that make up Region 6, they have very significant cumulative risks, cumulative impact problems. So we thought that it would be fruitful, it would be helpful to come to a city like New Orleans to discuss this very substantive issue.

If Phyllis was here she would say, as EPA continues to assess human health and environmental impacts, it is especially fitting that this conference focuses on cumulative risk. Indeed, EPA's approach to understanding these impacts must be broadened to reflect a more holistic approach for assessing what makes communities vulnerable to these environmental hazards.

She would say, in order to fully understand these impacts, EPA will continue to look to the NEJAC to provide the valuable input needed to help us make informed decisions about protecting human health and the environment.

One of the things that has been said repeatedly is that the science is not there with respect to this issue. We have to

make decisions based upon sound science. I believe, Phyllis believes, the agency believes, that this is a step in the right direction as far as moving forward to get to that level, to get to that place where the agency can make informed decisions.

This meeting is important because of the fact that it is focusing on this very, very difficult question. A question that is very important for the future of the agency and its efforts to ensure environmental protection, environmental justice for all communities. This meeting will give the agency the opportunity in many respects to benefit from the NEJAC's deliberation on this complex issue; especially, in the ways in which the agency can develop pro-active and collaborative risk analysis and risk management strategies in the context of the community's overall health goals.

The NEJAC has absolutely come a long way in being more effective in producing advice and recommendations to EPA. If you recall, give years ago when this whole notion of changing the meetings, the NEJAC meetings from one of opportunities for the communities to be heard, to the whole notion that the NEJAC is an advisory committee that must –- that must –- give advice and recommendations, independent advice and recommendations to the agency.

If you recall, that was a difficult period. There were concerns that the agency was removing the soul of the NEJAC and was trying to make the NEJAC into something else that was not planned, not contemplated. We have come a long way as an office, as an agency, and more importantly, as an advisory committee.

The recommendations that this advisory committee has given the agency over the years has had a tremendous effect at integrating environmental justice into the way in which the agency does business. I applaud the NEJAC for the progress that it has made. I applaud the NEJAC for being one of the most, if not the most, effective advisory committees for the agency.

If you recall, the NEJAC was sometimes referred to as a FACA from hell, and we would like to think that the NEJAC is now the FACA from heaven, because many of the things that you have been saying has really had a tremendous impact on the way in which the notion for the issue of environmental justice is understood by the agency.

In doing so, in the NEJAC coming a long way, it really is fulfilling its mission as defined by the NEJAC charter and the Federal Advisory Committee Act.

Phyllis said that she would like to commend the NEJAC, and I second this, for the diligent work, and for offering policy advice, something which is not easy to do, but which is critical in light of changing policies, culture and behavior. EPA Administrator Levitt has stated that: "While it is appropriate for the Federal Government to establish national environmental hazards, environmental plans that consider localized, ecological, economic, social and political factors often enjoy more support and involvement and, therefore, can reach national standards more efficiently and effectively."

Toward that end, we understand as an agency, as the Office of Environmental Justice, the importance of traveling throughout the country to make these meetings more accessible and to provide an opportunity for us to hear from members of the public.

Finally, Phyllis wanted to say that she believes that environmental justice issues require many stakeholders to be part of the solution and extend an invitation to all parties to participate in the public comment periods today and tomorrow.

I think that Phyllis' last comment is very, very important. Remember going back a couple of years, it was important to have all stakeholders involved in the dialogue regarding this particular

issue. In November of 1998, we were in Baton Rouge, Louisiana and the Environmental Commissioner for Louisiana's DEQ, he said, I am not going to participate, I am not going to stand at a microphone and to be attacked in any way -- because that was the nature of the meetings. Maybe it was necessary at that time to have that kind of environment.

And you see how far we have come. I am sitting right next to the representative of Louisiana's DEQ. This would not have happened five years ago. This is a manifestation of reflection of how far this NEJAC has come, the respect that it has gained, the quality products that is produced for the agency. And in turn, the more effective advice and recommendations that this NEJAC has given to the agency, to the world, to other state and local governments.

So, again, I am happy to be back here in New Orleans to participate in this meeting, to support financially the fact that so many people are coming here to be heard, and to listen and to contribute to the report that has been given.

So, thank you again on behalf of Phyllis and the agency.

MS. EADY: Thank you, Barry. Again, Phyllis will be here later today, so we look forward to having her join us.

Continuing the welcoming remarks, as I said, it is really nice to be here in Region 6. It wouldn't be a NEJAC meeting in Region 6 without hearing from one of the NEJAC's old friends, Larry Starfield, who is the Deputy Regional Administrator from EPA Region 6.

Remarks

by Larry Starfield

MR. STARFIELD: Thank you, Veronica. Good morning. We are very happy to host this meeting in Region 6 here in Gnome, Alaska.

(Laughter)

MR. STARFIELD: Karen Gautrealou will speak in a few minutes about the commitment of the Louisiana DEQ to raise the temperature in this city over the next couple of days so that you can profit from your free time in New Orleans, which is a great, great city. I am very happy that the NEJAC is here, I welcome the Executive Committee.

I especially want to welcome the workgroup members who have spent so much time on the issue of cumulative risk and have done such an amazing job. I really think they deserve tremendous appreciation. I wanted to welcome folks who have traveled here from around the country to be part of this important

dialogue, and I wanted to thank and acknowledge two of our state partners in Region 6 who are here with us today; Jody Henneke from the State of Texas, who is not only attending but is also a member of the workgroup on cumulative risk; and Karen Gautrealou will speak to us in a couple of minutes, who is the newly appointed Deputy Secretary for the Louisiana Department of Environmental Quality.

Karen and Mike McDaniel have a very strong sense of commitment to environmental p0rotection, to communities, and to partnership, and we really look forward to working with them over the coming years on that. Jody and Karen being here is a very important recognition of that partnership and collaboration we are going to need if we are going to continue to make progress.

Building on what Barry said about Administrator Levitt, anyone who has worked with the Administrator, or has been in a meeting with him for probably more than 30 minutes has heard him articulate two central themes: one is collaborative problem-solving, and the second is neighborhood solutions. I think you will find that the workgroup is taking us very much in those directions. Those themes are exactly what this workgroup is talking about.

That is essential, because this issue of cumulative risks seems to me to be of the utmost importance to communities. I think

everyone of us who has been working in this field has had the experience of going to a community that is impacted by a number of sources where the people living in that community are scared and are complaining of either some sicknesses or learning disabilities in their children. They turn to the government in the bigger sense, state, federal and local, and they say, what can you do for my kids? How can you help protect my kids?

We need to find a good answer to that question. We need to find an effective answer to that question. I think that is what this workgroup has been all about. I think they have put together a roadmap to an effective answer. They are talking about identifying the various, the multiple factors that effect communities, looking at ways of resolving them, trying to achieve real world results one step at a time on the road to a more comprehensive solution.

They are talking about doing it through partnership. They are talking about doing it by bringing all the parties to the table, having as –- put our differences to the side, and work for the good of the community. I think those messages are essential.

So I am looking forward to the discussion over the next few days and I hope that everyone will join Region 6 in the

collaborations that will grow out of the discussions over the next couple of days. Thank you.

MS. EADY: Thanks, Larry. Finally, we heard that Karen Gautrealou is the new Deputy Secretary of Louisiana Department of Environmental Quality. So we have heard from an old friend, now a new friend.

Remarks

by Karen Gautrealou

MS. GAUTREALOU: Thank you. Well, it is a pleasure to be here with the FACA from Heaven, and on behalf of Governor Kathleen Babineaux Blanco and Secretary of DEQ, Mike McDaniel, along with all the other employees at DEQ, I would like to welcome you to New Orleans for this meeting of NEJAC. I just want to say that as conscientious hosts, we have provided blustery weather to motivate you to stay in this warm environment so you can properly focus on your issues, not paying attention to the temptations right across the canal. But I do hope that you have scheduled enough time down here to be able to enjoy the wonderful venues that New Orleans offers.

While some of you know, Louisiana experienced a change of leadership three months ago. And with the new governor came new leadership at the Department of Environmental

Quality, including Secretary McDaniel, myself and other members of the Executive Staff, which we hope to completely flush out within the next few weeks.

With that new leadership, the governor has asked us to work to make, and Secretary McDaniel is very committed to making, a more efficient, responsive institution; particularly, an environmental quality agency that undertakes its mission in a manner that is fair and equitable, and invites consideration and input from all stakeholders in regulation of the environment.

Louisiana realized, I think, after several years ago -- you may have referenced the occasion that motivated them to make this decision –- to start working on a statewide basis to develop a more meaningful and productive environmental justice program in the state. The agency wanted to stop talking, essentially. This was the attitude that was conveyed to me, and stop waiting for direction and guidance externally, but start acting on its own.

Some of the activities that DEQ embarked upon, we introduced its environmental justice panels, which were renamed community industry panels, that sought to bring together community members and industrial officials together in a professionally facilitated, non-adversarial setting. These voluntary panels were designed to encourage residents and industry to discuss and,

hopefully, resolve concerns with minimal government direction and outside – I say outside, a more community and state-generated initiative.

We developed and implemented an internal standard operating procedure to promote environmental justice best practices. The LDQ worked to improve its public notice procedures and expand its public participation processes in a number of ways that were requested. One example, in an effort to make records more easily accessible, the LDQ has now its public documents in electronic form so you can access them without coming down to headquarters.

Recently, the DEQ invited EPA Region 6 staffers to Baton Rouge to offer environmental justice training to senior DEQ management and other employees in the agency. I was told that both the participants and EPA presenters found the experience beneficial and we look forward to working with the region to make the training available to more of our employees.

Most importantly, DEQ over the past several years has been working quietly with residents of environmental justice communities to address issues of concern in their particular communities. These hands-on one-on-one efforts have done more, we believe, to promote EJ and raise environmental

awareness in Louisiana environmental justice communities than any other endeavor in which LDEQ has participated.

These efforts have helped to build bridges to the environmental justice community which, previously, particularly in the light of prior distrust and negative attitudes, would have been impossible. Although Louisiana has been somewhat silent on the national environmental justice stage over the past several years, its commitment to environmental quality for all of its citizens remains undiminished.

We would like to recommit the states working with EPA on environmental justice, both directly and through its NEJAC; especially, as we focus on moving forward with the important work of helping communities achieve environmental justice.

I would just like to say that I am going to have to -- unfortunately, one of the reasons Secretary McDaniel could not be here today is we have a legislative session going on and our environmental committee is meeting this morning. But we are in the process of developing our strategic plan under his leadership for the next four years and community dialogue.

And, as I was explaining to Larry earlier, and discussed with Roger, we would like to –- of course, community and industrial relations are very, very important, especially given the cumulative

risk topics that you are addressing, but we also would like to be a facilitator for other components that communities may need, such as their health institutions, and so forth. So, hopefully, help where we can and help facilitate help where the agency doesn't necessarily have the mandate or resources.

So we are looking forward to working on environmental justice issues, we are looking forward to the recommendations of NEJAC, and I have asked Roger Ward –- where are you Roger –- in the back over there –- I am going to have to go back shortly. I am glad I am able to stay through this next panel, but he is going to be listening throughout the day. I have asked him to particularly pay attention to recommendations or activities that we can start incorporating into our strategic planning.

So, again, I am very glad to be here, look forward to what I can hear, but hearing additional feedback and working with you into the future on these important issues.

MS. EADY: Thank you, Karen. Just to be clear on the weather issue, it was 46 yesterday in Boston where I live, so I am really happy. This is good. This is an improvement. Hopefully, we will get more of this.

We have a really packed day today, and I am happy to say that so far, I think, we are kind of a little ahead of the agenda,

so that is kind of a luxury, because I don't think we are going to be ahead of the agenda for the rest of the meeting. But before we get into the substantive issues of the day -- and I am actually very excited about it. We have a number of people who made a special trip here to make presentations and to talk about the process of doing the report that we are discussing during this meeting.

Introduction of Members

by Veronica Eady, Chairperson

MS. EADY: I thought it would be a good idea for us to go around and just introduce all of the council members who are here right now. So you have heard from me, I am Veronica Eady, I am the Chair and I teach at Tufts University just outside of Boston.

MR. LEE: Hi, good morning. I am Charles Lee, I am the Associate Director for the Office of Environmental Justice at EPA, and I am the Designated Federal Officer for the NEJAC. I too want to welcome everyone to this meeting, and we really look forward, as Barry has said, to the discussion that we are going to be having around this very, very, very important issue.

MS. GAUTREALOU: I am Karen Gautrealou, I just spoke. But one thing I did want to mention is that the community dialogue section is one of the sections that are actually under my supervision, so I am very much looking forward to it not only in a

department-wide basis, but personally being involved in these discussions. So thank you.

MR. HILL: I am not Phyllis Harris. I am Barry Hill, the Director of the Office of Environmental Justice.

MS. HYNES: Good morning, I am Pat Hynes from Boston University School of Public Health and a member of the Cumulative Risk Subgroup working for NEJAC.

MR. FIELDS: Good morning, my name is Tim Fields. I am with Tetra Tech EM, Incorporated. I am a member of the NEJAC Workgroup as well.

MS. BRIGGUM: Hi, I am Sue Briggum from Waste Management. I was one of the original members of NEJAC and I am the Co-Chair of the Cumulative Risk Workgroup.

MS. ESPINOSA: Good morning, I am Judith Espinosa from the University of New Mexico. I am on the NEJAC and I am also the Co-Chair with Sue Briggum on the Cumulative Risk Workgroup.

MR. GONZALEZ: Buenos Dias, good morning. I am Hector Gonzalez and I am a member of the Cumulative Risk Workgroup.

MS. SUBRA: I am Wilma Subra, I am from New Iberia, Louisiana. I represent Louisiana Environmental Action Network, I

am on the NEJAC Council, and I am a member of the Cumulative Risk Workgroup.

MS. TUCKER: I am Connie Tucker with the Southern Organizing Committee for Economic and Social Justice, and the Southeast Community Research Center. I am on the NEJAC and I serve as a Community Representative on the Cumulative Risk Workgroup.

MS. HENNEKE: Good morning, my name is Jody Henneke. I am with the Texas Commission on Environmental Quality, I am a member of the NEJAC, as well as a working member of the Cumulative Risk Workgroup.

MR. COLLETTE: Good morning, I am Chip Collette, and I am a council member. I am a senior attorney with the Florida Department of Environmental Protection.

MR. HARRIS: Good morning, I am Robert Harris. I am a member of the NEJAC and with the Pacific Gas and Electric Company in San Francisco.

MS. KAPLAN: I am Lori Kaplan, I am on the Executive Committee of NEJAC, and I am the Commissioner of the Indiana Department of Environmental Management.

MS. KINGFISHER: I am Pamela Kingfisher, a Cherokee. I am with Shining Waters, I am a community consultant.

MS. NELSON: Mary Nelson, Vice Chair of the NEJAC and Bethel New Life in Chicago.

MR. PARRAS: I am Juan Parras from Texas, and I am with the De Madres a Madres, Inc., which is a childhood —— prevention program. Also, I do community outreach for the Environmental Law and Justice Center at Texas Southern University. Congratulations Wilma.

MS. RAMIREZ-TORO: Good morning, I am Graciela Ramirez-Toro. I am the Chair of the Puerto Rico Subcommittee, I work for InterAmerican University of Puerto Rico and the Center for Environmental Education Conservation and Research. I work with rural communities that use water from private small systems, in Puerto Rico and the U.S.

MR. SAWYERS: Good morning, I am Andrew Sawyers. I work for the Department of Environment in Maryland, I am on NEJAC, and I am also the Chair of the Waste and Facility Site Subcommittee.

MR. WILLIAMS: Good morning, I am Terry Williams. I am a member of the NEJAC and Acting Vice Chair of the Tulalip Tribe —- indigenous peoples. That buzzing isn't a part of our work, but I am glad we are here this morning. Thank you.

MR. VOLTAGGIO: Hi, I am Tom Voltaggio. I am the Deputy Regional Administrator at EPA's Middle-Atlantic Region in Philadelphia.

MR. WEINSTOCK: Hi, I am Larry Weinstock. I am with the Office of Air and Radiation in EPA.

MR. FARLAND: Good morning, I am Bill Farland. I am the Acting Deputy Assistant Administrator for Science in Research and Development at EPA.

MR. STARFIELD: I am still Larry Starfield. I would just like to remind folks from the Region 6 states, and anyone else who would be interested, that at 5:00 today we are going to get together and talk about follow-up from the listening session we had a little over a year ago. So if you can join us, that would be great. I don't know where it is, but it will be stuck outside, I am sure, telling us.

MS. EADY: Great. Wonderful. Still ahead of schedule, so let's enjoy that. I am going to ask Charles to go ahead and introduce the workgroup members and start to get into the meat of the meeting, which is the discussion of the Cumulative Risk Report.

Introduction of the NEJAC Cumulative Risks and Impacts Workgroup Process

by Charles Lee

MR. LEE: Great. Good morning, again. Thanks Veronica. If we are ahead of schedule now, I am sure we are not going to be later. So it is good that we are doing this.

Actually, it is a distinct pleasure to introduce the members of the Cumulative Risk and Impacts Workgroup of the NEJAC, which was constituted to help deliberate and provide a basis for discussion around this set of issues. But, before I do that, I want to clarify what Juan Parras' congratulations to Wilma Subra was about.

Wilma Subra was just, I think last week -– one of the nine Volvo for Life Award Winners for being a hometown hero for her work in Louisiana. So I don't know if you all –- I think most of you got a copy of the picture that was flashed in Times Square for Wilma on the Hundredth Anniversary of Times Square. So I think that deserves a certain amount of clarification.

(Applause)

MR. LEE: The persons from the Cumulative Risk and Impact Workgroup are here. There are a great number of them, and I am just going to identify who they are. As you know, Sue Briggum and Judy Espinosa are the Co-Chairs. Wilma Subra, Hector Gonzalez, Tim Fields, Pat Hynes, Connie Tucker, Jody Henneke –- there are a number of other ones who are going to

joining us –- Shankar Prasad from the California Air Resources Board, and there are a number of other ones. Holly Welles is in the audience, I think, somewhere. She is maybe not here right now. Darryl Hood and Peggy Shepard.

Judy and Sue are going to introduce the process to you, talking about from their perspective. Judy from the perspective of the impact of community, and Sue from the perspective of business and industry, about the process itself. Why the work that they did was important to their stakeholder group and, perhaps, why the process worked from the point-of-view of their stakeholder groups.

Then a couple other persons, Connie Tucker, who as you know, is not only a community representative, but a long-time ——- voice in the environmental justice movement. Hector Gonzalez, from the point-of-view of local government; but not only local government, but also a public health official. And then Jody Henneke from the point-of-view of state government.

So, Judy and Sue, I will turn it over to you.

Overview of NEJAC Cumulative Risk and Impact Workgroup Process

by Judith Espinosa

MS. ESPINOSA: Thank you Charles, and thank you Barry, and thank you everyone for being here. I just want to say that I am thrilled to have been appointed and serve on the NEJAC. But, I wanted to say that this work that we have done wouldn't have happened without the participation of the Office of Environmental Justice and giving us the support to do that. Barry Hill and Charles Lee, and others, and we very much appreciate that.

When I was first asked to be the co-chair of the workgroup, first of all, I didn't realize exactly what I was getting into, but I am glad I did. Charles Lee told me that it would probably be the most important thing that I would do in my career related to environmental justice and cumulative risk, and looking at disparities in communities and tribes.

That has proven to be very true and it has proven to be true in a multitude of ways. I think you will understand that when we talk about the report over these next two days because I believe this workgroup has been extraordinary. It has been an extraordinary experience for me.

First, because of the importance of the subject matter to communities and to the EPA, and to all of us, actually. Because individuals on the working group that I have had the honor to call my colleagues have shown to be very representative, not only of

their experiences, but have shared their expertise, have shared their life experience, have shared their sentiments, their spare time. And believe me, a lot of their spare time has gone into the work on this report.

They have shown sincerity and desire to provide a good work product and to have it meaningful to impacted communities and environmentally overburdened communities and tribes in this country. They know what is happening out there and they hope that this report is working towards meetings some of those disparities.

This process worked because it embodied the core message found in the report. That is, a community-based problem-solving model for addressing cumulative risks and impacts. The dialogue actually in the group, I was surprised. While I would say that we had argument, we had dialogue, and we had discussion. It was one of civility, it was one of sharing scientific evidence, it was an opportunity for those to share facts.

It was one of developing mutual vision. That the work that we were doing will go a long way to addressing real life public health and environmental risks and multiple stressors in environmentally overburdened communities. People of color, low-income communities and tribes. It was one of being able to put into

action what we have been hearing from these communities for many, many decades. Not just years, but decades.

Out of our dialogue, and then reasoned arguments, came our bias for action. I think that that is a main theme in the report. This is the thread that runs throughout the themes, and runs throughout the recommendations of the report. We cannot wait decades and decades more. We should not wait to continue to hear from the communities and to ignore their pleas for action.

As to the communities and tribes, we believe that this report is an affirmation of the picture portrayed by environmentally overburdened people of color, low-income communities, and tribes who have been telling all of us for decades what their suffering and their risk exposure, and their multiple stressors have been.

Our communities and tribes have become vulnerable because of physical health, environmental insults they have endured, and social and economic disparities. I believe that you will hear a lot of folks talk about that today as we go through the report, and also as we hear from some of our panel members from communities. These communities are losing social capital from the cumulative risks that they have endured and the multiple stressors inflicted upon them. We as a nation cannot afford to do that. We

need all the social capital that we can and we want all of our citizens productive.

Additionally, this report is a recognition and a validation of the skills and expertise that communities and tribes have developed over the decades. They have been performing community needs assessments, community-based research, data collection and analysis of the risks that they are exposed to daily. This report reflects those abilities of communities and that is shown in the recommendations and the call to collaborative problem-solving and community-based participatory research.

From these communities and tribes have come a cry for real and reliable action. The workgroup believes that we have seriously answered that call. I have heard a lot of comments about the report, many of which are very positive. That makes me feel very good and I want to just thank publicly, Sue Briggum, as my Co-Chair, and those of the workgroup; many of whom stayed up nights writing these chapters themselves.

All of being harangued by Charles to do more work. And, of course, we did that Charles, spending much time doing this. So that I know you have a lot of questions and I know you have wonderful comments for us. This is not the end of the report. We will take back the comments we hear over these next several

days and we will refine the report, add to it as needed, and it will come back out again for you. So our work is not done, but I want to thank you again.

MS. BRIGGUM: Thanks Judy. Good morning and thanks for coming to this meeting. When Charles called and asked me if I would be Co-Chair of the workgroup, I actually was very nervous because I knew how much work was involved. But I also knew that Charles would make sure that whenever I faltered or needed an idea, or anything else, I could rely on him. I have never been in a group with a better DFO, I have to tell you that.

So it was a terrific experience and, as I mentioned, I was one of the original members of the NEJAC. I think that that is kind of important in the process because I have really been educated by the experience with the NEJAC. Going to the listening sessions, hearing what people said, going on the tours, in particular, having the experience of hearing first-hand the concerns of the communities that the NEJAC was addressed to respond to.

It has really been educational and one of the things that I observed in the early years, Barry eluded to, was a number of times it was a very kind of litigious and confrontational experience. It was also very frustrating because you didn't get the sense that we were really addressing the issues in a way that was genuinely

effective. We were raising them, but we weren't really starting to resolve them.

I think that kind of informed our workgroup's appreciation for the fact that we need a better model. We need to have a bias for action. We need something that is workable and that will start making a change in terms of improving quality of life at communities that are burdened by cumulative impacts. That gave us the conditions, I think, for really good dialogue.

Our inspiration, to a large extent, and I think we were kind of a model pilot of it, was the inter-agency working group's collaborative model; which is very much based on having everybody at the table, everyone being very open, and candid. Having people here, communities of concerns, issues in all of their complexity, and having the forum in which business could talk about their constraints. And what they know and don't know, and the information they need in order to be good neighbors. So I believe we really were kind of a pilot project in that regard.

We were very fortunate in the group because we had a number of people who have worked together for many years. It takes awhile, actually, I think, to build the kind of listening ability and the sense of trust and openness to address very complex and difficult issues. So we were lucky, I think, to have people like

Connie, and Charles, and Tim, and Wilma, and even myself, who has been very privileged to be with the NEJAC and to have these conversations over the years. Because it made it much easier to talk about very hard things in a very good-humored and compassionate and serious –- very serious way.

So I believe that this really was –- certainly, from my perspective –- the most productive stakeholder group I have ever been in. I think we covered a lot of ground. We did not focus on legalisms or what couldn't be done because of the following, but we talked about, suppose we really looked in a holistic way at the communities we are talking about. And we didn't think about a stovepipe in terms of EPA's jurisdiction or anyone else.

We would think about what do we hear, what would resolve conditions, what would make for a genuine partnership with business and industry, and community members, with the government acting as a facilitator, and how could we be there. Both quickly, practically, in the short-term, and in the long-term in terms of better regulatory systems. So that is what we tried to do. I hope it works.

MS. TUCKER: Good morning. Actually, Judy covered most of the parts, and I will just add a few comments, beginning with the recognition that this Cumulative Risk Report and the

proceeding cumulative risk framework really are major victories for the environmental justice movement.

I am really concerned not to see this place packed because this may have been the largest, the issue of most concern in environmental justice communities. The anger, the aggressiveness, the attacks that you all have talked about, and I don't think that we have come so far that they —-- exist, resulted from the frustration of communities who mirrored the diseases that scientists said would occur should exposure occur. Yet, somehow state regulatory agencies and the EPA itself that were never able to identify the cause and the effect. That was very frustrating.

So we made a demand to this EPA, and to the NEJAC at its conception, that we had a problem with the approach that the agency took using risk assessment as a tool, that, in fact, our communities were victims of multiple pollutants, both over time, which we call cumulative, and we used this term that I never knew could be associated in a scientific way, synergy. Synergistic impacts. That is, the mixture of chemicals. And as we have come to know that one chemical standing alone may not be nearly as toxic, but when mixed with another one, may become more toxic.

So we were frustrated. And not only frustrated, sick and die. So this move, this progress, was made on this report and, hopefully, policy initiatives and programs that will follow this monumental occasion will move us closer to understanding the multiple impacts in environmental justice communities. It is a long overdue victory.

Pretty much, finally, I guess I want to say is that while the environmental justice community would have liked to have seen the language with precautionary approach, the term bias for action is very, very similar. It means for the first time that the EPA, once it really accepts this report, will have at least a direction for bias for action. That something has to be done even when the science is not there to chart the steps that need to be taken.

It is, for us, a life and death issue. And for those of you who are from state regulatory agencies, please get some thick skin, because leadership does have responsibility. We see, at least in the region that I live in, and I know other regions across the country have the same problem, the disproportionate impacts of these cumulative risks on poor and communities of color. We have a right to be angry about that. And we have a right to a solution. And this Cumulative Risk Report provides an avenue for that. Thank you.

MR. LEE: Thanks Connie.

(Applause)

MR. LEE: Before Hector says a few words, I just have to share with you a story, and this is a real credit to the Cumulative Risk and Impact Workgroup. Connie called me up sometime in the beginning of the process. And, you know, Connie was a member of a number of other NEJAC groups, including the Pollution Prevention Workgroup.

You know, Connie would bird-dog everybody. Connie would be there to make sure everybody got it right. And she called me and she says, you know, I think this group, I feel okay about. You know, I am not going to do the same. And that, actually, is a real credit.

I mean, I think that the way that the group worked together and the kind of people that came together, and Connie's ease with them, was a real credit to this group. So I just want to make sure everybody knew about that story.

Hector.

MR. GONZALEZ: I have been in public health over 20 years now, and I remember a time working in a small community, Crystal City, Texas near the border with Eagle Pass, Piedras Negras, that we were looking at the general health of our patients,

children and moms, particularly, who were mostly farm workers. We were asking ourselves how their general health effected any exposure to anything, biological or chemical.

So even then, over 20 years ago, we started asking the question about how people were susceptible and how their general health status impacted the outcome of the risk and the exposure.

What difference does it make when someone has good general health care, is properly nourished, visits a physician, has a physician, has a medical home, and is exposed to a toxin versus someone who is undernourished, malnourished, never goes to the doctor, doesn't have access, doesn't have health insurance. So these are some of the issues that we were asking even then.

And now, as a director of the City of Laredo Health Department, as a city official, we continue to ask that. Local governments, I think, are recognizing that they have to be responsible and have answers to questions that the community is asking. When it comes to questions about environmental exposure, there is a lot that we don't know. Yet, there is a lot that we do know that allows us to make informed decisions based on sound science.

No one can tell me that having a general good health makes a big difference when you respond to any exposure, any impact. So I really am glad to, and honored to, have participated in this workgroup with everyone who is part of the Cumulative Risk Workgroup because this is, to me, and I mentioned this to Charles, is cutting-edge. I want to thank the EPA for being bold enough to take this charge on. Because 20 years ago, I can remember that the environmentalists and the health folks sat at opposite ends. So my congratulations to EPA for taking this charge because this is an important paradigm shift in joining health and environment that always should have been together. But then also of looking at it from the approach that it is all of our responsibility, community, industry, business, government, at all levels, to look at this issue and come up with a responsible quick action because our health and the quality of life is probably the most important thing. Thank you.

MS. HENNEKE: Thank you. Like Sue, when I first got the phone call from Charles, I knew, I knew, and I did it anyway. For those of you who have never been on a forced march with Charles Lee, I encourage you to take advantage of that opportunity should it happen. It was painful, joyous, exhausting. My staff whined a great deal. There has been a lot of work and effort and

emotion that has gone into the product that you all have in front of you. I value the time that I have spent with you all. It was a wonderful workgroup.

There was anger expressed, but never, not once, at each other. Given some of the other workgroups that I have been associated with in the past, both on a state and local level, as well as federal, that is pretty extraordinary in and of itself. The experience level of the people on this workgroup is wonderful.

Charles put together a really good team and I think there was a tremendous amount of activity that we had to figure out how to focus. We did that only because of Charles' guidance. He really does crack a whip, and it is loud, and he kept us going.

All of that aside, it was really interesting to me to listen to Hector talk about the public health folks on the one side, and the environmental folks on the other side. I am a second generation regulator. I was telling Larry, I actually grew up on what is now, and has been a Superfund Site for a very long time, in the lead and zinc mine area of northeast Oklahoma. I know where Tar Creek is.

When I was in that formative high school years, all of the environmental stuff was done out of the health department. So it has been very, very interesting to me to watch the public health folks, and the environmental folks, separate and then go, oh, well,

you know, it took us a couple of decades to figure it out that is not necessarily the most productive way to go about this. Now we are coming back together in at least some of these arenas where there is such a need in the area of cumulative effect.

I say all of that to just point us back to what we have in front of us, and to thank you, Charles, for dragging me into this and through it, and I very much appreciate it.

MS. EADY: Well, I just want to thank all of you who worked on this report. I know from the number of times that my phone rang, with the EPA conference operator and I wasn't available to take the call, that you guys were really busy. And reading through the report, which I read through for the second time on the flight down, there is just a lot of information, it is very progressive, and I think that you guys did a wonderful job. So I am really looking forward to hearing the presentations this morning and getting into sort of picking it apart and getting the conversation going with the Executive Council.

So, I guess, we will continue and I will ask Charles at this time to make introductions again.

MR. LEE: Thanks Veronica. The next part of the agenda is going to focus on an overview of the draft report. As Judy has said, this is only half-way, or three-quarters of the way through

the process. This meeting is to give an opportunity for the NEJAC and for the members of the public to have a time to deliberate on the report and provide input.

It is important, therefore, that there be kind of a systematic way to walk you through what is in the draft report. We are about a half an hour ahead of time, so that is going to give, I think a little bit more time to do this. I am going to ask Wilma Subra to present an overview of the report and, hopefully, after that not only will there be some clarifying questions, but some dialogue as well. So, Wilma.

MS. SUBRA: Just one comment. While this cumulative risk workgroup was going on, various people around the table have expressed the workload they took. Larry Starfield, Sue Briggum and I were serving on the Superfund Subcommittee, which also required a huge amount of work. This one was always so very positive and so very focused, and aimed at helping the communities. It was just day and night difference. This one was always positive, the other one was always meshing of teeth and the various stakeholders pulling in the direction of their agenda; whereas, this one was always moving the agenda forward together cooperatively.

So thank you and thank Barry for initiating this process and carrying this process out.

Okay, can we have the first slide please.

(Slide)

"I am sick and tired of being sick and tired." This phrase was first voiced by renowned civil rights activist Fanny Lou Harner in the 1960s. When you heard earlier about communities have been saying this for decades, many decades, this cry for help and plea for assistance continues to be loudly heard and passionately expressed by overburdened people color, low-income and tribal community members.

It is voiced repeatedly at every NEJAC meeting. It is voiced repeatedly at meetings across the nation, ranging from gatherings around kitchen tables, to local, state and national events, hearings, regulatory processes, as well as gatherings of EJ communities large and small.

The disadvantaged, under served, environmentally overburdened communities suffer adverse health conditions are deeply concerned about the status of their health. They are frustrated with the public health community's failure to assist in improving their health. They are angry with the unresponsiveness

of many businesses. They are bewildered by federal, state and local governments' failure to correct the situation.

The resulting exposure to physical, chemical, biological, social and cultural factors results in the community being more susceptible, as Hector described, to environmental toxins, having compromised abilities to cope with and recover from such exposures. Being deeply frustrated over the cumulative adverse impacts the exposures are having on all facets of their lives. The rising demands that government, business and industry, and the public health community take immediate and effective action to improve those conditions.

In response, the EPA, through the Office of Environmental Justice, Barry and Charles, requested that the NEJAC Council address the following question: In order to ensure environmental justice for all communities and tribes, what short-term and what long-term actions should the EPA take to pro-actively implement the concepts contained in the framework for cumulative risk assessment? This is the framework that Sue Briggum mentioned in her opening remarks.

The EJ Cumulative Risk and Impact Report provided a mechanism to, (1) systematically focus on the multiple exposures, risks, impacts, stressors, and environmental health, social,

economic, and cultural factors; (2) it allowed us to set priorities for these actions; and (3) and most importantly, it institutionalized a bias for action within EPA so we don't wait decades. We have a bias for action.

(Slide)

The issues of cumulative impacts and risk in communities are multifaceted, interconnected and complex. The table you see up on the projector, and also against the wall provides the issues of cumulative impacts and risk in communities. It illustrates the range of cumulative impacts and the factors that decrease the ability of the EJ communities to cope with, or recover from, environmental exposure.

Here you have a 2000 square mile chemical industrial corridor along the Mississippi River between Baton Rouge and New Orleans. This is one of the areas that Karen and her agency regulate. New Orleans is where we currently sit, so we are at the bottom of this corridor. We have a large number of very poor, overburdened EJ communities that have lived off the land for generations, have not profited from the industrial development, but have been the recipients of the resulting environmental burdens.

The pollution sources are many and varied. They range from petrochemical industrial facilities and toxic chemicals in oil and

gas drilling and production activities to agricultural operations. The communities are exposed to toxic chemicals through unique pathways, such as air, drinking water supplies, you noticed the bottled water in your room, food crops, terrestrial game species, aquatic organisms and seafood contaminated from industrial and agricultural activities throughout the state, as well as through the Mississippi River basin. All two-thirds of the nation draining into the river that passes right here.

The chemical exposures result in a variety of health conditions, which are compounded by lack of access to healthcare, as mentioned by Hector, lack of trained environmental healthcare providers. Additional impacts result from social and cultural conditions, and minimal community capacity and minimal social capacity.

The cumulative impacts and risks illustrated in the table are a collection of individual stressors that occur simultaneously and in multiplicity.

(Slide)

To examine community situations, the identification of multiple stressors should be the starting point for assessing and responding to the cumulative risk and the cumulative impacts. To be sensitive to community concerns, there is a need for common

conceptual frameworks and definitions, those that are agreed to by all stakeholders. These definitions deal specifically with cumulative risk and cumulative impacts.

It is critical that the process include a coherent, consistent, and transparent framework. Risk assessors see cumulative stressors as quantitative. Members of the impacted communities consider the cumulative stressors to be collective of multiple stressors that occur concurrently and geographically. Again, the bias for action must have multiple stressors as the starting point for assessing the cumulative impacts and the cumulative risks. The multiple stressors must consider multimedia in order to attain a comprehensive approach.

(Slide)

We will talk a little bit about how cumulative risks have evolved within EPA. Past risk assessments were geared to controlling the sources of pollution through technology-based regulations or individual chemical-by-chemical approach. We have all been there and heard that over and over again.

The '70s was the beginning of risk assessment with an emphasis on oral routes of exposure. In the '80s, we have dealt with remedial action guidelines and databases. Tim used to be in charge of that division of EPA, dealing with a lot of remedial action

and actual site cleanups. In the '90s, we had innovative approaches, mechanisms of action, and for the first time, real focus on ecological assessments. The contamination of those organisms that are so crucial to the survival of these poor under privileged communities. In 2000, we had sensitive sub-populations and we started integrating assessments.

(Slide)

Then, in May of 2003, EPA published its framework for cumulative risk assessment. The framework was developed to address the highly exposed and adversely impacted disadvantaged and under served communities and tribes. The framework takes a broad view of risk, with population-base and place-base analysis. It involves multiple stressors, both chemical and non-chemical. It deals with vulnerability from biological, as well as social factors. It involves the impacted community as well as other stakeholders. It emphasizes planning, scoping and problem formulation. It links the risk assessment to both risk management in the context of community health goals, always focused on improving the health of the community.

(Slide)

This figure illustrates the population-based approach with consideration of multiple-chemical and non-chemical stressors,

which are the focus of the EPA framework for cumulative risk assessment.

(Slide)

NEJAC's response to the EPA charge has been the following report, which you have picked up on the back table. One, adopt a community-based collaborative problem-solving model to address cumulative risk and cumulative impacts. It is the best way to operationalize the concepts of the framework document in real-life context of environmental justice issues. It takes the framework and puts it in real-life context. It is the fastest and surest way to secure a tangible and sustainable risk reduction, and it reflects the bias for action.

The community-based collaborative model addresses multiple stressors, creates transparent processes that instill confidence, trust and social capital in the impacted communities, institutionalizes the bias for action, develops a coherent and consistent framework, addresses the issues of vulnerability, utilizes screening, targeting and prioritization methods and tools, and brings about significant risk reduction on the part of the communities. It implores regulatory authorities to bring recalcitrant parties to the table.

Using the community-based collaborative problem-solving model to address cumulative risk and impacts, builds on the recommendations in the previous 2003 NEJAC Report, Advancing Environmental Justice Through Pollution Prevention –- and Ken Warren and I were co-chairs on that project from last year –- it established a multi-stakeholder collaborative model focused on identifying community cumulative impacts. And after you identify them, determining which pollution prevention tools would be the most effective in addressing those impacts. This approach established both an assessment process and an implementation and risk reduction solution process through multi-stakeholders.

(Slide)

The current community-based collaborative problem-solving model to address the cumulative impacts and risks consists of the following seven elements: Issue identification; community vision and strategic goal setting; community capacity building, which is so very important; consensus building and dispute resolution; multi-stakeholder partnerships and the leveraging of resources from all partners; supportive and facility roles of the government; sound management and implementation; and evaluations, lessons learned, and replication of best practices.

The utilization of the community-based collaborative problem-solving model, with all stakeholders engaged in open and deliberative discussions of causes of risk, and all stakeholders contributing to the community-wide effort to reduce those risks will result in healthier and less impacted environmental justice communities throughout the United States.

MS. EADY: Thank you Wilma. I guess at this point we will start with questions and discussion from the council. During the course of the process that the workgroup has been going through in the past year, we have had regular updates on our NEJAC conference calls. We have also had access to some of the drafts as they were sort of nearing completion to the version that we have right now. So we have been pretty well kept abreast of what was going on, and I trust that we have all had a chance to take a look at this now published draft copy that we saw on the plane –- or, that I saw on the plane.

(Laughter)

MS. EADY: More coffee. Anyway, this is an opportunity for us to begin with some questions and comments. So I will open it up to the council, and also to the other members of the workgroup. The panel that we have and we also have some workgroup members in the audience. I saw Peggy Shepard, who

is the former chair of the Executive Council come in. Peggy participated on the workgroup as well.

Just to review, because we haven't seen each other in awhile, we want to put our cards up like this if we want to speak. So I see one right now. Connie.

MS. TUCKER: I am going to apologize to the workgroup for my comment, because I should have made these comments to you earlier, but it was an oversight. I will be submitting this as a part of the public comment process, but since I am on the Executive Council, I don't have the privilege of being able to speak from the floor, so I will take the opportunity now.

For the last community-based collaborative problem-solving model diagram that was just last shown, in my opinion, and in the opinion of some of my co-workers, there is a critical element that is left out. And that is the first two boxes up there was a community-based issue identification. The second one was capacity building. We moved from there to consensus building and dispute resolution.

Our concern is how do you move from an issue identification to consensus building. We believe that the critical element there would be the community-based participatory research because –- and I will speak about that a little bit later this

afternoon –- but it provides the opportunity to have the community meet with itself, and then later on with other stakeholders; particularly, stakeholders in their own communities to learn about equitable partnerships.

Because I think that is going to probably end up being one of the barriers to moving forward in this partnership model, community-based partnership model, is for other stakeholders to understand that the community should have an equal role. And, in fact, there should be advice toward research questions that are concerns of the community. Thank you.

So, we will be recommending that CBPR be inserted right where the community-based approach is.

MS. SUBRA: ——- discussion, that is what we had intended to happen, but we will make it very clear that that is what we mean so that the community can come up with their issues and then bring their issues to the table with the other stakeholders. Thanks, Connie.

MR. SAWYERS: I just want to commend you guys. I thought the report was excellent and it was well-written, and having been on the Pollution Prevention Workgroup, I fully understand the pain you went through. But I thought the product was an excellent product. After reading through it a second time,

like Veronica on the airplane coming down. There are some questions, and I won't get into some of the specific questions now, but I wanted to talk about some of the general things that I guess I would like to some clarity on, if you will.

In terms of the actual details, I want to say I thought it was well covered. One of the things which I think, and it was mentioned by Wilma, on other core strategies, if you will, is the issue of sound management and implementation. It has been on some of the NEJAC workgroups before, and I always think we do such excellent work, but often times I think in terms of implementing the work, by implementing the product –- the products, if you will –- that probably hasn't been thought through fully.

And this, certainly, is something which I have talked to some of the folks before and I suspect that there is a lot of effort that is going to go into this. I would like to see this product, if no other product, that a good implementation plan be developed to engage what I think is sort of cutting-edge work into EPA, and certainly, into state programmatic areas.

Being a state regulator, these are some of the fundamental questions that we have to address on a daily basis, and I think we do obviously great work, but for us it is going to take a lot of thinking to actually implement some of this.

I want to also commend the workgroup on what I think are some fundamental concepts, like the concept of vulnerability. I thought it was well addressed, there is a certain amount of rigor and robust attention that was paid to it. The consequence of social capital too is one which, I think, is fundamentally important for the environmental justice movement.

And in Robert —- description in southern Italy, it was work that showed how people without some of the things that a lot of us are used to, but with that cohesiveness, if you will, did a lot in terms of mobilizing and making sure that they achieve the goals and objectives that they set forth.

So I must commend you guys on really integrating some of those fundamental concepts, which I think, you know, if we figure out a way to implement and encourage and engage those concepts into a lot of the work we are doing, it will go significantly far, if you will, to address some of the environmental justice concerns.

I guess this is a clarification question, bias for action. I think I have an understanding about the concept, but I suspect there are others who would like for us to clarify that a bit, if you will. So I don't know if Wilma, Charles, or someone could just sort of expand on exactly what that term means.

MS. BRIGGUM: Sure, I will try, and then Tim will do what I miss. We were very much focused on let's think of case examples and what happens in terms of defining terms like bias for action.

We said, we are unsatisfied with the model we have seen so often where we raise all of the issues, and we define all of the stressors, and we capture all of the potential sources of concern. A number of them are business and industry, and a number of them are other things, you know, traffic, governmental planning, etcetera.

This takes a long time because there is always something that you can do better. You can get a better health analysis, you can try to get closer to that really good correlation between the percentage of the population that has asthma and the kinds of sources and the pollutants that are coming out of those sources and you are trying to tie it in.

That takes a long time and you can always fund a new study. You can try and work with the current mechanisms, and you can say, well, okay, there is a permit that is pending, let's look to that as maybe what will solve everything. And if we just shut down this facility, that will take care of at least part of the concern and we can say we have done something.

This seemed very fragmentary and effective to us. We said, you know, we are not interested in working in a process in which once again we come up with a whole laundry list of research agendas, and things to prove, and ways to come up with regulations in order to impose cumulative risk obligations. But what we would like to do is come up with a framework that is practical so that you could look at it and you could get some pilots going within the next month. You could make some progress.

So, what we did was every time we addressed one of the topics, like vulnerability, identification of stressors, screening partnerships, collaborative model, we said, can we think about things that we could do right away. Ways that we could structure an approach, a way of dealing with these places that are overly burdened where you could incentivize, and if not incentivize, otherwise encourage business and industry to be constructive and helpful, socially responsible in terms of being accountable for their possible impacts. Don't put them on a we have to prove it is not us mode, but put them on the, yes, I can be helpful here.

There is something I can do that can be useful. Is there a way that community members can help us prioritize, can see real results as quickly as possible. So whenever we approach the substantive topics, we always had two ideas, one was how can

we get something done quickly that will improve community conditions because, you know, we have been thinking about this for a long time so there must be some tools out there we could access quickly.

And second, this isn't enough and we would really like to do something methodical over the long-term, so can we support a very effective and kind of inclusive research agenda that would assure that it was focused on community knowledge participation and constructive participation by business.

MR. FIELDS: Just to add to what Sue said, you know, the topic by itself, Cumulative Risks and Impacts, is a topic that you can study to death forever. So we wanted to make sure that as EPA, state regulators, local governments, and the private sector looked at this issue, that there was really a bias toward doing something. That as you look at the multiple stressors impacting a community, and that as you get added information about those impacts, that there was a bias, a new paradigm within the regulator community as well as the private sector to focus on doing something.

As opposed to studying the problem just to get the latest and greatest information you could to make an ultimate decision. Whether you are talking about a clean-up program, a compliance program, an enforcement program, let's do something. Because

people are being impacted by health concerns, health issues, deaths in communities. And let's change our way of thinking toward taking action early on, as Sue said, whether it be through pilots or innovative approaches to try to do something to see what the impact of the action would be, as opposed to the sometimes paradigm of trying to get the latest best information by which to make a decision.

Let's have a bias for making decisions based on a limited amount of information, but that causes early intervention into health and other impacts that are effecting communities.

MS. ESPINOSA: I just want to speak to that, because Connie brought something up just awhile ago that relates very much to a bias for action. And that is community-based participatory research. This bias for action is a validation of what communities have been doing for many year now, which is research in their own communities, needs assessments, data collection, and looking at where the multiple stressors are coming from and why they are particularly vulnerable.

The bias for action, I believe, reflects that because it says to all of us these communities have expertise, they know what needs to be done in a lot of ways in the community, they haven't waited for all the science and all the evidence to come in.

They have started taking action on their own. And I think that the report seeks to maintain that validity of where the communities have been going with their community-based participatory research. It says to them, we are going to work with you and, in a lot of cases, take the lead that you have already had in your communities and join with you to make sure that we proceed to implement what we are looking at.

MS. EADY: Thank you Judy. And, Pat, as somebody who does community-based participatory research, can you add something to the conversation?

MS. HYNES: Yes, Veronica, I had been thinking of an example of work that I am currently doing and then decided not to say anything. So thank you for inviting me to.

What your question brought to mind something that –- a situation that I am currently involved in, in which I think that working on this committee has really put in the foreground of my head. The importance of taking action with imperfect knowledge. You know, this saying about that perfect is the enemy of the good.

So when you work, as in a federal agency, or in a university as I do, you are always conscious of what you don't know. Whereas, I think that is not the case with communities.

They are conscious with what has to be done, with what actions should be taken.

So for doing these studies I am involved with, it is a community-based –- this seems to fade in and out so I will try to project –- I am involved in a community-based participatory research project, which is called the Healthy Public Housing Initiative. It is funded by HUD, also initially by EPA. We have worked for –- we are going into our fourth year studying the impact of trying to get rid of cockroaches and mice, their allergens, as well as the insects and rodents themselves, from public housing and the impact of health of asthmatic children.

We have uneven results. But even so, it is very clear that you have to get rid of insects and rodents in public housing, even if we can't demonstrate that children's asthmatic health has improved as a result of it.

So at the end of three and a half years, we had a meeting. People from public housing, together with our researchers. The researchers brought their research questions, just sort of framed them, the data and the papers they are going to write. The residents came with their list of questions, urgent questions, about the problems they live with from the focus group discussions.

We hung them on the wall like these things are hung, and it was an exercise for us to see is our research speaking to the questions of the residents. And what Connie said earlier, our residents' questions –- the vital questions that are driving our research –- are they equal partners, are they equally important?

We had an exercise of these colored little sticky things so that you would take a research question and call it blue, and then the resident with that blue sticker identified whether their questions, the things they lived with, the problems that they live with are being addressed by the research questions.

We could see by the clustering of these color coded dots which research was speaking to their lives and which wasn't. That was number one and that was a test to see whether scientists and, in the case of EPA, the work they are doing have identified really derives from and generates front he felt needs of people.

Secondly, we came to the conclusion that most papers, and I think many reports out of government too, generally finish saying, further research needs to be done on this issue. We think we learned something, but we need further research, so we decided to change that conclusion, told our doctoral students they have to speak to what action needs to be taken from the results

that they have found, even with imperfect knowledge. So the conclusion for these papers are action items, not just further research items.

That is a consequence, one of the action items that has come out of our Healthy Public Housing Initiative, comes out of an observation that was that pest control, even done integrated pest management by sort of well-trained people, is not effective unless the people who live with the problem are involved, and secondly, that residents who we trained as or researchers –- we call them community health advocates –- actually learned a tremendous amount of integrated pest management and ended up being extremely effective working with public housing residents around where the problems derive from, what the sanitation, what you do to control it, and safe pesticides, and the hazards of exposures to pesticides, which residents were using.

So our action item is a follow-up project whereby we will get federal job training monies to train a cohort of residents as I'M assistants, and then to create jobs, both private sector as well as the public housing authority, for them to be hired back to work in integrated pest management. Now, that is kind of a direction that most research doesn't take if it is not focused on a bias for action or actionable results.

I would say that both doing community-based research, but also working on this panel, with that language bias for action sort of hanging in front of you as you pursue research, it really makes a difference in the way your mind works in terms of what you are satisfied with and what you are not. You are not satisfied with not taking action, even if you haven't perfect knowledge before you.

MS. EADY: Great. Thank you, Pat. Andrew, is it on this point?

MR. SAWYERS: I just wanted to say that the idea of a bias for action or, frankly, just being proactive is something that I fully embrace and I think, again, as you develop your implementation plan, certain consideration, you have to start thinking about exactly what initiates a bias reaction, if you will.

Are your criteria minimum criteria indicators, or things like that. Because I suspect, you know, you can easily have sort of a huge request, if you will, for agents, there are state agencies, there are federal agencies, or institutions for that matter, to do something to mitigate or intervene. And that is exactly what this is, mitigation type projects. Intervention type projects.

And on Connie's point about participation type community-based research, I think, again, being in Maryland and

seeing some of the examples using community concerns as hypotheses for research, it is actually a great idea because once they are engaged and their thoughts are sort of encumbered into that process, the results whether for or against, their initial thoughts are generally acknowledged and understood.

I have seen circumstances where they have actually engaged community concerns and used it as the hypothesis for a different type of research. They fully acknowledge the results, and in some cases, the results were not what they expected. But they fully acknowledge it because they were involved and their thoughts, if you will, were used as the hypotheses.

So, again, I cannot over emphasize the need for some implementation mechanism that engages in a very robust and rigorous way the need to be proactive, certainly, reflects this bias for action.

MS. EADY: Thank you. So here is what I have. My apologies if I missed the order. Terry, Graciela, Mary and Pam. I am also going to ask Hector Gonzalez to talk a little bit about Appendix B and about Laredo, which I found really interesting. Okay, so Terry.

MR. WILLIAMS: Thank you. I think I am going to open as well with an apology. Since our last gathering, I was down with

some health problems for awhile, and now on my return, Charles has asked me to look at the section dealing with special concerns of the tribes to look at maybe the strengthening out a bit. But first, I too want to commend the workgroup for the approach and the work that you have taken. I think it is quite a task to think about cumulative effects in the way that you have and to put it into a structure in a way that makes sense, and in a way that is constructive.

I think my first comments on the tribal section alone is just that of looking at that of the involvement in capacity issues. The difference in involvement is the United States has a legal obligation, a fiduciary obligation, to their tribes, as you know. But that of a government-to-government. And in that process, over the years it has not been well defined even though President Clinton at one point came out with an Executive Order looking at the government-to-government process. It is still to most federal agencies somewhat of a mystery.

I think that we can add some clarification on that process. The first jurisdiction is for on-reservation and tribal jurisdiction that needs clarification on issues like this, whether they are direct, indirect, or cumulative effects. Tribal jurisdiction over the health and welfare of its membership needs to be clarified in

terms of the roles and responsibilities and obligations to protect their constituents. For off preservation or off the Indian lands in areas that the tribes still have jurisdiction in terms of having access to resources, environmental resources.

There needs to be clarification of a shared role of jurisdiction with the tribe in the United States, or with the tribe in the federal agencies through its processes. Under that, what we have been looking at, similar to NEPA, that there is an opportunity for the tribes to share that jurisdiction as a cooperating agency. And as a cooperating agency, can help to formulate approaches that would look towards protecting the tribal populations again.

The subtly in difference in what we are looking for is there is a requirement that the federal agencies know about in consultation when resources are effecting the people, especially, the health of the people. The tribes have been for some time working in a similar direction, as you are with your report, in that of collaboration. Saying that consultation is a collaborative process and that that collaborative process needs a joint decision-making. But, in that decision-making and in looking at development of methodologies or process and in the assessments that are utilized.

The reason for this is that impacts that we are facing now, and as you are realizing in your report and commenting on,

directly to tribal populations have manifested themselves in forms of diabetes, cancer and heart disease from the different types of pollutants that are being consumed. Also, there is another issue that is now being addressed here, and it is the loss of resource.

As you look across the landscape of tribal uses in terms of species –- for an example, where I come from, the Tulalip Tribe's watersheds that we utilize, we have gone through the assessment process of the landscape itself and we have determined, to some extent, the ability to identify the loss. And of original environmental functions or ecosystem functions in our watershed, about 75 percent of those functions have been either altered or lost. Which means there is only about 25 percent of the original available species we utilize, our culture is still there.

That loss has manifested itself similar to pollutants and impacts of the tribe. That is, by the loss of foods and medicines, the reaction to that has been an increase of diabetes, cancer and heart disease. And, generally, on our reservations you will see that increase about 50 percent more than off-reservation populations.

So we are kind of in a Catch-22. If we don't have our traditional foods and medicines available, health impacts increase. And when they are available, and we start utilizing them again,

they are generally polluted and we get the same types of impacts. And, you know, it is a situation that we are struggling with now, but I think as you look at the tribes nationally, what you are going to find is the reduction in use of these resources that they have been dependent upon for tens of thousands of years.

A loss in the range of 70 to 90 percent. So the loss is just as important to us to understand as well as the impacts. And the ability to be able to have a jurisdiction or some management input to the management of these resources. And, again, we are talking about direct impacts, indirect and cumulative. In general, a lot of the impacts we are talking about are not always cumulative impacts. A lot of times they are direct, they are just not in —--.

Anyway, that is kind of the comments that I would have for right now, and I would hope over the next few days we would have opportunity to maybe delve into this a little more, but I appreciate the time. Thank you.

MS. EADY: Thanks, Terry. I just want to underscore, I think it is really important for members in the audience also who are members of tribal communities, or work with tribes, and especially Alaskan Natives because their issues are slightly different. So it is important to pay attention to that section and provide comments. Graciela.

MS. RAMIREZ-TORO: yes. I want to echo the words of the people that have talked before me, praising the report. As I told them this morning, I think that it is written in a way that you can find your nitch in the bias for action really quick. That is very important so we can really build these collaborations that we need to build in order to implement the recommendations.

But when I read the report, there was one thing that caught my eye, and maybe it is because of my Browning education, which is that the underlying thread of all the issues is capacity development. My work, and the work of others, in communities and in the agency, in EPA, has brought us to conclude that capacity development is one of those things that means very different things to everybody.

If there is no consensus within the agency about what constitutes capacity development, if you talk maybe let's say with the water programs, like the portable water programs, they see capacity development as maybe teaching somebody –- and I am over simplifying the issue when I presented it, but maybe just seeing capacity development as teaching somebody how to operate a system with no watershed issues. Or vice-a-versa. If you were in the Clean Water Act section, maybe take a look at the watershed and not what the people are drinking.

So I will be concerned about creating some sort of consensus and, maybe through the report or recommending EPA to look at capacity development most seriously in terms of what it ;means for the agency to have all these different approaches to building capacity, both within the agency –- which was another thing that I liked very much of the report, that capacity development was not presented as something that we are going to develop in the communities, but also within the agency.

So I would like to hear from the water group their thoughts about when they were making all these discussions, what were the conclusive way of looking at capacity development?

MR. LEE: You know, perhaps, because of time, the questions that are being raised are part in parcel of a lot of the key concepts and recommendation proposed themes, as well as the action items. So I think things like this, Graciela, and the questions that Terry raised, you know, you should keep those in mind so that as this discussion unfolds, we can see how best they are really fully addressed.

MS. EADY: And just to sort of underscore what Charles said, if your question hasn't been answered at the end of the day, please keep the question in mind and raise it again as we continue

the dialogue. Because we do want to make sure that questions get responded to. Mary.

MS. NELSON: Thank you. I too want to commend the working group and Charles' good leadership in this whole approach. I think we have really come across a way of doing business that will move us much further into getting substantive results. And, secondly, that it is integrated. That it isn't just we are just focused on this one thing and we don't understand. I love that because being in community, you just know how it is like the old weiners in the old meat shop. When you pulled up one, you got all the others. You can't separate these issues, they are also inter-related in community. I love that about it.

And as somebody who is into acid-based community development, which is really capacity-based community development, I just again want to commend the notion that it really is opportunity based. That we look for where are the handles to start. We don't have to do it all at once, we start somewhere and then we evolve into the next more complicated and longer ranged things. And I think that is, again, an approach that is going to do us well in future endeavors.

I have three comments to make. One is, around community-based research and problem-solving, one of the issues

I think we have got to confront is that it is sort of easier for universities and those types to get funds to do the research. We have got to figure out creative ways to enable community groups to get funds to do community-based research and problem-solving.

It probably doesn't need to be the same way, but we have got to figure out how to reverse that flow of funds so that some of that –- or maybe for the collaborations between universities and community groups. But there have got to be some funds to help make this stuff happen. It doesn't happen without that.

And that secondly, this model of our process that you guys have emerged with out of this way of approaching things, I hope that this will set the framework as a process for how we come out on all the next set of issues that we tackle. That this isn't just on this one issue of cumulative risk, but this process and these basic assumptions that are in this thing, of community-based involvement, of the bias for action of all of these things, hopefully, will be ongoing kinds of themes that are then a part of everything else that we do from now on.

And then, thirdly, I would hope that this bias for action could become adopted for the whole of U.S. EPA as a way of doing business. It would seem to me that we might, in a very

creative kind of way, might be able to say this kind of bias is the way to really get to moving and to get into action. Thank you.

MS. EADY: Great. Thanks, Mary. Pam.

MS. KINGFISHER: Thank you and I want to commend you on some really good work here. I have served on the Fish Workgroup and I know how Charles can crack that whip, so thank you all for this work. It is interesting to frame it in the whole picture of how far we have come as NEJAC too, because in reading this, as a tribal person, just the fact that we have a page and a half on the special needs of tribes is really a great thing.

The fact that we fought so hard for people of color, for terms like that to be taken up, and now throughout the report, it states communities and tribal groups, or tribal communities. It is always coupled with it, so I really thank you for that tinge and to that connection.

It is interesting that Terry calls it a mystery and, really, it is sort of the Pandora's Box, this government-to-government relationship. And you all have stepped up very bravely and begun talking about sovereignty. I can remember being at the '91 Summit when we had to explain sovereignty to all the people of color also, and it is a very confusing and twisted place to go. So I congratulate you on even just opening the door to that Pandora's

Box. I think the next question for me is where are the recommendations around that.

And, of course, we are not there yet. We are just able to start talking about it. So that is very exciting for me to be here in 2004, and it is on the table, and we are actually talking about it. So, hopefully, in the next 10 years we can really come up with something and make it real.

The other piece of it for natives is that most of that contamination is not ours. And I would really want to know where, again, corporate accountability starts falling out of here, why do taxpayers pay for corporate fines instead of corporations, why hasn't Exxon ever paid their money. You know, I mean the whole list of it goes on. So I do not lose those concerns.

I am very happy that the community can be given the honor of the work they have already done, but our work has all been based on beating up and making people stop contaminating us and killing us. So I just don't want us to lose that thread in all of this nice/nice.

I think I will stop right there. I know there is a lot to be said and talked through with this, and I am just very excited about the tribal pieces that are in here and the capacity development that needs to come through this. So thank you for your work.

MS. EADY: Great. Very good comments. Sue.

MS. BRIGGUM: Do you want a response on the question? Because I don't want to leave this with the impression that this is nice/nice. I really don't think it is. This is pretty serious from the business perspective because the presumption that underlines the report is that if you operate I the community, you have to be a responsible citizen. And there are expectations that go beyond compliance.

I mean, kind of the premise here is you don't come to the table anymore and say, well, I hear your concerns, but it is not me. You know, you are talking about that thing down the street. Well, you are talking about something that has to do with when you lived someplace before and you are vulnerable. It is not me, I look to my permit, it says I have to do the following five things, and that is the end of the story. That is not what this is about anymore.

It is an expectation that you will come to the table, that you will understand the burdens that are there, that you will take the community as it comes, and take off your hat of it is not my fault, I am going to go back to litigation, but instead say, how can I be responsible. And the expectation is that you will be, that you will actually do things, and if you don't –- and Judy has been very good at this because she held us to the same fire, which is, you

know, there are some corporate responsible citizens and there are some that are not responsible. So what are we going to do then?

So we addressed that and said, well, in that case, you are going to have to get a little tougher. You are going to have to use the ambiguities of the regulatory system to kind of push the envelope. You will have to use enforcement to make sure, okay, if you say you are complying, let's make sure you are. Let's really hold you to the task on this. Let's use the embarrassment of having this place-based discussion where entities are coming in and they are saying, you are right, I can do better.

And you have raised this concern, and you know what? I hear you now and I can operate differently. And there are outliers that will become obvious, and it will be terribly embarrassing to be identified as one of the companies that isn't going to be on compliance and coming to the table.

So we really took what you are talking about very, very seriously. So thank you for giving me the chance to talk about that.

MS. EADY: Chip, I would love to take your question. Can we hold it until later?

MR. COLLETTE: No problem. I was just going to say an amen to what Sue said.

MS. EADY: Oh, okay.

MR. COLLETTE: Because as a person who litigates in that area, you get faster resolution if you can negotiate and settle and encourage. Because litigation can drag on for years.

MS. EADY: Okay, thank you for being brief.

I did want to ask Hector to talk a little bit about the Laredo matrix.

MR. GONZALEZ: Sure and thank you. Hopefully, I will do a quick overview of the matrix that is another example of how multiple stressors and cumulative risks impact local communities. I do want to clarify that when we are talking about cumulative risks, it is the aggregate of multiple stressors that looks at both current and long-term, not just long-term. On the contrary, we want to make sure that we are looking at acute exposure, especially, as it relates to children and women.

Our border community in Laredo —- Mexico and southern Texas is not unlike many other border communities, or like any other rural under served communities as well. In fact, I told a lot of folks when we talk about the U.S.-Mexico border, we are a microcosm of many, many other places. We have border communities that are metropolitan, we have border communities that are rural, we have border communities with unincorporated,

undeveloped areas called colonias. We have communities that are mid-sized, large sized.

Our community in Laredo is 200,000, but when you live in the border, you can't exclude what is happening on the other side because disease and environmental impact doesn't stop at this imaginary division. Certainly, we know in Laredo that if there is an explosion in Mexico, the plume will not only effect Mexico, it will effect us in Texas.

So, when you bring in their population, we are a million; yet, for everything we have looked at for resolve and for programs and for different resources, and somebody were mentioning as well, we are only looking at our population. Just a quick overview, we have four international bridges. One of them, just one bridge, crosses over 10,000 commercial trucks daily, carrying both regulated and stuff that we don't know what they are carrying, but we would like to think that we know most of what they are carrying.

The population is mostly Latino, Mexican-American, fairly young. Our average age is still 27, so a lot of our focus is in maternal child health services, as well as economic growth and education. I think as a community we have done a lot of extraordinary things that fall right into what we are discussing

about multiple impacts, and how we look at environmental health, and looking at it as a responsibility of everyone.

On the other hand, we have some concerns, not unlike other border communities and other under served communities, and rural communities. Some of the multiple stressors are like others in communities. Besides our transportation, as I mentioned, we have a lot of warehouses. Over 25,000 warehouses that are state partners, and our local partners, where we really thank for partnering with us to look at what is being stored there.

There is no way we can get to all the warehouses. Because of the heat in Laredo, by the time the commercial industry –- its product gets to the warehouse, some of those are so sensitive and heat resistant that by the time we open whatever is being stored, they are already melting. We hope that it is nothing that will explode, or that will cause any other contamination. So we have warehouses.

We have a railroad system that divides the community. We are already under served. Sixty-five percent of our population is uninsured, or under insured. Most of those, again, being women and children. So we don't have enough healthcare providers already, but our railroad further divides us. And if there is any

contaminant, or any exposure, the ability to get to a healthcare facility is going to make it even harder. So that is a barrier.

The other thing is our rivers. While we have, and we are very lucky and very proud we have good potable drinking water in the Metropolitan area of Laredo. Our source is the Rio Grande, and that still has by both state and federal monitoring contaminants. How do we make sure that both entities, both cities –- Laredo, Mexico, and Laredo, Texas –- continue to upkeep their end of bargain of not dumping wastewater into our water source. Because we need to protect it.

Certainly, once it is into our wastewater treatment plant and has been a partnership with state and federal authorities to enhance our wastewater treatment, we have good drinking water. But we want to keep good drinking water and we want to incorporate good drinking water in other under served communities in our area, like the colonias. In our county areas, we have over 28 colonias where folks still don't have potable water, unlike many other communities who are under served, or other border communities.

We made great strides in economic development, and part of that is the whole shifting of maquiladoras. These are U.S. companies that are now in Mexico, and the whole issue of where

they dump in their waste products that need to come back to the United States, but where are they going and the routes that they are going through, do we have the capability to make sure that we respond if there is a spill.

So all of these issues are the stressors that we are looking at that impact when we look at environmental issues. And then come the individual issues that I discussed earlier, in not having access to care, how do we know that someone's optimal individual healthcare is at its best to respond. We already know from the biological side that anyone that has tuberculosis and diabetes increases their risk and their outcome in the quality of life. We already know that on the biological. To me, it is just logical when you look at the environmental.

How can we look at a child who has lead exposure who we know that part of the solution is nutrition, not take that into account when the child is impoverished, lives right next door to the industrial plant that is exposing that child to lead? We can easily tell him, well, we have to remove you from that site, where does that child go if he has nowhere else to go? So all of these are the multiple stressors that we are discussing that brings into play a number of impacts that, I think, need to be incorporated into the equation; both for risk now for health and long-term.

One of the things that worries us in Laredo and in other border communities is acute poisoning. Not so much to agricultural, because that is important, but regular household pesticides where the number two cause in Texas for poisoning is children and it is household pesticides. Children go and play with them. How do we get adequate education and training to make sure hat folks know how to handle that? How do we bring all those partners in to deal with that?

And then someone already mentioned that in knowing that we are a health profession's area, not unlike many other under served communities, or border communities, how do we get the training –- first of all, get the providers, but then get the trained personnel because environmental health is a whole –- you don't get this in the textbooks, you don't get this in med school. We want them to.

So this is a quick overview of a border community, ours, Laredo, and how –- put it into perspective of the multiple stressors, the multiple impacts that do effect. But I want to end with saying that in stressing what the panelists are saying, and what our group was looking at it, is that we need to act now. So definitely, the bias for action has to be now because we can't wait. How do we as everybody, business especially, become a partner with

community? Because community has been looking at this before, and they need to understand, because this is difficult stuff.

We as professionals and scientists have a hard time understanding environmental exposure. A lot of folks in the community as well, because they want answers. What does it mean to me as my diabetes, as my cancer, is it related to an environmental issue? We may not know, but we owe it to them to be responsible to work with community and everyone else to look toward the answer.

Second, we need to safeguard our communities, our watershed that someone mentioned, our water sources, our lands have to be maintained because they are what continue to provide the quality of life. So, together, working with everyone, civic folks as well, we have to make it a priority. So our community has made a very strong commitment that we make sure that we bring everybody involved to look at how we conserve, we protect, our environment now and for the future.

MR. LEE: Just let me add one thing. In NAFTA, there was actually produced by one of the interns in the Office of Environmental Justice, and Julian Enausi, I am not sure is in the room right now, but Julian will be conducting demonstration of the tool that is being used, which is the Environmental Justice

Geographic Assessment Tool. So I think the room and the times we will let everybody know about.

The other thing is this is also a one of five or six similar matrix's that were done. They are up on the wall over there, for those of you who want to look at them. They are going to be presented this afternoon. We were really fortunate for Wilma Subra to work with a number of communities in EPA's Region 6 to develop this.

Let me just say one thing about this. You know, there are two points I just want to make sure everybody understands. The first is that the workgroup worked very hard in trying to figure out a way, and they said that it would be a whole lot more effective, if one were to try to figure out a way to be a little bit more analytical about the kind of impacts, the multiple impacts and multiple stressors, so that they can be presented in such a way that allowed for environmental agencies, but not only environmental agencies, to begin to really get a handle on them.

And as you all know, you have come to NEJAC meetings, a lot of issues are put on the table. The workgroup wanted to have a way in which there was a much more thoughtful way of approaching and presenting those same issues could be done. These are the examples of this.

The other thing that was not –- and this is going to be mentioned later –- but I think it is instructive to go over this again. If you read the draft report carefully, one of the sub-text that is being talked to all the time in the presentation this morning has to do with this whole issue of quantitative versus qualitative analysis. It is kind of interesting, and I don't think anybody thought about this when this was first asked, but you note that within the report, the draft report, there is a mention of a report from the White House Council on environmental quality that was done in 1997. It was called, Considering Cumulative Effects Under the National Environmental Policy Act.

They go through a number of methods for doing environmental cumulative effects analysis. If you note, and this is in describing the report, and there is in the appendix a lot more detailed description of it –- you know, the first one they had 11 of them. Some of these are very much more elaborate. But the first one was interviews, the second one was check-lists, the third one were matrixes. And, actually, that is what this is. They are matrixes.

And, in fact, what they wanted the message to be heard is, you know, it is not out of the question that communities themselves can actually develop these and come up with these,

and really be a lot more effective in terms of presenting their issues. An example, a test case, of whether or not that was, in fact, true was something that Wilma is going to present with the communities at 1:30 this afternoon, after lunch.

So I just want to make sure that we didn't lose site of that very important kind of discussion that was going on there.

MS. EADY: Can I just say –- Charles, one thing is that I really like to see pictures, so it would be great if we could add that map, and if there are others that we can produce for the other matrixes and add them as attachments.

MR. LEE: The map is in everyone's notebooks. They are not done in color, which is important, but the cost of doing it in color was just too prohibitive.

MS. EADY: Yes. Okay.

MR. LEE: So if you go into the section in your notebooks around cumulative risks and impacts towards the end, there are all these.

MR. GONZALEZ: Charles, just one quick last comment. Just to re-enforce what you are saying about the quantitative data and using the matrixes as one of the tools, we had already begun this, but more so now when we use the matrix, in looking at the section about fragmentation because to us on the border, when

you address an environmental health issue, especially, other regulatory, but certainly this one, it is a number of persons and agencies involved. In our case, it is not only local, state and federal, but it is international as well. So we have begun to sit down with all of the partners, not only from the regulatory agencies, but with their corresponding administrators and community at the table to see how we are going to address it. Because for us at the border, by the time we get a solution, especially, to an environmental contaminant, it is 24 to 48 hours later. So we have got to begin to address it ourselves. So this matrix is already a working document for us.

MS. EADY: Thanks a lot, Hector. That was a really great presentation. Now that we are comfortably behind schedule, I am going to ask Charles to introduce the next panel.

MR. LEE: Thanks, Veronica. The next panel is very important, and one of the pieces of background I want to give is this. But first of all, Phyllis Harris is expected to arrive at 11:30, so we will have Phyllis just participate when she starts to arrive.

But a part of the maturation that has been talked about in terms of environmental justice overall and the NEJAC process has been the involvement of a lot of different offices at EPA, as you saw, in terms of just a host for this meeting, in terms of EPA's

Region 6, which we are really appreciative for all their efforts in terms of helping to make this meeting a success.

But also, other offices which are represented here as part of the process of developing the charge to the NEJAC, as far as the questions they wanted to be focused, and also to support this process. Actually, there were three offices that provided the kind of financial support and also the staff support for the Cumulative Risk Impacts Workgroup. That was, of course, the Office of Environmental Justice, but also the Office of Research and Development, and the Office of Air and Radiation. That is, actually, very, very important, not only because of the actual support, but also because of their interest in looking to you for the kind of deliberation and advice and recommendations that ultimately come out of this process.

So it is really a –- we were really pleased that we are going to have as part of this discussion then, coming from that perspective, a number of senior EPA officials. We asked them to give a little bit of perspective in terms of their own offices, kinds of activities, their understanding of the issues, as well as things which can help them do their jobs better.

Things in terms of –- you know, particularly on this very, very difficult issue. So, as you know, they have introduced

themselves before. We are going to ask Bill Farland to speak first, and then Larry Weinstock, Larry Starfield, Bill Sanders, and Tom Voltaggio, in that order.

One thing I do want to say, Larry Weinstock is representing Rob Brenner. And Rob really wanted to be here and the only reason Rob couldn't do it is because of the fact that this is the week that EPA is announcing its designation for non-attainment areas. So he offers his personal apologies, but he also offers his sense of real interest and support for the kind of things that you are talking about. And as Larry will tell you later, there are a lot of lot of different examples of this in terms of the perspective of Office of Air and Radiation.

So with that, I will ask Bill if you will start.

EPA Senior Officials' Perspectives
on Cumulative Risks and Impacts
Office of Research and Development, EPA
by William Farland

MR. FARLAND: Well, thank you Charles. First of all, let me express my welcome and also my thanks to all of you who have come to join us today. The panelists and those that are behind the table as well.

As Charles asked me to make a few remarks this morning, he asked me to give some sense of why I was particularly interested in participating in this dialogue on cumulative risks and impacts, and how we might be able to build on some of the good things that we have done so far and where we might be going in the research program at EPA.

I think this presents a challenge for us. First of all, I want to thank all the workgroup members for their hard work in terms of the particular report that we have, but also challenge all of you to provide the kind of comments and the pure participation that it takes to make this report even better as we move through the process. So, as a scientist, I really value the opportunity for peer participation and the value of peer review of this type of a report. So this is a great opportunity for you to be able to weigh in.

As I begin, I also want to thank Dennis Utterback, who is the DFO for the workgroup, Designated Federal Official for the workgroup, and Dennis from Research and Development has been helpful in this regard. Also, a little surprisingly, for the first time, I want to recognize Mike Callahan, who had a major role in the framework for the Cumulative Risk Assessment that EPA put forward these last few years.

Mike and I have worked together for some 20 years, both in Washington and now down here in Region 6. It has been his vision and good work that has set the stage for much of what you see in terms of EPA's perspective on some of these issues.

I wanted to make a few remarks in five areas as I talk this morning. The first one is the unique role of research and development at EPA and the importance of having research and development as a partner. The second is the impact of environmental legislation on the kind of science that we do and the kinds of issues that you are struggling with. The third, the fact that we are cognizant and actively working on tools for communities that we think are going to be very important contributions to these efforts.

I would like to tell you a little bit about some upcoming activities and some promising research areas that I think might be of use. So I will try to do that very quickly in the limited time that is available.

I mentioned that you have a unique partner in research and development at EPA. I really want you to consider it that way. ORD is unique in the Federal Government because it is only in research and development at EPA that you see research programs

that look to advance basic science, but at the same time, focusing on problem driven, or problem related science issues.

While there are many good works going on at NIH, many good works going on at the National Science Foundation, and others, it is only at EPA that you are going to find the kind of research that is going to contribute to the issues that are at hand.

This is a kind of work that we think is going to be particularly important for EJ communities. So EJ's related research is really a part of our overall activities in the research and development program. We have a number of examples, I think, that illustrates this. I will mention just a few very briefly and if people want to talk to me after about the individual ones, we can do that.

I think it is very clear that in terms of particulate matter in air, a very difficult complex mixture issue that we are dealing with, that available research indicates that for PM we are seeing disproportionate effects for children and the elderly. So, in that particular program, we are focusing on research that looks at sensitive groups, focusing on nursing home residents, as an indicator of elderly individuals. School children who might be particularly susceptible to PM. I am sure that Larry will talk some more about some of the issues related to air quality standards an the need to protect the health of all the Americans that we serve.

The second point that I wanted to make really builds on Hector Gonzalez's suggestion of the importance of the paradigm shift and really bringing public health and the environment together. This suggestion that over the years these have split and now through works like the Pew Foundation's reports and others, there is a real call to bring these two back together.

Since 1996, we have had an opportunity to try to do that kind of work on the border, working with our colleagues in CDC, working with the state and local health departments, with international groups like PAHO, the Pan American Health Organization. Really, to address the environmental health concerns that reduce exposures and risks, as well as dealing with other community issues that are so important to these border communities.

I could talk a lot about the work that we have done, but I think it is important to focus on some of the new directions that we are taking along the border, which is really to look to develop indicators that can better reflect health impacts of our efforts to improve air and water and other environmental conditions in these border communities. And in trying to use those, to demonstrate public health outcomes as a major contributor to the perspective on

environmental protection, but also as a contributor to CDC and its environmental public health tracking program.

I would also like to mention just very briefly the idea that we are getting started with a national children's study. I think this is something that you should all be aware of. And, to the extent that it is possible to support this effort, do so in whatever way you can.

This is an interagency long-term examination of influences on children's health that will look at 100,000 children for the next 20 years. This is a tremendous undertaking that has been designed and coordinated to get the best kind of data we can. Longitudinal data by following children, by following families, and understanding a snapshot of health of children in communities.

I wanted to talk a little bit about the impact of environmental regulations. I think you understand from Charles' comments that back as far as 1990, and earlier, back in the late 1960s with the National Environmental Policy Act, we have seen environmental legislation that has actually pushed the science. It has given us challenges that has caused us to change the way we have looked at things. So things like the Safe Drinking Water Act Amendments, and the Food Quality Protection Acts, charged us to look at cumulative risk and cumulative exposures and multiple

routes. Those types of things have really challenged the scientists in EPA to look for new tools.

These cumulative risk tools were not really available, and Wilma talked about the evolution of risk assessment at EPA and the opportunities that we have taken to really try to find approaches. For the first time, with our cumulative risk framework, we have got the ability to look at environment, and health, and social, and cultural factors, all of the things that are reported in this workgroup report as multiple sources of impact and trying to look for ways to really deal with that as an important issue.

We have developed other tools for communities that many of you may be familiar with. The integrated exposure model for lead, the IUEBK model, the kind of lead model that helps us to predict lead impacts in communities. Our ability to do these types of studies and develop these types of tools and models will feed right into the important issues that you are dealing with.

I also want to highlight the science inventory that was released just a few months ago. EPA now has an agency-wide database of over 4,000 scientific and technical work products that are underway and that are searchable by individuals and by communities to really understand some of the things that we are doing. This serves as the agency's mechanism to communicate the

science activities, but it is a starting point for you in terms of looking for information. I am proud to say that EJ is a common search term that was built into that science inventory.

We have an upcoming workshop in May, 25th and 26th in Boston that is really focusing on the science of EJ. We are looking forward to that, we think we have set some good goals and some good focus areas, like air toxics, and asthma, and children's environmental health, land-based risks, water quality. We are doing this in conjunction with Boston University School of Public Health and we are very pleased to be involved with that.

Finally, we have a science forum that is coming up the first and second of May in Washington. This is the series that research and development has put on with our colleagues in the agency to focus on science issues in the agency. And, again, I am pleased to say that this year's over arching theme is health communities and echo systems. We are focusing on science and innovation to protect health and the environment, delivering science-based information to decision-makers and using science to make a difference.

Finally, I said I would mention some promising research areas. One of the things that I think is particularly important is that we understand that there are new tools coming along that will

continue to increase our ability to look at individuals and their susceptibility, to look at the impacts of multiple exposures. And one of the best of these is the toxicogenomics, or the family of related technologies related to ——- that you may have heard about that will really improve our ability to look at the biology of an individual or of a community and understand some of the impacts at the molecular level. These are going to be very powerful tools with promising applications for the kinds of issues that we are dealing with.

These, coupled with other activities in terms of identifying susceptible sub-population and understanding how they are impacted, is something we are really up to these days. Coupling that with community-based participatory research, as Connie mentioned, I think, will really give us an opportunity to look hard at some of these kinds of science issues and, perhaps, continue to give you the kinds of tools, the kinds of important levers, if you will, that will give you the opportunity to push this bias for action that is so integral to the report as it has been presented.

So I am very pleased to be here. Unfortunately, I will be here for a short period of time today, but I will be happy to talk with people while I am here. Others from the Office of Research and Development will be here through the entire meeting, and we wish

you a very successful and good meeting. And, again, our congratulations to the workgroup for their report. Thank you.

Office of Air and Radiation, EPA

by Larry Weinstock

MR. STARFIELD: Thanks. Once again, I am Larry Weinstock. I am the Program Innovation Coordinator for the Office of Air and Radiation and I work directly for Al Brenner, who did want me to apologize for not being here. But as Charles said, this is a very busy week and, actually, in addition to his normal duties as Deputy Assistant Administrator, Rob is also the Acting AA this week. So it was just not possible for him to leave town.

Rob specifically asked me to attend this meeting because of the work I am doing under the direction of an executive committee in the agency, including Rob and Barry Hill and some others to lead an agency-wide effort to develop a new community-based toxic initiative. That initiative is called Community Action for Renewed Environment, or CARE.

And CARE is a new program that is designed to go the next level beyond a whole series of community-based efforts that have been kind of atomized in the agency, with each office doing a series of different programs. But, to actually create a new tool to bring communities together, do a quick assessment using existing

tools that we have, and existing information, to allow the community to see a picture. I want to say that the tables that you all have developed are really a great tool and I expect that we will be using those as we move forward.

And to allow the community to then bring the community and all the stakeholders, local government, industry, businesses together, and then allow them to prioritize through the whole varied list of agency programs. So what we want to do is actually feed and respond to the call for bias for action by creating a simplified and more effective tool of delivering all of the agency's voluntary programs based on the needs and the desires of the individual community.

We see that this community work is crucial because working in the community is the way to provide the risk reduction to those who need us most, achieving local reductions that are just simply not possible on a large scale national level. We feel that we have had a lot of very successful programs and we are continuing work on them as part of the reason we are doing the new designations and then the PM roles. We have taken a big national swath of pollution out and that really has made a big difference to a lot of people.

We in the Air Office are particularly proud of the Thompson Report, which was done by the Office of Management and Budget, which showed that the benefits of the Clean Air Act are actually, in and of themselves, the health benefits of the Clean Air Act exceed all of the other benefits of the entire Federal Government in terms of demonstrable health impacts.

But having made that accomplishment, and the accomplishments that the other offices have made through the Clean Water Act and TOSCA and RCRA and Superfund, there still is specific areas of overburdened communities and we need to address those, and to continue to work at the national level. And trying to take care of all those problems at once is just not effective. So we need to make real reductions, and make a real difference in the lives of people. The only way to do that is to get into communities and address the problems that they see as important.

In addition, what we hope CARE will do will be by bringing communities together and providing them with the resources and tools and information not only in environmental aspects in what kind of things they can do to improve their environment, but also give them a sense of areas of tools that they can use to get additional resources into communities. This is one

thing that, actually, the Office of Environmental Justice has been very successful in some of their grants, where I think it was in Charleston, South Carolina where a grant to a community organization of about $100,000.00 or less, actually, wound up over the years leveraging $5 million in additional resources.

So we hope that this kind of empowerment in organization will allow the communities to build capacity for their own environmental stewardship.

In addition, the agency itself will gain in how it is viewed in communities by being more responsive, but also it will gain internally one of the things that I have been working on in innovation separate from this community-based focus is the need for recognition increasing internally, that we need to break down barriers and that people in EPA need to see themselves more as environmental problem-solvers instead of people who are simply implementing programs.

What we see is that this community-based work, when you get on the ground and real in the lives of people, and deal with all of their problems environmentally and help bring in other federal agencies to deal with the issues that are beyond the programs we have, really changes that vision in people's mind of what they are about and what they are supposed to do. We see this as

something that will make the agency much more effective as we go forward in the future years.

This is the right time for this because we need to move beyond the various pilots that we have had. We need to act in a more coordinated fashion, going into communities, and not saying, you know, we are the Air Program, your water problems aren't our concern. But saying, we are the Environmental Protection Agency and your environment is our concern.

Also, additionally, to produce better and more meaningful results, by avoiding some of the, just the in fighting that comes in Washington politics. One of the things that we found is that not only, as I said, breaking down stove pipes in EPA, that also when you get out of Washington and on the ground in communities it is also much easier to work with other federal agencies.

One example was in St. Louis where Region 7 has been working with that community on a series of environmental issues. That one of the things that came up dealt with lead in housing and abandoned buildings. And while we had some programs that could do some stuff about the lead, there are actually some more effective programs that existed in HUD and working on the regional level as opposed to through kind of the Washington bureaucracies. EPA's Region 7 was able to work with whatever appropriate

region number it was for HUD in St. Louis to really deliver some programs into that community and make a big difference.

So we hope and believe that CARE will be responsive to the cumulative risk framework, because it deals with all toxics being in this multimedia approach, empowering communities, delivering the programs that they choose and, again, by going in and having a very clear focus on action.

We are going in with the idea that you look at the existing information you have, we have some tools that have been developed by various offices in the agency that can do quick assessments of what is going on, but spending the money mostly on bringing the community together, building capacity, and then actually getting problems solved that we are not going to worry about whether or not of all the myriad EPA voluntary programs whether we have picked the two ones that will produce the most results by spending a million dollars in five years.

But just going in and solving some community problems right away, building capacity over time, all of the problems will be gotten to. But at least we can do things, and you know that if we bring in Tools for Schools, we know if we bring in integrated pest management, we know if we bring in diesel retrofits that we can immediately take action and improve the health of communities as

opposed to studying problems to death and try to avoid that in a way that this program is set up.

So with that.

MR. LEE: Thank you, Larry.

MS. EADY: One community in each region, could you list those for the group so they would know the initial community in each region?

MR. WEINSTOCK: What has happening in the program is that we are working to –- there is money in the budget for 2005 to do this in kind of a full scale, as we are hoping, but we are trying to kind of pilot it in communities where there already is some EPA attention and funding. So these are what we call '04 CARE communities.

There is one in each region and those communities are the Mystic River Watershed in Region 1, which is actually in the Boston area; in Region 2, it is Rochester, New York; Region 3 is Elizabeth River in Virginia; Region 4 is Louisville, Kentucky; Region 5 is Detroit; Region 6 is Albuquerque, New Mexico; Region 7 is St. Louis; Region 8 is northeast Denver; Region 9 is west Oakland; and Region 10 is the —- area of the Yakima Valley.

MR. LEE: Thanks. Larry. That was pretty impressive, right? Larry next.

Region 6, EPA

by Larry Starfield

MR. STARFIELD: I didn't realize there was going to be quizzes on this stuff. I want to just talk for a couple of minutes about sort of a perception that I have had, and sort of the reason that I thought this report was so good. We have been struggling, and I think we have backed into a number of things that you all have concluded, but you sort of pulled it together in a really helpful way. I think there are still a couple of questions that I would like to throw at you, but let me just talk about it through the example of some of the things we have done.

We had an interesting experience in El Paso at a Superfund site where we thought we were doing the thing the community wanted. We, in the State of Texas, we are in there cleaning up lead contaminated soil. ORD has the model, here is the number, we thought that is what people wanted. It turned out the community was very upset, they didn't think there was a health threat. They sort of seemed to –- they were confused as to why we thought there was a health problem when they didn't think there was a health problem, including the local county health department.

So we sort of stopped and said, well, we are missing something here, let's not rush to clean up the soil, let's bring the community in. It sort of goes to what Pat was talking about earlier, if you want to have a good collaborative decision rather than just dropping it on the community and assuming it, there may be ways to bring the information level up and create much more involvements. Now we have free workgroups that the community, the city, the state, and we sit on. One on cleanup levels, another on new technologies, and a third on some of the liability property resale issues that trouble a lot of folks about the value of their homes. If their community becomes a Superfund site.

So that was a good lesson. We didn't start out trying to do that, but we ended up doing that. I think it is going much better. One of the issues that I wanted to throw back at you, and it was just eluded to a little bit, was litigation. I think it is a complicated issue to sort of say to a community, we want you to hang in there with us, this process is going to take awhile, you are not going to get what you want right away, but we want you not to sue us because if you start litigating, then the companies are going to say, well, we really can't –- there is a certain toxic tort suit against us, or there is something else going on. So we find that to be a tough one and I don't have an answer, I am just sort of throwing it at you.

One thing that is happening Dallas right now, the environmental community and some of the citizens groups are suing. They filed a notice of intent to sue over the air problems in Dallas, but they are holding it in abeyance. Just sort of like a sword over everybody's head, but it is still up there, it hasn't fallen. That has allowed us to proceed. So litigation has created a context, but it hasn't stopped talking. If it falls, it will lose a lot of our partners in our collaboration in clean air.

So we haven't said to the community and to the environmentalists, don't sue us, we have just said, hold of if you can so that we can continue to talk because once you sue us, it makes it much harder. That has been our experience, and I don't know if you all have talked much about that, but that seems like an issue that is important to work through.

Another issue, and I know there is some discussion about the tribal issues, but is a cross-cultural issue. If you are going to have communication, you are going to have sort of an almost an alternate dispute resolution type of structure. What do you do when you are dealing with a tribe? Jonathan Hook, who is our Director of our EJ Tribal Office is working with headquarters to try to figure out if there is training that we can put together on ADR with tribal nations.

Because there are dispute resolutions processes the tribes have used for centuries and we are not familiar with them. And we walk in with our model, and it may not fit. And that is true for some tribes, it may be true for some communities. There ought to be some cross-cultural thinking as an element to this whole issue that we are looking at.

One of the things that is going to be interesting, New Mexico is following up on a regional listening session with a series of them. And one of their's is just devoted to tribal issues. They are EJ listening sessions, but three of them, I think, are open to all communities, and one is just focusing on tribal communities. So we may find out some interesting things there.

Another thing that I really liked about your report was you talked about each party having responsibility to sort of move it along. Don't sort of wait for it to happen, it may not happen, or it may not certainly not happen quickly. I think that is really important because this all sounds like this is all great, and what Larry Weinstock talked about about these CARE communities is great, but we don't have enough money to do this in every community at the same time.

So there is a reality that EPA is not going to be able to invest similarly in every community at the same time. Does that

mean the other communities should just hang out and wait? I would argue that that is the wrong answer, and I think that is what your report says. Keep moving it forward. It is also the reason you have more partners, the state has a lot of capacity, the cities do, industry does. The more people you involve, the more chance there is to make real progress.

I think one of the most important recommendations you made was about vulnerability. I don't know if anyone would dispute the fact that if you had two identical numbers of people, two communities of similar numbers, exposed to the same number of pounds of the same pollutant, that those two communities are going to suffer differently, depending on whether one has –- I think, Hector, you made this point –- more health insurance, healthcare, nutritional information.

They are just not the same communities, even though statistically they might be looked at that way. So we have to build that in and I think if we are able to, it is going to help us to do much better targeting. Because right now what we do is we just tend to put our environmental justice team on to those, what we think are, vulnerable communities. But it is hard for us to figure out how much risk reduction we have accomplished, and it is also hard to do it, as I think the discussion about integrated pest management is,

without getting the community to really be participatory in the process.

It is not something we can just do and then the health problem is over. We need to figure out a way to measure it, and that is important to our budgetary process as well. Our budget is being connected more and more to results, so we have got to find ways to measure. And if we don't have that vulnerability gap so we can measure, then we can't show that we are actually doing a lot more than might be obvious because that community was suffering more than was obvious, based on the numbers. So I think that is a key one.

Quickly, the two areas where I am still struggling and would appreciate any discussion over the next couple of days is, one is sort of the one Sue was getting to on how do you bring industry in? There has been a stormy relationship in many communities between industry and the enviros, and in community groups.

We need to go beyond the regs to fix the problems. I don't think that is –- I believe that more each day. We had a solution in Beaumont, Texas to an air problem we worked on that we announced a couple of weeks ago. We could not defend it if

anybody challenged it because it doesn't –- you won't find it in the Clean Air Act, but it is a solution that industry stepped forward on.

And, basically, what happened was the community said, it's an o-zone problem, but we really want some toxics relief. So if you do this, then we won't do that, and we will throw this in. It was cobbled together, but it doesn't fit any model. But the problem –- it is good for the community, it will get clean air faster, and it will address more problems then we could through enforcement or any other mechanism.

So you need to keep industry at the table, and how do you get them there. You all talked about incentives and that is great. And, Sue, you talked about embarrassment, and that works sometimes. There are probably other things. The other thing is how do you get all the communities to participate? Because just like I was saying EPA lacks resources, it's been talked about, but the communities lack resources.

Not all communities are organized to begin with, not all communities have the resources to come to regular meetings, to hire a toxicologist, to figure out what is going on. And there is a trust issue. There are a lot of folks that –- I have heard this when I have gone out to communities, we have seen you people come from EPA and nothing happens. So why should we invest again in

another process? How do we build up the trust in communities that the model that you all are laying out is the right one?

If I were the parent of a sick child, I would be pretty impatient and have a difficult time doing this. So how do we convince people that this time it is the right answer? So we have some experience that, I think, validates what you all are telling us, but there are also some practical questions that I would really enjoy hearing about.

Thank you very much for the work. I think it is excellent.

MR. LEE: Thanks, Larry. Bill, you are next.

Office of Prevention, Pesticides and Toxic Substances, EPA

by William Sanders

MR. SANDERS: Thanks very much, Charles. I should tell you that the first comment that I have to make may sound strange with the discussion that we have been having on the bias for action, but I wanted to take the opportunity to pick up on something that Bill Farland said, because I think it really is very important. And that is the issue of the National Children's Study.

As we are beginning to wrap up the design for that study, this is going to be the most important public health study that has come along in decades, probably half a century. It is going to be the first one that really is going to focus on children.

There is an opportunity here to focus not only on all children, but perhaps to do something particularly for issues of people of color. So I would hope that the EJ community, if you have not already looked to see what is going on in the design of the study, will take the opportunity to look again. I know it is a study and it is a 20 year deal, but it is going to be extremely important.

I would hate to lose the opportunity to do a little tweaking of the study now, such that five, 10, 15 and 20 years from now this data starts coming in, we see that we have not lost the opportunity to see if there are particular issues of health of people of color. Children that we could have designed in the study, to tease the odds that we didn't take the opportunity to do it now. So I just wanted to give you that.

One of the reasons for it, by the way, is that I am also in the Office of Children's Health Protection; although, this presentation is with my old hat, which is the Office of Prevention, Pesticides and Toxic Substances.

Having said that, let me just give you a few comments on the report itself. Like many of the rest of you have been around the EJ community for a long time, and I will tell you that it does my heart good, and I am sure it does a lot of your hearts good, to hear

the excitement about this report. It really is good to see it, it gives me the impression that we are beginning to get in collectively, and I think it has taken a long time to begin to –- and I know this is just the beginning, but to really begin to get it.

I do want to note that the timeliness and the importance of the report. It really is a good time for us to be getting this report. I know we have been struggling with this for a long number of years. How best do you address cumulative risk? Since the beginning of the environmental justice movement, we have been talking about this issue of cumulative risk, and we have been struggling with it.

So I think what is happening now with this particular report is that it really is going to give a really important boost to the recent agency efforts. You have heard about some of those agency efforts to find ways to address the risks from the community perspective. I think it is about time we have gotten around to doing that.

I also think that the importance here is in shifting the focus that the agency uses to measure its performance. You know, we heard that old adage, you know, what gets measured gets done. I think that we have had our focus in the wrong place. I know that all of the programs are interested in improving

community health, but we all have had to assume that our separate efforts, you know, individually by programs –- you have heard a lot about the Stove Pipes, of course, would add up to improved community health.

I think it became apparent to a lot of us some time ago that this fragmented approach is not meeting all the needs in the communities. That we really had a failure in some cases in the communities. If we truly set community health as an agency goal and measure our performance based on this goal, I think we would have the opportunity to move in the direction laid out in the draft report.

We can measure risk reduction by media. We have the tools to do that, but the fragmented method of measuring performance produces fragmented approaches to communities and that has not resulted in reducing the health disparities within the communities. So, this area is a place where we really need your help and advice and assistance in how best to more the ball there as well.

I do want to recognize that it will be easier for the agency to build on existing efforts rather than starting from scratch. Such as the work that is being done right now in the Office of Children's Health Protection, the Environmental Justice

Collaborative Problem-Solving Grant Program, I think, is a really good movement for the CARE program that Larry talked about. I think a lot of us in the agency are very excited about that. The initiative to address multimedia concerns.

And by the way, I should say that this emphasis on multimedia concerns, working across programs, is not new. I think it has just taken us awhile as an evolving approach that we have to try to figure out better ways to do it. Certainly, the regions have been working this approach for a decade or more, and I just want to name a few of what is going on in the regions right now that I think is important to name.

Region 1's urban initiative, the Chelsea Creek Comparative Risk Study; Region 7's work, as Larry mentioned, in St. Louis; and Region 9's work in south Phoenix and west Oakland. I think the key will be to build on these initiatives and then to move them up from the palates that we are looking at now to agency policy and practice. And that is an easy thing to say and we recognize it is a very difficult thing to do.

We want to also recognize that the agency does not currently have –- and I think this was touched upon –- the capacity to fully carry-out the steps recommended in the report. Not only do we not have the capacity to work in every community at the same

time that we would like to be moving in, we really don't have capacity within the agency to even do the work that is recommended in the report.

So I think the emphasis on the need for palates to build the experience needed for the work is going to be crucial for all the partners at the table, ourselves included. We have some distance to go to be able to participate effectively in the collaborative problem-solving efforts that are recommended in the report, so we recognize there is a lot of work that we need to do to move that ball forward as well.

I want to recognize also the need to take the time to ensure that all state and local governments understand the collaborative problem-solving approach, the cumulative risk, and the importance of their role as well. It is not just the Federal Government at the table, and we have our own problems, but it is all of us that really need to learn to do work in a different way. And we have all kinds of pilots and examples to show that this approach is, in fact, a better way for, and a way to make this work.

The approach will require, I think, the very enthusiastic support of all levels of government to succeed. That will require an organized effort to communicate this approach and to work with

state and local governments. I think the real question for us here that we are really going to need to struggle with is, how do we best do that. You know, what is the method to get everybody to the table? To get everybody talking and communicating to be able to move this path forward for ourselves?

And then I guess the final point that I wanted to make –- Charles said five to seven minutes, so I take Charles seriously –- is that the report pulls together a host of important ideas and builds significantly on developments that have taken place and the efforts to address environmental health over the past several years. I really do think, and I think a number of us sitting around the table think, the report has the potential to move the discussion forward and to catalyze the changes that will be needed to make progress.

The question here is, how to ensure that the content of the report is effectively communicated to a broad audience. So we need your advice and your assistance and your counsel on how to build the basis for collaboration that is called for in the report.

With that, I will conclude my comments, but I would like Dean Copper –- I think if he is still out there, because Hank will be here –- I will be here for the next couple of days and, certainly, will want to engage you on this and other issues; particularly, issues of children's health. But Hank, if you would stand, Hank is going to

be here for the rest of the week. He is from our Program Office, along with a number of other folks right in front of him, in fact, from the Program Office as well. They are also here to engage you for the rest of the week. Thanks.

MR. LEE: Thanks, Bill. Tom.

Region 3, EPA

by Thomas Voltaggio

MR. VOLTAGGIO: Thank you, Charles. And thank you for having me stand between this group and lunch.

(Laughter)

MR. VOLTAGGIO: Phil. is going to bail me out on that. You are going to be talking afterward. Anyway, I asked myself why did Charles invite me to be here on this panel. And because you can never say no to Charles, as most all of you know. I think it was probably because of the experience we had in the Philadelphia Region of EPA back in the early '90s –- '93 to '94 time period. We had performed, if not the first, one of the first, cumulative risk studies of an area that was of particular concern in our region, was Chester, Pennsylvania. I know we have discussed that at past NEJAC meetings.

Reginald Harris was the Chief Scientist on that project and I would like Reg to stand up. I have seen him in the back. If

you have any questions about some of what we have done between Reg and I, I think we can probably answer them. And why should something that happened 10 years ago be relevant today? I think we found some interesting things out.

First of all, we were unencumbered by knowledge or experience back in '93 and '94, so we could do what kind of made sense on an intuitive basis. Obviously, we have come a long way since then and I would like to say that I think the outline that was provided here this morning really shows a very well thought out process which will give you, I think, a very meaningful way to deal with the issue of cumulative risk that we kind of just by intuition started dealing with back in the ;93-'94 time period.

But why is it important? I think it is important because what came out of that report may help in the designing of what you want to do now. So, for what it is worth, I just wanted to give you some flavor for what we found. We took a lot of the existing information that we had from our inventories, put it together as good as we could. Reg did, I think, some excellent work in trying to define a risk, and how to add that risk, and how to combine it with other impacts that we had. We looked at water, we looked at air, we looked at waste.

And not surprisingly, the biggest risks we really found in the community was lead paint ingestion of children six and under. That made sense to us and a lot of what came out of that study dealt with trying to deal with that. I think we had a lot of good effort made with the health department in the City of Chester to get their lead pain program on an accelerated basis. But that wasn't, I think, the most interesting part of the study.

I think the most interesting part that we found was that most of the emissions or effluents that were getting into the environment which were effecting the health, or we had modeled that were effecting the health of the people in the community, were emissions and effluents which were complying with environmental requirements.

The way in which regulations developed in the '70s and the '80s didn't necessarily –- weren't necessarily educated by the issues of environmental justice, the issues of vulnerable populations to the extent they should have been. So, therefore, what was complying was still causing a problem.

So the initial kind of intuitive first answer, if we just did more enforcement in this area we would do better, it really fell flat because it wasn't enforcing that was going to bring the reductions

because most of them were already complying in the first place. What do we do then with that?

And really taking a cue from what Larry just mentioned, there were several areas, one was embarrassment. Just the publicity of these emissions is one facet that one could look at, but really what we are looking at as the major outcome from that is a program for getting voluntary reductions of emissions that we can show are causing problems.

Now, I am sure that there are other areas in the country where that is not the situation, where compliance is not high, where the impact on the community, especially, in vulnerable communities, is impacted by people not complying with the appropriate regulations. But I would say that there are probably some number of communities within our country that was more like Chester where it really wasn't a non-compliance issue.

So I would ask the community as they go through the process, and investigate using the themes that are outlined here to look at this issue of a robust voluntary reduction program. How to work with the industry, how to work with the community, much like what Larry mentioned, where they could focus on those things which were more important to the health of the individual community, and try and get those reductions in a way that folks

can agree to do. Whether there is a quid pro quo from a regulatory standpoint, as Larry mentioned, or not, that is up to a more detailed study.

But the point is there are a great many situations where I think that that is a way those reductions will occur and the health will be improved; not only strong enforcement where it happens, but voluntary reductions where it needs to because enforcement will not get you there since they are not violating in the first place.

So that was a very eye-opening thing for us. Of course, there is a corollary issue of that; is if there is an enforcement component to a strategy, if there are non-compliant facilities that need to come into compliance, if there are penalties that should be assessed, then the use of supplement environmental projects that deal with some of these other issues that are causing the health effects also, of course, work hand-in-hand and glove.

So anyway, that was probably the major kind of ah hah that we got out of the Chester Study. A second one was also important to us, and it is a red word, so I hate to use it, but it is a word that I think will characterize what we are talking about. So-called nuisance issues. Now, I know these issues are not nuisances, they are beyond that. They are causing health issues, they have just not been captured by the regulatory scheme. I am

talking about things like noise, I am talking about things like fugit dust from just dirt piles that are around the area that are causing these concerns that folks have. And they seem to be the ones that most often were given to us as issues they want us to deal with.

EPA, and to some extent, states as well, just have a hard time dealing with issues of truck idling, and fugitive piles that are causing dust on windy days. Obviously, out west it is a different issue than in the east. I am looking at an east situation where it is not just how that is all the land is, but just little piles here and there.

We were unable to deal with these so-called nuisance issues. I think what we need to do, as you carry forth your study is to look at how are ways to capture those kinds of issues into the regulatory scheme, or into trying to get different regulatory schemes in place, or use of finding volunteers to deal with some of these issues. That might also deal with the insult that the communities are seeing, and the insults that we were unable to deal with as a regulatory agency.

So these are things that I had wanted to share. I know I am getting ahead of the game because you are just designing a study that you are going to start. I am giving you some results that we found, but I feel that as you go through your study, you might be able to take advantage of some of the experiences that we had

to try and factor that into your design, and factor that into your implementation.

So, with that, I will say that I think this is a great, great process. Obviously, a much better process than what we had 10 years ago, and I think it has the necessary components to make sure a lot of these issues get brought to the table and get dealt with in an appropriate way to help resolve or minimize the environmental impacts on environmental justice communities. Thank you.

MR. LEE: Thanks, Tom. Well, Phyllis is here and you heard some of her words from Barry this morning, but she is going to say a few. But before she says anything, Connie Tucker asked if she could say a few words. So, Connie, we will give you the privilege.

MS. TUCKER: Hello Phyllis.

MS. HARRIS: Hello.

MS. TUCKER: I first met Phyllis at the Region 4 Enforcement Roundtable in North Carolina. When I first met her, and I, along with members of our network, had some major concerns about her. At the beginning of the Enforcement Roundtable, in her body language, it was kind of like, you know, why am I here, and what is this about.

Well, by the time that Enforcement Roundtable was over, Phyllis was crouched over writing very, very intense. And we could see visibly that she had been impacted by the testimonies that had been given at that Enforcement Roundtable. I am not familiar with Phyllis personally, I have only had a distant working relationship with her. Very, very distant working relationship with her. But I have followed her closely.

And I want to tell you, you know that song, Shaft's song, He's a Bad Mother, Shut Your Mouth? Well, I want you all to know that Phyllis Harris is a Bad Mother, Shut Your Mouth. She is not guided by politics and special interest. You are blessed, I believe, to have her at headquarters, because we were truly blessed in Region 4 to have her. Were it not for Phyllis Harris, the extensive contamination in Anniston, Alabama would never have been known. Because EPA would have not done the extensive investigations necessary to uncover the widespread contamination there.

In terms of enforcement, she was while in Region 4 over the Environmental Accountability Office, which is the Enforcement Office. And, historically, EPA in Region 4, we felt had really kind of failed in its mandate for compliance and enforcement. And when they did go aggressively after an operator, usually, it was a small

operator. I remember one, a poor Black man in Tennessee they pursued because he was ignorant about how to apply control in homes.

But Phyllis would not allow special interests to stop her from addressing flagrant violators. And in the case of LCP in Brunswick, Georgia, in our knowledge, it was the first time that a corporate, owners and managers, were prosecuted and actually ended up going to prison for the things that they did in that community. I want to applaud her. She really deserves an award from Region 4, Environmental Justice Communities. I am sorry that that has not yet come forth. Thank you.

(Applause)

Office of Assurance, EPA

by Phyllis Harris

MS. HARRIS: Thank you, Connie. That was very nice, but I would have to say that I had wonderful people that worked with me when I was in Region 4, and great communities. And, man, you went way back when you talked about Durham. You are probably right. It has been an interesting transition from the region to headquarters in the Office of Enforcement. And, as some of you all know, effective last Friday, I ended a brief, but long enough

tenure as the Acting Assistant Administrator for the Office of Enforcement.

Even prior to then, I worked, obviously, very closely with the then Assistant Administrator, J.P. Suarez. It was interesting working with J.P. because when he walked in the door, you know, I made a very passionate pitch about environmental justice in saying that this is something that the Office of Enforcement and Compliance Assurance had to take a look at and address.

It didn't take much, and as many of you all know, over the past several years, we have done, I think, some tremendous things in terms of addressing significant issues that have some of the concerns that this committee will be dealing with over the next several days, including major settlements with utilities that emit, you know, huge amounts of NOx and SOx, as well as refineries all across the country. So I look forward to continuing that work as well.

This process and this discussion over the next several days is extremely important because it is central to environmental justice, which does, as we all know, focus on those disadvantaged and under served communities.

As Connie mentioned, I spent 16 years in Region 4 and had many, many personal experiences dealing with communities.

There is no doubt in my mind that the issues that they raise are truly –- I mean, some people say, well, we can't make the correlation. I believe that many –- I know that what they say is very real.

I have had an opportunity to work at some of the most significant hot spots in the country, including Anniston, Ft. Valley. Some people don't even know this, but at the Ft. Valley site, three blocks from there, my family lives there. They live right across from the college and several members of their family have passed from cancer. And, of course, you can't necessarily say it was because of that site, but it resonated with me because they are family members.

Some of the work that is still going on in Louisville, Kentucky and Memphis, Tennessee. So I was a part of all of that. It has been very gratifying for me being in the position that I am in now at OECA to help craft some very –- which I believe, some very good principles in moving the ball forward in the Office of Enforcement and Compliance Assurance to assure that we are addressing these issues.

My former boss coined the phrase of smart enforcement, and when it was coined, many people said, well, did it mean that we were doing dumb enforcement, or we are smarter now. You

know, we in headquarters, we always have to have a catchy name for something, and that was the name that he came up with.

But regardless of what the name is, the principles that were set out there that I helped him craft as well are the principles that the Enforcement Program has to focus on if we are going to effectively address issues of environmental justice. First of all, we have got to make sure that we are addressing significant environmental and public health problems.

Connie raised the thing of the man in Memphis who had a very small business and why were we picking on him. The illustration that my boss liked to use, and I use, is there was a little church and he had coined a name for the church, but we sued this church for like $5,000.00, where you know down the street, I am sure there were other businesses and industries that had done much more significant things. So getting the regions and within headquarters to ensure that we are focusing on federal issues. Federal issues and problems so that we can achieve the best results possible.

Using the data that we have across the agency, be it in ORD, be it within the program offices to assure that we are making strategic decisions so that we can best use the very small number

of resources that we have. Using the most appropriate tool to achieve the best outcomes possible.

Enforcement will always be there. We need a big stick to do some of the voluntary things that Tom talked about. It is my view that if industry does not feel as if the inspector is going to come, be it state, federal, local, some, they will have the right kind of attitude and do the right things. But others, they are going to wait in the weeds. So we need to have a strong enforcement stick.

But there are also times you need to integrate that enforcement with compliance assistance, with incentives through self-disclosure, get the appropriate adjunctive relief. That is an important tool as well.

And as Tom mentioned, doing all of that and trying to get supplemental environmental projects that will go beyond what is required to get some good benefits for the community. We also have to be mindful of assessing the effectiveness of our program.

There is going to be discussion over the next several days, or maybe in two days, about the IG review of the environmental justice program. The IG reviews programs all across the agency, but we have got to ensure that we are

stepping in our own shoes and reviewing ourselves. That is what we seek to do in the Enforcement Compliance Assurance Program.

Then, finally, effectively communicating the environmental public health and compliance outcomes. I don't know if many of you know this, but last year alone in 2003, enforcement actions resulted in the reduction of over 600 million pounds of pollutants. We had significant actions with utilities, refineries. When you get those controls on you are going to have significant reductions. Sixty-seven percent of our actions resulted in a specific environmental or public health benefit. And over the next several years, we will be pushing the envelope to make that percentage even higher.

Over the next several yeas, we will be embarking on a new set of priorities for the Enforcement Compliance Assurance Program, and that is consistent with all the program offices. But, what we are going to do there that is dramatically different is push the regions, push headquarter's offices to ensure that we are integrating environmental justice as we make priorities. For many regions in all of the regions, that is nothing new. But we want to ensure that we are doing that and that we are also measuring our outcomes as we do that.

In conjunction with that, recently OECA is seeing manager –- and this is a project that has been going on for a year. When J.P. and I stepped into these positions, the first thing we said was, you know, everyone talks about we are doing environmental justice. But how do we know that that work truly is in environmental justice communities?

We convened a workgroup and we actually consulted with the NEJAC Subcommittee here, and we have developed an EJ Concept Paper which will help us in identifying a consistent set of parameters that we want to use to help us measure the work that we are doing in environmental justice communities. And to also help us develop a proactive targeting tool to identify disproportionate impacts in communities.

At our subcommittee meeting on Thursday, we will be discussing the concept paper in Region 5, and as well as Region 3 –- lead that effort and demonstrated a great amount of leadership in that effort.

OECA realizes that environmental justice problems and, particularly, those related to cumulative risks and impacts cannot be solved by EPA alone. It won't happen. It has to require a collaborative process, such as the one that we have here today,

with all stakeholders who constructively participate in coming up with solutions.

People who have worked with OECA over the past couple of years, they know that the first thing that I ask is, have we talked to the subcommittee members? Have we reached out to folks in industry? We have to do that if we are going to get solutions that everybody is going to buy in.

Again, I applaud this multi-stakeholder process, and I know that the agency over the next several years will definitely benefit from it.

I want to end my remarks, since it is exactly the lunch hour. I want to close by asking you all to provide to us over the next several days your advice and recommendations on how the agency can move the ball forward in terms of cumulative risks and impacts. I look forward over the next two days talking with many of you out in the halls, or what have you. I think that is part of the process of being at the NEJAC meeting.

And with that, thank you very much.

MS. EADY: Thank you. Thank you, Phyllis. And I also want to thank Bill and Larry, and Bill and Larry.

(Laughter)

MS. EADY: And, especially, Tom and Phyllis, because they are not named Bill and Larry.

But I want to thank you all for being here. I am really excited about a lot of the things that I have heard, the CARE Project, the Children's Health Study. Very exciting opportunities for the agency to pick up some of the research that has been done by the workgroup and to carry it forward. So we don't have time for dialogue, because I am sure that we are all hungry, but if we have the luxury of having your presence for the next couple of days, I do hope that you will be part of the conversation as we go forward talking about this report.

I have one announcement to make. We have one hour for lunch, we are back at 1:30 promptly, but for those of you who are really looking –- and, especially, the council members –- looking to be here at 1:30 on the dot, I want to encourage you to try out the Rue Bistro here in the hotel on the second floor. They have a salad bar with soup and it is $10.00. It sounds like it is fast, and an ice tea with it.

So I will see you back here at 1:30. And let me just tell you what it is at 1:30, so that you will really have an incentive to get back at 1:30. It is the Community Impact Panel. So I think that

that is going to be a pivotal panel and really interesting discussion. So I will see you at 1:30.

(Whereupon, a luncheon recess was taken)

AFTERNOON SESSION

(1:55 p.m.)

MS. EADY: Let's get the afternoon rolling. We have some interesting things happening this afternoon, and I know the council is going to have a lot of comments and questions for the next two, the pane and the presentation coming up. So, Charles, will you introduce the Community Impact Panel please.

MR. LEE: This morning, I had said that –- you know, I had talked a little bit about what the workgroup did in terms of the thinking about developing these matrixes. And if you note, they are on the back of the wall for you to look at as posters. But, as a way of thinking about how to find ways to present the reality of the multiple stressors in the communities and tribes.

So we were really fortunate that Wilma Subra worked with a number of communities and tribes in EPA's Region 6 and they are going to present on this. The one question on their communities and tribes –- and the one question that has always been there, you know, and I know that Bob Collins and other people who are part of the EPA's Framework for Cumulative Risk Assessment technical –- Peer Review Panel, knew that the question that was posed to them when they were talking about when they were peer reviewing the framework was, you know,

how does this actually operate within the real life context of communities and tribes.

So that is why I think that Wilma's presentation this morning really kind of tried to put this in that context. So there are multiple sets of questions that are involved with understanding the reality of communities, impacted communities and tribes, and we are really fortunate that a number of communities and tribes in Region 6 took the time out to be here with us.

So I am going to turn it over to Wilma, who is going to moderate this panel and we really hope this becomes a focus for discussion; not only in terms of the reality of their communities, but are there within this discussion ways in terms of developing methods for presenting that reality.

So, Wilma, we will turn it over to you.

Community Panel on Multiple Impacts

by Wilma Subra, Moderator

MS. SUBRA: Thank you, Charles. Those of you who have the ring binder, the tab that says, Subcommittee, right in front of that is a matrices on each of these communities. And on the back of the matrices is a map. You will see the matrices on the wall, and you will also see it on the overhead projector.

In order to put a real face on the issues of cumulative impacts, and cumulative risks, you have before you a panel of community members with first-hand information on the cumulative impacts and risks of each of their communities.

To my right, we have Genaro Lopez, who is Co-Director of Southwest Workers' Union in San Antonio; Helen Vinton, who is an Organizer and Life Quality Director with Southern Mutual Health Association in New Iberia, Louisiana; Clem Matthews, who is a community leader in the Four Corners Mutual Help Association; Marylee Orr, who is Executive Director of Louisiana Environmental Action Network in Baton Rouge, Louisiana; and Rebecca Jim, local environmental action demand in Oklahoma with the Tar Creek site.

The panel represents a wide-breadth of racial and ethnic minority groups. African-American, Native American, Hispanic, and the views of the Vietnamese who could not participate. These are the minority groups that the Center for Disease Control pointed out in a 2003 report on health disparities. These minority groups are more likely than Whites to have poor health and to die prematurely.

The highlighted communities range from urban to sparsely populated rural. The primary sources of pollution are large industrial petroleum refineries, petrochemical facilities, waste processes, fertilizer manufacturers, Air Force Military Base under

base realignment and closure under BRAC, with RCRA clean-up and containment, and redevelopment occurring at the community level.

We have the largest lead and zinc mine in the United States, which is now designated as the Superfund site, and we have a wide-range of secondary sources of pollution and impacts to these communities.

The first presenter will be Helen Vinton, Southern Mutual Health Association. Helen.

Vietnamese Fisherman

by Helen Vinton

MR. VINTON: Thank you so much, Wilma. I am very pleased to be here and proud to be working with Wilma and all the people with whom she works. Yes, I am Helen Vinton and I work with the small non-profit organization that has been around for 35 years. In March, we were 35 years old. I have not been there that long, I have been there just 24 years, but I still have quite a track record with Southern Mutual Health.

Southern Mutual Health works totally in the rural areas and in very isolated places. Our mission is to find fair and innovative solutions for challenged rural communities. Now, that word, challenge, is the word that is key. Challenge, meaning

environmental challenges, economic challenges, health challenges, housing challenges, job challenges, education challenges, and certainly discrimination isolation.

Some have said in our State of Louisiana that Southern Mutual Health as a rural community development corporation –- because that is what we do is long-term community development –- that we are the best kept secret. Well, we wish we weren't, but I guess that what it is is we are out there in the back waterways and the rural areas, and a lot of people in the towns and cities just don't know us.

Strangely, however, nationally we have been known and have been fairly often recognized for policy work that we have done, and I guess you would say platforms of success. One of them we just received in March, towards the end of March, and I would like to tell you a little bit about it.

It is the National Community Reinvestment Coalition. This award was presented, it is the only one presented each year, and I think this is only the second year they have done this. I will read to you from what they cited us for and plotted us for.

> "To the rural non-profit organization that has made the most outstanding contribution to economic justice and community development."

So we were very proud to have that, and I just couldn't resist telling you that since it is really hot off the press.

I am going to talk about the Vietnamese fisher people. Now, there are a lot of Vietnamese in the United States, and a lot of the Vietnamese in Louisiana. There are about 2,500 who are fisher families, and they are not very well-known. I know that you are familiar with Louisiana to some extent, but just bare with me, I always have to kind of place myself on the map. So I am going to do that for you on a very small map, but it is colored, so maybe you can see it.

(Holding map up and not speaking into microphone) Here we are, Louisiana. And right all along the post are the fisher communities. From one end of Louisiana to the other. This, I will talk about a community here, and other communities of Vietnamese.

(Returned to microphone) There are 2,500, so they are scattered all along the coast. What I would like to put a face on, I guess, are the many and cumulative risks that this community, or these communities of people, Vietnamese, face and are challenged with.

I would love to have a Vietnamese fisher here to talk to you, but I couldn't have one come because they will very rarely talk in public. The reason is that they feel they will face even greater

discrimination. Even in the fisher community, it is very difficult for them because there is, as other people of color find, a discrimination that is latent almost, but it strikes out very hard on people. They know that the United States American Cajun people, other people in Louisiana, feel that they take jobs from others. The fisher community feels that the Vietnamese take fish from the other fishers.

Now, all of the fishers are in really serious situations with the free trade, which is not really fair trade. There has been a large import of fish into the United States from other countries. It was very hard for the Vietnamese to step to the plate and join the Southern Shrimp Alliance because they have people in Vietnam who are making money from being able to send their shrimp and other fish to the United States. But they did so.

Even so, they have faced criticism and discrimination of selling out their people, or selling out the so-called American fishers. Of course, they are all American, but somehow that label sticks there that they are foreigners. These fishers, in fact, have the permanent resident status, all of them that work on the boats. However, some of them, of course, have citizenship. And that is something that I would like to make you aware of.

That technical assistance, so that they would be able to become citizens is necessary. Very few of them speak and write English well. Most of them can understand English, but they don't speak English well, so often times they are dismissed as not understanding and it is really quite a chain reaction that happens. I have tried to put myself in their shoes and it is very difficult to imagine how hard it is just to be able to survive in this country. They are very, very hard working people, and will take jobs that others won't take. Their families, when the fishermen go out on the boats for two and three weeks, their families are left in little communities and they take care of themselves. Many of them raise some of their own vegetables. Of course, they eat fish and they are very innovative in regard to being able to feed themselves.

Many of those families and those fishermen who come back on the boats really count on their children to be their interpreter and to carry on business. They live in areas, and in one area that I will point out, here. New Orleans is over here, so you are over here. Here is where they are. Have had, certainly, some environmental challenges as most people do who live near the coast of Louisiana.

Environmental challenges in this one particular community that I am aware of, and have worked with people there with Wilma,

is having a hazardous waste company there that has put their waste –- which is very toxic –- in different places so that children and families suffer various contaminants from that. Of course, there is a lot of industry in some parts of the coast, and it is very convenient for companies to just simply put their waste wherever.

I am coming to one minute, so I need to rush a little bit here. But the many toxins that Louisianans get are often found most abundantly in the rural and back water areas. Because it seems like nobody is looking, and yet many people live back there in little clusters.

The one thing that I would leave with you is that I am very glad that the environmental justice of the EPA is really dealing with the cumulative risks and the multiple and cumulative risks, because that is what it is about. We can't point to one thing and say, now, if we just cure that, heal that, then we will make progress. It is like many factors are contributing to the lack of quality of life that people have, and that people have been putting up with, and have not been able to voice.

I appreciate being here, and I think it is time for someone else to talk.

(Applause)

MS. SUBRA: Thank you, Helen. Now Clem.

Four Corners Medical Help Association

by Clementine Matthews

MS. MATTHEWS: Good afternoon, my name is Clementine Matthews and I am a resident of Four Corners Louisiana. Four Corners is a small rural community in southern Louisiana, predominantly African-American. It is a farm community and the principle crop is sugarcane. We have both African-American and Cajun sugarcane farmers. But like most isolated areas, and Helen is pointing to the area, we are very near the coast. Probably the more Vermillion Bay, which opens into the Gulf of Mexico, we are about 12 to 15 miles north of Vermillion Bay.

As I was saying, Four Corners is predominantly African-American. We are surrounded by sugarcane fields and one of our major problems in that area has been the ariel spraying of the sugarcane crops for pesticides, with pesticides and herbicides, as well as the ground spraying of fertilizer, all of which have caused problems in health issues.

We also have within a 15 mile radius, we have three carbon black plants, and four sugar mills. Again, another cause causing more health issues. Along with that, because it is a sugarcane area, and even though now we have the green harvesters, there is still a lot of sugarcane burning. Burning either

once the cane has been cut and laying across the road, or the pre-burning before the cane is being cut by the green harvesters.

But some 15 years ago, about 15 women decided to improve the quality of their lives. We formed a partnership with Southern Mutual Help Association, and through that partnership we also met and began to work with Wilma Subra on some of the environmental issues in our area.

Our houses –- and, Helen, if you wouldn't mind holding –- a lot of the houses are old houses. Oddly enough, being a farm community, there is a large percentage of home ownership. So this picture will show you what some of the houses looked like before we began renovating and began doing gut renovations with the houses due to our partnership with Southern Mutual.

A lot of the houses were low to the ground, had lead pipes, sewer running under the ground. Sewer systems then, if your families were lucky enough, they had septic tanks. Unfortunately, some of those houses at that time still had what we refer to as out-houses.

But we were determined to improve our living conditions. So, with the help of Southern Mutual, we were able to go in and gut renovate a lot of those houses. I have a background of working in the education system, so that a good environment, a

safe living quarter, living area, it helps to improve the quality of life for students. It helps to make a better student. So we worked as a community, as one big family, helping each other to improve the quality of our lives.

We have had leadership training, and through some of this leadership training, we had some environmental training with Wilma, in which we have learned to read the reports for our sewer system, reports for our water system. Members of our communities serve on our water and sewer board. We have elected one of our community members as a school board representative. So we were actively involved in this, but had it not been for Wilma and the work that she did with us, and the work that you, the EPA, is doing a lot of communities would still be left behind.

Some of the positive things that have come out of our environmental work is that, one, the spring, though not completely eradicated, has been being more controlled, there is less burning of the sugarcane crops because the farmers understand that we are not here to fight you, we are here to work along with you to improve the quality of life for all of us.

We have petitioned our parish council for first water, because we had cisterns or deep water wells. And if you read

the matrix, then you would know that a lot of our water was being impacted because of the pesticides and the herbicides. We have some scattered dump sites in our area as well. So having a water system in our area has improved a lot.

We still have a large number of families having to deal with family members with cancer but, again, I think if we had not made the improvements through our environmental training and the overall care for one another through trying to help each other with housing, some of this would not have been done.

So I speak on behalf of the residents of Four Corners and St. Mary Parish and say thank you for the work that you are doing, we look forward to greater and better things from you.

(Applause)

Mississippi River Industrial Corridor

by Marylee Orr

MS. ORR: Hi, my name is Marylee Orr, I am Director of Louisiana Environmental Action Network. We are a statewide environmental organization here in Louisiana working on environmental issues.

I have to tell you, I didn't bring any pictures, or write anything down, but I did take notes. I only read the report once, but I will read it again. But I want to say, amen, amen, amen. Thank

you so much Charles, Wilma, the working group, the council, for putting into words what we experience everyday. What you wrote, we live.

I encourage you to really look at the matrix. All of the matrices. But since I am talking about the Mississippi River, look and think about the beauty and the challenges that are here in Louisiana for us, and the kind of exposure that we have on a daily basis.

And since I represent more than 100 community groups, and several thousand people, it is hard to pick just one place. But let's go to one community. They found out they were drinking vinyl chloride in their water. But they were not only drinking vinyl chloride in their water, they were also breathing other toxic chemicals in their community.

You go to another community, they are having exposure through their water, and then another exposure through their air. So having these cumulative effects. And I think too, we have to think in this collective thinking process how we use words. I really enjoyed the educators talking about –- I can't remember your name, I am sorry –- about capacity building and how important capacity building is and how we have to do it carefully. And how we have

to understand what this language means when we collectively think. So I would like to go through a few of the notes.

And just for you to know, my personal journey is that my son was born with a lung disease. That is simply the reason why I got involved in the environment. I didn't go to school to study the environment, I felt that I was called in that way. My other son has a learning disability. I don't think there is going to be any coincidence than the fact that we are number one in the exposure to developmental toxins here in Louisiana. We are also number one in use of ADD, ADHD drugs.

So part of your collective thinking is what we are living. And I appreciate your thinking about it and trying to resolve these problems.

Another thing I really loved was move forward with imperfect knowledge. Thank you, Pat. And incorporate community into the decision-making, into the solution. I think the community, with the proper tools, is more than ready and willing and able to assist in these life-threatening problems, and it is incredibly important.

And I have to say, as Connie talked about her wonderful person in Region 4, it sounds fabulous, I have to say that I feel very lucky to have Larry Starfield in Region 6. Because when we did

our listening session, everything that I heard today, I am like, he really listened. He really incorporated a lot of the concerns that we share.

One of the things I want to talk about is worker exposure. I feel like that is one of the things that we didn't bring up, because it is one thing –- Sue, and I heard you talk about management's commitment, that is wonderful and to be encouraged –- but I attended a Honeywell meeting where a worker had gotten killed and they had three fairly serious incidents within less than a month.

I talked to the union folks, and the union people didn't even have an idea of the full incident until they attended that public meeting. So that also reinforces to me as a community person how important it is for all of us to get together and discuss an issue. We may not agree, we may actually respectfully disagree at some point, but find those things that we can move forward with with imperfect knowledge.

Also, I commend Larry Starfield for saying, creative solutions, go beyond the regulations. These are life-threatening critical human survival issues. If we don't think out of the box, and certainly this is a huge responsibility for the people here and in this room, to come forward with innovative and new ways.

When I brought my son home, the area where I live was a non-attainment. My son is a university student, and guess what? The area is still a non-attainment. So we have to take a serious look at, obviously, what we are doing has not been working. When you think about the beautiful state that you are visiting, I want you to think about the fact that there is mercury advisories. Nineteen new mercury advisories in our fish. It gives you a whole new appreciation about our seafood, right?

Well, rather than let that sort of stop us, it certainly should give us passion and enthusiasm to know that we have to resolve this. I don't know how much longer I have, but –- okay, one minute.

I just want to sum it up that I have had the privilege of not only visiting with folks here in many of the communities, but folks outside of this community. And people from outside of this nation. Part of what I got to visit with was the children from Bhopaul, and then the women from Bhopaul, about a year ago when they were going to Dow to ask them if they would clean up the problem that they have in India.

They have some beautiful words that I would like to share with you, far more eloquent than I can express today. Just

for us to think about in our collective thinking. This is their words, not mine.

> "We are not expendable. We are not flowers to be offered at the alter of profit and power. We are dancing flames committed to conquering darkness. We are challenging those who threaten the survival of the planet and the magic and mystery of life. Through our struggle, through our refusal to be victims, we have become survivors, on our way to becoming victors."

Thank you so much for allowing me to share with you.

(Applause)

Tar Creek, Oklahoma

by Rebecca Jim

MS. JIM: Thank you very much for the opportunity to come to talk about Tar Creek. We are a neglected site. We were an abandoned site. And we were the first Superfund site in the nation. For many years, nothing happened. We had a site that sat there isolated and abandoned. EPA left us, and I bless the people at Love Canal. They did some marvelous work and approached the media and asked the media for help. The media responded.

They were all at Tar Creek in the '80s, and because of them the EPA came. Some work was done, but the marvelous

folks at Love Canal made a better plea and asked for help and got the media, and EPA left us. They followed the trail.

So we were set aside. And for years past, and years past, and finally a young man just across the road from where I worked –- I was a high school counselor for 25 years in Miami, in one of the towns that are effected –- had to do a research project. And he simply didn't have time to do it, so he went and looked through the records at where he worked at Indian Health and he accidently found that 32 percent of our Indian kids were lead poisoned.

He had this drive and he wrote his masters paper up and then, by luck, made a copy and sent a letter to EPA saying, look at this. How did that happen? How it happened that he just had that opportunity. Had he not, EPA would not, I don't believe, come in and helped us. Even though across the state line, two other counties, the nearing county to us in Kansas, was already doing yard removals in that county because of lead contaminated soil. The same stuff that was contaminating our soil, from mine waste from one of the largest lead and zinc mining companies in the world, was located in our county.

We were a tri-state mining site and the other two states in our site are in another region of EPA. They are way ahead of

us. Their side is further along and I don't believe we would have gotten nearly where we were now if hadn't been for that one young man doing a little research project just to get by.

So our children have been years and years of lead poisoned. So we have generations –- I would say five generations of lead poisoned children that have grown up. We have lost potential, and we have lost potential, and we have lost potential. And all of that, as you know, with lead poisoning being the one thing that we know we can prevent, hasn't been.

The source of much of this pollution is still there. It is piles and piles of mine waste that have been left aside that people are still playing on, that they are still riding motor cycles on, that they are still hanging out with their teenage friends on their four-wheelers and partying at night on. It is the only Superfund site in the nation I challenge you that you can still play on.

This 40 square miles, 43 square miles, 47 square miles that we talk about, it continues to grow. We would like to have it shrink. But as you know, you follow the pollution, you follow it downstream, and you follow it downstream when you have 13 tons of heavy metal everyday passing down to our creek. You have got to wonder where all that heavy metal is going.

It is acid mine water coming out of our mines that have flooded and have generated this mine waste, this acid mine water, that is full of lead and zinc and cadmium and arsenic and manganese and etcetera, etcetera, etcetera.

All of those flowing down the creek, and down into our river. Plus, our other river, you can't even see it on this map. I was going to point it out to you. All you see here are two streams, two streams. But the little corner piece there are the chat piles and not one area where you have got piles and piles of these things that are a quarter mile across in some cases, and as high as 150 feet. Which I am thinking, is that about eight stories and this is five stories? You know, it is a pretty tall thing.

Anyway, for 20 years we have waited for a resolution to the piles, and we have waited for that distribution of those piles to stop. But it is still being hauled away. It is still sold today. You can buy it, and maybe you will. And maybe it will come to your neighborhood.

Yes, I stopped a truck the other day and asked him, where are you going? He says, I am going to Olathe, Kansas. And if I sit out here all day long, where else does it go? What other vehicle carries it, and where does it go, and what does it do, and which neighborhood does it pollute later?

In our area, we have five mining towns. We have the neighboring town is a bigger town, and Tar Creek flows into it. We have got towns that are, of course, dumping wastewater into these waterways and we have a poultry industry that is changing the PH of the water. So for years and years, people thought, well, you know, heavy metals are heavy and they settle in the sediment and it stays there forever.

Well, in our area no, because the chicken waste and poultry waste is changing how it works. It is changing the PH of the water and is re-suspending the metals. So now our fish too, just like these marvelous fish in Louisiana, are polluted and contaminated with heavy metals.

Many of our people are poor and they are subsistence people. They are working to get by and they are living, and fishing, and hunting off these lands in order to eat. Their freezers are full of this stuff and we have waited and waited for years to have people test these fish. Finally, some of them are.

I want to commend this panel and EPA for doing a couple of things that may make this different. With out tribal communities impacted too, and being a special concern of EPA now to make sure that the tribes are included in the work, but I hope that we remember too that the community is part of that. It should be

included too and not only work with the tribes, but also the community. And not all tribes have really the best interest of their tribal members. Sometimes they have other interests, and through the years have become in their own way, sometimes environmentally unfriendly.

We want to make sure that we work with the tribes in our area, as well as including the community members that are effected; both the fishermen, the sportsmen, and also the subsistence people. In our area, we have got multiple metals that we are concerned about and we have worked hard as a community group to find ways to identify not just the contaminant of concern and work with that, but also the other metals that are contaminating our people and the other substances that effect us.

We have been awarded the tag for the site. We have also –- just now finishing up our environmental justice project, which I think you all will be proud of. We have surveyed the community and we have looked at the health trends in our area, and trying to find out what exactly has happened to us. We have made a partnership and we will be one of, I think, the biggest projects in our area that we have ever heard of. It will be a partnership with Harvard, with NIH, and EPA for one of the Children's Health Centers. It will be located at Tar Creek.

We are so excited to finally look at following our children, we are already working with Harvard on a birth cohort study, looking at the lead and manganese levels of our babies when they are born, and wondering how being loaded when you are born, how that is going to effect you later.

What we found is our babies are being born with little lead. We are so relieved, but they are being born with lots and lots of iron. And, perhaps, the iron is helping to protect them. But does the iron –- is that why we have such a high percentage of diabetes in the area and kidney issues? Is it that? Is it because we are Indian, and is it because we have a new Hispanic population moving in? Which is it?

We have not gotten the answers in, but we are hoping through this work, and through a collaboration with EPA, with institutes of research, through our community groups, through working with the tribes. That we put that together and find out what is making us sick, and find out how best to make things better.

The one other thing I would like to tell you is that EPA can't do all the things that need to happen at our site. We have land that collapses under your feet. We have got towns that are built on top of undermined land, that can give way at any minute.

We have over 1,300 mine shafts that are open that children could walk into, that your cattle can walk into. We have got problems. It is going to take a working together, a collaboration of agencies and people to make things better for us. But we are really very hopeful and we really need help. Thank you.

(Applause)

Kelly Air Force Base

by Genaro Lopez

MR. LOPEZ: Good afternoon everybody. Again, my name is Genaro Lopez and I am from San Antonio Southwest Workers' Union. We are an environmental economic justice organization and we represent grassroots community folks in San Antonio. I am going to be talking to you today specifically about an 11 year struggle that we have had with Kelly Air Force Base in the south side of San Antonio.

Now, Kelly Air Force Base has been in San Antonio since 1918, so this was one of the oldest air force bases in the nation and handled the majority of the logistical and aircraft maintenance for the air force. Now, because of that, and because of their lack of concern to the environment, we have a big contamination problem in the City of San Antonio, on the south side of San Antonio.

Now, the people that live around Kelly Air Force Base are about 95 percent Mexicana or Mexican-American and in close proximity to the base, it is 100 percent Mexicana or Mexican-American that live in that area.

Now, some of the contamination that exists is a plume of shallow groundwater that lies under over 20,000 homes in the south side of San Antonio. This plume sits between 15 to 25 feet below people's homes, containing chemicals such as trichloroethylene, DCE, vinyl chloride, heavy metals, other things like that. So there is definitely a big question of the shallow groundwater contamination.

There is also a question of soil contamination. We have lead that has been found in the soil, we have other heavy metals that have been found in the soil. Plus, the question of air release, air emissions. Kelly Air Force Base used to be one of the top air emitters in the City of San Antonio during its operation.

Just a point of fact, that San Antonio –- not only does it have Kelly Air Force Base, but we also have eight other military installations in the City of San Antonio. One adjacent to Kelly Air Force Base, known as Lackland Air Force Base. So because of the base realignment and closure decision that was made in 1995, Kelly Air Force Base has now closed officially.

Now it is named Kelly USA. The name changed, but the contamination remains the same for our communities, unfortunately. Now we have privatized industries, like Boeing and Lockheed Martin, and G.E., and Pratt-Whitney, which have now privatized and doing military contracts and continuing the same type of work across the fence from our communities. So the impact still continues.

So when we have contamination in our community, contamination doesn't exist on its own. It has an impact on people's health, and that is an important connection that we had to make in our communities, was that people's health are being impacted because of these contaminants that exist in our communities.

So we have done a lot of work with the community around Kelly Air Force Base. We formed an organization known as the Committee for Environmental Justice Action, or CEJA is the acronym, to fight the military, to fight these toxics, to fight for their health, and to fight for revitalization of the communities also.

You know, we have to also look at the question of fragmentation. And with the question of Kelly Air Force Base, we have about 10 different agencies that are involved in that process, from the Department of Defense to the Agency for Toxic

Substance and Disease Registry, to the EPA, to the TCEQ, to the San Antonio Metropolitan Health District, to the City of San Antonio, to the Greater Kelly Development Authority.

So these also create challenges within our communities because you could have three different agencies having three different community forums on the same week. So now communities have to mobilize not only to one, but have to mobilize to all these three different spaces and areas. So that is definitely a challenge that exists within our communities.

So health problems. What are some of the things that we have identified within our community? We, as an organization, developed our own health symptom survey and we are the only ones that have gone into the community and done the health symptom survey where it really sounded an alarm within our communities. It showed that over 90 percent of the adults and over three-quarters of the kids in the community were suffering from multiple illnesses. Things like cancer, things like asthma, central nervous system disorders, liver problems, low-birth weight birth defects.

Those are some of the things that we are dealing with in our community. You also have to look at the question of economics within the community. This is a very poor community that lives

around Kelly Air Force Base. A people of color community, a poor community, a community where over 50 percent of the households are single-parent homes, where you have a high drop-out rate, and you are also dealing with a lot of levels of education. Not only different levels of education, but you have first generation immigrants from Mexico in the community, you have second generation immigrants. Plus, you have people in the community that have been there for years and years.

So that poses a challenge, not only to ourselves as an organization, but it poses a challenge to the different agencies that are involved. Because one of the things that we have noticed was that, one, lack of translation of materials into Spanish. That is definitely a challenge. Or translating the meeting so that people can actively participate in decisions that are being made that is not only going to impact them, but it is going to impact their family and impact their communities.

When we look at the question of infrastructure and the question of now what is called Kelly USA, the City of San Antonio and the State of Texas have pumped millions and millions of dollars into Kelly USA. But when we look at our communities around that base, no revitalization has been done. A clean-up has started inside Kelly Air Force Base, but when you look at the communities

outside the base, no clean-up has been done. And, actually, they are proposing natural ---, saying that naturally these chemicals are supposed to break down in another, whatever, 30 or 40 years and continue impacting our communities.

And then you look at the question of health. There is no active healthcare for our communities. We have a test that is done, or an assessment that is done by ATSDR, you have the San Antonio Metropolitan Health District doing screenings. So you have study after study after study that shows that the communities are sick, but yet where is the active healthcare that then comes to our communities to alleviate those problems? It doesn't exist.

And those are some of the challenges that we are fighting for in San Antonio and why it is so important to be educating and mobilizing those grassroots folks within the community to be able to speak for themselves, and to be able to understand the issues, and be able to make the changes that need to be made.

Now, yes, all these challenges exist and we are still in the same situation 10 years down the line. Like I was saying, there is no clean-up, there is no healthcare, and there is no revitalization. But yet, we have made changes. We have gained victories. We demolished the jet fuel storage tanks that were across the street

from the communities. We stopped the air force from building what they called, The Red Horse, which was, basically, going to be heavy machinery moving earth around, building walls, and digging trenches, right across the street from people's homes. So we were able to defeat that.

We last year got designated through the Office of Environmental Justice to the interagency working group, which we feel is something very important that we have to continue moving forward. Now, there has been a stagnation in that process over the last couple of months that we need to re-energize and refocus our energy in order to kick that process back up. Because communities need to be at the table where decisions are being made.

That is one of the most important pieces, and usually what we are given in our communities is advisory boards. So we have the Restoration Advisory Board, or you have the Technical Advisory Board, or you have this advisory board. But people want to be involved in decisions that are being made that are impacting their families and that are impacting their communities.

So, in our community, and this cumulative risk and multiple risk, is something that has never been inseparable in our communities. It is something that is always closely intertwined.

And when you talk about health, it is definitely connected with clean-up. When you talk about clean-up, it is connected with revitalization.

So all of these type of things are definitely connected within our communities, so I want to commend EPA now for putting forth this effort, but I definitely want to commend our communities and the other community organizations that are here at this space today for their continued struggle within their communities. For their continued struggle to make those changes that we know are so difficult to accomplish in our communities, but that we know we are not going to stop until we get there. So, thank you for your time.

(Applause)

MS. SUBRA: I would like to thank all the panel members for a great presentation. To the audience members, after this is over, if you would like to meet with them individually and look at the matrices on the wall, or the ones in your packet, feel free.

On behalf of Helen and Clem, I would like to apologize. Clem's father is ill and is terminally ill, and they are going to be making decisions this afternoon on what to do. So they had to get back, so they really apologize for not being able to stay for the discussion.

So now we will open it up to the council.

MS. EADY: Wilma, please thank Helen and Clem. Their presentations were great. And, of course, I love pictures, so those visual images were really, really wonderful. And, of course, thanks to the rest of the panel members also.

I know that we are going to have a lot of questions, and I already see Connie Tucker has got her card up, so why don't we start with Connie and keep going.

MS. TUCKER: Thank you very much. And also, thank you Marylee for pointing out the issue of worker issues. Worker exposure issues. I think that may be one of the weaknesses of the report that we need to have a look at.

You know, just as a background, I resisted. I never was interested in being on the Executive Council. Part of that is because I know that I am going to –- I have to be honest about how I feel. I speak my conscience. Without wanting to offend anybody, I have to make an observation.

I am disappointed, and although I appreciate all of the presentations that were made here, I am disappointed in the racial make-up of the representatives from the State of Louisiana. Without question, the disparate impact in the State of Louisiana is overwhelmingly African-American. And I would have expected at

least a percentage of presentations on the panel that represented that disparity. I am not trying to put anybody else down, but I believe that something is missing in the presentation.

I don't think that we have heard enough about cumulative risks from a community's perspective. I see, in fact, people in the audience who come from cumulative risk communities and might have been able to bring something, bring a contribution to this discussion. I say this only because I want it on the record, not to embarrass anybody, but we have to be constantly diligent about respecting the principle that we speak for ourselves.

And I can tell you that there is a network called The Asian Pacific Islander Network that is very qualified to have recommended a person to speak about Vietnamese or other Asian and South Pacific issues around cumulative risk. It is important that in the future we don't make the same mistake. Thank you.

MS. ORR: Could I respond to that?

MS. EADY: Yes, Marylee.

MS. ORR: Okay. Thank you, Connie, for your remarks. I appreciate them and I hear them, but I think part of the challenge of this work is that some of the folks that you refer to have a very difficult time being able to be here. Plus, I want to hear your words softly, because I think part of where we have come in these 30

years is to be inclusive in the true sense of the word. And that no one should feel excluded.

In other words, if someone is here in good faith to bring you information, I would like us to be like that book, the Color of Water. Even though we carry all of our heritage, I am very proudly Irish-Scottish-American, and I don't apologize for that. And I respect everyone else's heritage. And I think that is part of our challenge here, is to be able to do that. Connie and I, in the past, have had discussions about this I know. And I have some members here, Richard, you want to raise your hand, he said he would do back-up for me if I needed from St. James –- thank you, and other folks.

But part of the challenge is it is difficult to get folks to be able to appear here. So we appreciate everyone and that is just all I wanted to say. That we be respectful and inclusive and not make anyone feel I can't come forward and talk about this issue because I am whatever. I think that everyone's knowledge collectively is important.

MS. TUCKER: Especially, the communities. Thank you.

MS. ORR: Yes, ma'am.

MS. EADY: Thank you both. Thank you, Marylee.

I sort of overlooked –- I did want to call on Jody Henneke and Sue Briggum, in particular, to talk about the state and local government, and industry perspectives, and why this approach is helpful. Good dialogue.

MS. HENNEKE: Okay, I will go first. I really feel somewhat awkward here because I feel like a community resident, because I grew up in Tar Creek. I am sorry, I didn't get your name when you started.

MS. JIM: Rebecca Jim.

MS. HENNEKE: Having grown up in the environment that she very eloquently described, I was one of those kids who played on the chat piles. It is interesting hearing the community that you grew up in described as an environmental justice community, when at the time, it didn't occur to you that it was an environmental justice community. So it is very different and interesting for me to hear that presentation.

I take to heart what Connie described as far as what she sees as some of the different issues that could be presented. At the same time, recognizing I am a community member of one of these communities. So that was kind of different for me. As a state regulator, it is on point, and important, and vital, and challenging to hear these communities described; particularly,

when –- and like I said, I am a state regulator, where Kelly is located, I have property in Miami, Oklahoma. So I have some special affinities to two of these communities that were described.

It is difficult when you are dealing with facilities that are no longer operating, or that are operating in very different constructs than what they once were. The situations with Tar Creek are very, very different than they are in Kelly Air Force Base, but the impact on the residents of both communities are the same.

Different reasons, but very heartfelt. Both physically from a health standpoint, economically, socially, etcetera. At the same time, from the regulator's perspective, I don't want to say that you have to separate issues out, I don't mean it per se that way. But I do think you have to listen and see and hear all different voices, which makes Connie's point more appropriate.

I don't know if that was kind of what you were looking forward to from me, but like I said, this is a different presentation for me, both from being a regulator and being a resident.

MS. BRIGGUM: Yes. I was trying to listen to this because I know that was what my role in terms of kind of a broader business person. And a number of things occurred to me. And all of my, kind of older professional life, I have worked in the business

community and I have colleagues I worked with, and all of the companies that you have named, as well as, obviously, my own company is involved in these issues.

I tried to hear it the way this kind of universe of companies would hear it, with an eye towards kind of conveying that, but also saying, how do we move the ball forward. And what I heard was, oh, companies when you hear your name, you immediately freeze. And it is what I said to begin with, but it is not all my fault. First, it is not my fault. Then it is not all my fault. And then, well, if some of it is my fault, it is all awful. And that, I think, is one of the problems that we faced, and one of the reasons why when you are talking about the community situations we aren't seeing results. We are still describing the problems.

So I thought then whether or not the charts that have been so helpful, I think, in terms of setting out this panel, and whether the report might change the dynamic. And my hope is that it really would. Because it is important that you still name the names. You are going to have to say what company it is, that is releasing this and this is a problem, and it has got to be changed. That is never going to go away, and the lack of comfort with hearing that is something we are just going to get over with and

work with. But is there a way to incentivize people by getting to the table?

And I really think that there is, because if you see your activities in context, and in a place, I think it is possible that you can say, you know, I can take my accountability here because no one is going to make me a scape goat and say that all of it is just your fault. But, you know, I do share responsibility and if I can say, you know, I am part of it, and I am going to acknowledge it, and let's make sure that everyone who is accountable in terms of pollution, and releases, and stressors, and worker exposure, and everything else, feels equally held to the fire, I think maybe we can actually make some progress.

So that even if you see your name here you would say, well, but everything is fairly accounted for, there are expectations of me, and there will be expectations of everyone. And, in fact, there might be rewards in terms of if I change my behavior, if I provide remedial action. If I sit down and listen and then modify my operations in order to respect the needs of the community, that will be recognized as coming to the table cooperatively.

I am hoping that we really get here this way. And in many ways, it is the same issue that I heard from Larry Starfield, where he talked about litigation. Because litigation has to be out

there. There has to be an appreciation for the fact that you are at some peril if you are not a responsible citizen.

But, we also have to figure out a way to get there faster. By having this template that says, look, the expectation is beyond compliance. This is what is expected of you, this is the way we are going to approach it, and we will actually appreciate your contribution once you make it and not say, oh, well, you stepped forward, now you must do it all because you have acknowledged that you are the bad actor. I really do think we may have an approach here that allows us to get those first early easy steps, and then keep on going once you start all of the hard steps without stopping.

MS. EADY: Thank you. Andrew, you are next. But, Jody, who knew that you were from Tar Creek. A lovely coincidence.

MS. HENNEKE: Yes. I was explaining to, I think, Larry earlier. My dad was, actually, one of the first ones who did the environmental work on Tar Creek, actually going back to 1968. It is a very interesting, but at the same time, I am sorry, I am from there, it is beautiful in an odd way. But it is a very pretty part of the state, but there are some phenomenal problems there.

MS. EADY: Yes. Well, it is great. We are lucky to have your insights.

Andrew, I see your card, and Judy, I see your card. So, Andrew.

MR. SAWYERS: I want to thank you guys for the presentation. You know, I thought each of the presentations were compelling in its own way, and I was sort of thinking about Sue's comments and moving forward. I would like to just hear from you a bit, in terms of some of some of the successes, if you will.

And as you think about NEJAC's work and how we can incorporate potential ideas from you into this report, and other reports, I would like for you to at least talk a bit too about recommendations that we can consider to improve certainly the report, but also think about new policies, if you will, to address some of the concerns that you have raised. I think in the context of us sort of developing a robust mechanism to address EJ, I always ask representatives from the communities, give me some of your ideas on how to move ahead. So I would like to hear that.

I heard a lot about the concerns, which certainly I have actually noted all of it, but I want to hear about ideas, if you will. Some of the successes you had, and also, if you just can start to think about other mechanisms, if you will. Other approaches that

we could sort of think about to better address some of the concerns that you raise.

MR. LOPEZ: In our situation, I think this collaborative problem-solving piece, and this collaboration is very important for us. I think that the flow of information between agencies and communities is also very important for us. You know, recently, in the last couple of months, we have been back and forth with TCEQ, kind of a memo battle trying to get some information specifically about Kelly Air Force Base, some of the contaminations, some of the responses that TCEQ has given back to the Air Force.

Some of the proposals that air force has turned into them and, basically, the first response that we got back was, well, there is a library in San Antonio that has all this information, so go check it out. Now, if you go to the library, you will find that none of the information is indexed, you have piles and piles and piles and piles of information that we would then have to decipher as a community because TCEQ doesn't want to provide us that information.

Now, it is the same instance with the air force. Now we write a Freedom of Information Act to the air force, they send it to the FOIA person, and they send the response back, well, that this, this and that. But yet, we are still not getting the information.

So I think it is important for communities that have that information in order to be able to actively participate in decisions that are being made about their community. That was the main reason that the organization started around Kelly Air Force Base was because people were not allowed that space to participate. And I think that is a space that we need to keep fighting to create, is that participatory space, which is why I think that this collaborative problem-solving process is very important to us in San Antonio. But in order for it to work, it has to be a collaboration, it can't be a one-way road. It has to be working both ways.

DR. ORR: In a larger sense, we would like our risk less –- you know, less exposure here for sure, and more enforcement. Which I know you all discussed as a council. But some of the things that we have worked in collaboration with was a great pesticide brochure. I think we are the only non-profit in the nation that actually did one with the Department of Health and Hospitals.

EPA provided some funding and the Louisiana Department of Agriculture and Forestry. It was an educational brochure that is put out to rural communities particularly. We would love and embrace the idea of having it in Spanish, having an integrated pest management one, and have one that is also given to schools.

Some direct service projects that we have done that we are very proud of, and we only had this one time opportunity, was to provide nebulizers into the public schools. Education of the nurses and the doctors on asthma management, and actually doing an asthma camp with children at risk or environmental justice communities.

And, in some instances, it is the only time a child has ever been away overnight. Certainly, never been away from a parent who was in charge of their medication. They were empowered. So there were some direct service projects that we think are really, really important besides –- I really agree with Sue that we really need to identify the folks who are not good neighbors and have them take full responsibility and move away from that blame the victim type of –- and to take responsibility for what they are doing and work together with the community as solutions.

MS. JIM: One of the things I saw in this book, and it kept coming up over and over again, and it was a bias for action. I just love that. I want action. I really love it. And I hate to take down all your playgrounds, but I would really like to put it back in the ground. I would really love to just put it all back in the ground and make that be a tall grass prairie again.

I would like to restore the land and I would like to protect the health of the people for generations to come. And I believe that is what you are trying to do here.

One of the things that we have done is –- I am really proud of EPA to come in and do the yard remedial work. There has been a lot of criticism in a couple of the towns where we are that didn't want the remedial work done, they just want to be bought out. But the other towns, and even those towns, have benefitted because it has lowered the lead level in the children. Is it low enough? No, it is not low enough.

And as you know, you can't buy back an IQ point. There has been a lot of criticism for spending $20,000.00 a yard on a house that costs $3,000.00. I can't buy an IQ back, I can't buy one point back for no matter an amount of money.

So I really am thankful for that and I believe that what you are doing here and working for that bias for action, that is what you are asking for too. You are wanting that done and we are too.

Our lead agency, our environmental action organization, has been working for seven years to try to get people together on the issues. And that means giving toxic tours, and doing bike rides around the site, it means creating a parade that the politicians finally wanted to get in front of. The problem is now that we have

got politicians that each want to lead the parade, but as long as they want to lead, maybe we will get somewhere.

But I appreciate the work that you are doing here and I would be more than willing to answer any other questions.

MS. EADY: Andrew, thank you for asking that question, because that was a question that was on my mind. One more comment and then we will move on. Judy.

MS. ESPINOSA: Thank you. I just wanted to make a couple of observations. One is, if we notice, as we hear our panelists speak –- and thank you very much for coming to do this –- we see the close relationship to what they have been doing for decades now, and what we have been talking about community-based participatory research.

These folks are doing surveys and have been doing surveys, they have been looking at the health symptoms in their communities, they have been talking to people for years and years. They have been seeing the signs of what has diseased, their communities, and they have been looking at the social and economic issues that have impacted their communities for years now.

This is nothing new when we talk about community-based participatory research. This is what all of us can learn from

those on the ground in our communities. And for those who don't believe that it is scientifically based, I ask you to go to these communities and see exactly what they are doing.

Because what they have developed, and what they have collected, and the data they have in their communities is highly scientific. And just as good as what you are going to get by any Ph.D. student or academician in this country. So I thank you for bringing that out. I think we saw it in all of the stories that we heard about today.

The other thing is the idea about having to deal with 8, 10, 12 different agencies of government and industry in these communities when you have all kinds of agencies and businesses that are responsible for what has happened. And Sue comes from a place, and she has done work over the years that is highly significant because her industry has, and her company has, fessed up and has come to the table. But I think it is one of the things that Larry Starfield asked earlier is, how do we do this, and how do we implement this.

But I suggest that someone in the governmental area, in the governmental arena, needs to step forward and crack the whip. Whether you have regulatory control or enforcement powers or not, there has to be someone amongst the agencies

where there is the state government, or the local government, or EPA, or DOD, or DOE, that says we have just got to do this. And who will take the lead to bring the other entities together.

Because we are going to run our communities ragged and they don't get paid to do this. You know, they give up their weekends, and their free days with their children, and their nights, and everything else to come here and to come to these meetings within their communities so that they can get information on how to care the ills of their communities. And it just can't continue to happen that way.

So, I think, in our report I want to start looking at how we address this issue and how we can bring the multitude of agencies and organizations together to where we can get what Sue's talking about on the industry side, but get that on the governmental side. And I say, again –- and I can't remember who said this –- but if there is a politician who wants to take the lead and run with it and take credit for it, I say go for it. Because if you can get everybody else together and get something done, then do it.

MS. EADY: Thank you.

MR. LOPEZ: I wanted to re-emphasize one more point that Connie brought up, and that was brought up here also. Is the

question of worker impact. That has to be a very key piece also to this report is worker impact.

At Kelly Air Force Base, you have between 15,000 to 20,000 workers that will be working their at one time, and now there is over 140, 150 cases of Lou Gehrig's, or ALS, that has been found amongst those workers. And, also, there is definitely the worker impact, and the cumulative impact of the workers because they were working with a variety of different chemicals and had no type of protection that was given to them by the air force. So I think that is a very important piece that needs to be added. If it is not in there, I am not sure.

MS. EADY: Let me just get Lori and then Larry, and then we'll move on.

MS. KAPLAN: I am going to take the opportunity to speak now, but this could fit in any one of a number of places. I have been listening and trying to formulate how I want to start addressing this. I am a state regulator. I really embrace this report and think it is wonderful and it is great. I do believe that we have to have community involvement and community activism and by partnering, by bringing together the industry and the state and the local and the community people, you are going to get the most progress you possibly can.

But also, we have heard it, and I am not sure there is enough emphasis in the report yet that you have to have the regulatory tools. You have to have the ability, not just to enforce, but when issuing the permits to take into effect cumulative impact. And in the report, it does state pretty clearly that under RCRA, perhaps, we have the tools. The rest of the tools are tenuous at best.

That puts us in a precarious position when issuing permits to take into effect cumulative impact and cumulative risk. I think that there has to be the emphasis there and I guess that is the main point I want to make right now. I will keep working on how I want to verbalize this, but that is going to be an important component. And for us regulators, when we are in the position of, hopefully, doing things up front that will make a difference. We have to have those tools.

But I will also say that it is a tremendous benefit and tremendous asset when we have that leadership at the federal level. That sometimes at the state level without having that established at the federal level, it is just not going to happen. Because at the state level, the state legislators look to the federal government for guidance. If the feds aren't doing it, the states aren't going to do it. And while we might try to implement some of

that at the state level, we need the federal backing. And I agree, if there is a politician who wants to take the ball and go with it, that would be great.

MS. EADY: Thanks, Lori. Larry.

MR. WEINSTOCK: Yes, I just wanted to add this little point. While I agree with what has been said about the regulatory and enforcement tools, I just want to also point out that when I was talking about the voluntary programs that EPA has, a number of them actually are responsive directly to the needs of business and help them actually improve their bottom line while they improve their environmental performance.

As kind of two quick examples, one is in Cleveland where there was an issue of chrome electroplaters and we brought in the Design for Environment Program. Those small businesses, which are community-based businesses are, actually, able to clean up and have less emissions of chromium and actually do better financially.

And even in large businesses, we have a whole program dealing with environmental management systems, which can help any size business, especially, large ones improve their performance and their bottom line and do more for the community in a beyond compliance way. It is a very positive approach and

allows them to really contribute to this without having any finger pointing about who is doing the right thing or the wrong thing. They can do the right thing for them and for the community at the same time.

MS. EADY: Thanks, Larry. And Larry Starfield.

MR. STARFIELD: Yes, it was the wrong Larry that jumped in here. I wanted to follow-up. I agree we should get more regulatory –- it would be a lot easier if we had the type of flexibility we have in RCRA in all of our programs. But there is something else that we have been using, and there are limitations to how –- you know, you hit the resource wall again on this.

But north of Albuquerque and in Ponca City, Oklahoma we are working with two different communities where there has been an issue that has stalled the collaboration from happening. The issue has been the community says, we are getting sick from the high levels of toxins in the air, and industry says, there are no high levels of toxins in the air. We have no air toxic monitoring. So in both of those communities, we have worked with the state to get a network of monitors established to answer the question.

In Albuquerque, actually, the air levels were not bad, and in Oklahoma they were. We are doing things to bring down the various sources. But information is really powerful. It is not that

we are necessarily going to have legal authority to force companies to do it, but now that they know that there is a problem –- and it comes back to what Sue was saying –- maybe they are not all of it, but okay, well, there is a problem, I am probably part of it. Rather than go toxic tort, let's talk about what we can do as a community to bring it down. But until you get the data, the conversation doesn't begin. It is what I have seen a lot.

So that is a really positive first step, is trying to get some sort of information base.

MS. BRIGGUM: I will just come full circle here, I agree with you completely that, ultimately, clear regulatory obligations are the most certain way to go, but it will just take a long time to get there and to have it respond. And in the meantime, information works very well; particularly, if it is done in the kind of methodical ways we are talking about in this document.

Because I know we have joked about getting a politician involved, but as I look back over the past 15 years at the number of sites where politicians were involved in terms of trying to address community concerns, the politicians cannot reliably be trusted to think about cumulative impacts, and communities of color, and low-income communities. That is just not where you can assume it will naturally go.

So I, actually, had seen what we working on as a way to get us out of that arena where it is whoever can get the politicians attention, and instead, really talk about the people with burdens and real challenges. And even if they are dis-empowered, they get the highest attention because they have the most real needs.

MS. EADY: Thank you. Jody.

MS. HENNEKE: I wanted to either make things more confusing or maybe help you out a little bit here. Which these guys will tell you is my role on the subcommittee a good bit of the time. I have always thought of myself as kind of a regulators regulator. And I spent –- I really do believe my role was about at least once every four hours as we were working on this effort to do the, okay guys, I am really there with you, but how are we going to do that. And that was kind of my back stop.

So I feel your pain. I know where you are coming from, but I finally got to the point where I realized that most of my, well, how are we going to do that, how am I going to sit down with the permit engineer and say, okay, go forth and do this. Was that most of the issues that we are talking about, that these folks are talking about, are not permitting issues. They are enforcement issues.

And when you are –- to me, are enforcement issues –- there are old things that maybe could have been done better

differently through permitting that we didn't have whenever. I mean, Tar Creek goes back to the '20s, and that sort of thing.

So when I kind of took a cleansing breath and said, okay, let me think about this from an enforcement standpoint, then I got more on the page of, okay, we can figure out how to make this work a little better with what we have. I don't know if that helps any or not, but.

MS. KAPLAN: I came in here this morning wanting to say this, and I have been sitting on my hands all day. Because I keep changing my mind and I recognize that probably 90 percent of this is not regulatory. Because it is cumulative. You know, everybody might be within the confines of their permit and within the confines of our current health-based standards for that particular industry, but I still think that is a piece. And that is what I wanted to communicate.

MS. EADY: Lori, I think it is good that you made your comment. It has generated a lot of discussion, so thank you.

MR. LEE: You know, there is a lot of questions that were just put on the table, and this was the underlying question. You know, the relationship of cumulative risk to regulation. But there is actually another question here that I just want to make sure we point out. And that is the relationship of the use of the law and

dispute resolution. You know, in terms of addressing some of these larger issues that may not be directly related to something regulatory.

And to that effect, I would really ask that everyone get a hold of the set of case studies that the Office of Environmental Justice asked the Consensus Building Institute to do around dispute resolution and environmental justice. And, actually, what you see in there is the interplay between use of the law and other types of dispute resolution.

So I just want to point that out. And the other thing I want to point out is that you know that OEJ has been developing dispute resolution training for communities and other groups. So we are moving to another phase of that which is going to –- which Connie is involved with and Southwest Network is involved with, with the Environmental Law Institute –- to look at that. The use of the law and dispute resolution. And that is going to be piloted in Region 6 in New Mexico this fall. So I just want to make sure everybody knew about that as well.

So I just want to make sure we all understand, there is different sets of questions that are being asked and there is not just one approach towards addressing it.

MR. FIELDS: I just wanted to add to what Charles said. I think it addresses the point that Larry Starfield made earlier this morning as well. Larry talked about the impact of litigation and how that could possibly slow up the bias for action, but I think for refining it across the country is, I talked to several community folks, is that more and more people are recognizing that litigation can bring things to a screeching halt. And more and more people are recognizing the value of operating in a collaborative way trying to bring the issue to resolution, whether they use alternative dispute resolution or other tools, but they are finding that that is a quicker way to get action accomplished and to get real results in their community than going the litigation route.

Litigation is always an option, but I think you are finding more and more that people are seeing that there are other ways to go, other than pursuing litigation first. That is why I think this bias for action has a real potential for really being implemented because you have receptivity to this approach, not only from the regulated community, but also from the communities themselves, as well as other stakeholders that are going to be participating in this process.

MR. STARFIELD: If I could just add to that. That was, certainly, a question. I think that is exactly right. I am not sure if EPA alone can deliver that message convincingly and is there a

way for the NEJAC to help deliver that message? Or maybe collect case studies. Charles is talking about something –- to try to re-enforce the point that there is an alternative, it is more effective, and you are hearing it not just from EPA, you are hearing it from industry, from communities, so that it has more credibility.

MS. EADY: Charles, just to clarify. These case studies, they are already prepared?

MR. LEE: Yes.

MS. EADY: And we can get them by contacting OEJ?

MR. LEE: That is right. You can look on the OEJ website which is, www.epa.gov/compliance/environmental justice. That is all one word.

MS. EADY: Okay. Well, thank you very much. I want to thank our remaining panelists, Rebecca and Genaro. But also, Marylee and Helen and Clementine. Thank you so much for spending this time with us. As you know, it is really important for us to get community input because that is where it all happens, and that is when we know whether or not we have done a good job in generating a report. So I also encourage you to provide comments tonight if you will be available.

With that, we will move on to the next panel and I will ask Charles to introduce that.

MR. LEE: Great. One note I just want to make sure everybody realized, and I think Mary Nelson urged me to do this to remind everyone. I mentioned this morning there are the GIS maps of these various communities is developed through EJ geographic assessment tool.

And there is demonstrations on that in the Rampart Room today, tomorrow and Thursday throughout the day. In your notebook, there is a section under the Outreach Section, there is a schedule, as well as I think one in the back of the room.

There is also one that Jeff Yurk from Region 6 is doing around their –- it is called RANME, but I am not going to tell you –- I don't remember what the acronym stands for. So I hope that you would avail yourself of that.

MS. EADY: Can I just say one more thing, Charles?

MR. LEE: Sure, yes.

MS. EADY: One more thing that I wanted to say to the panelists is that it would be really great if you could sort of keep in touch with us and let us know how things are going, particularly with respect to this report. You know, reports are great, but you never know how effective they are until you do the evaluation, and that is when we hear from you.

So whether it is through Wilma or through the council, or through OEJ, it would be really great to hear stories about how this research has been able to help you, or not help you. Okay, thank you.

MS. NELSON: I just wanted to add to Charles' plug for that GIS mapping stuff. The gentleman said, we need this information. I am just blown away at all the information, all the permitting things, NE reviews, environmental reviews, all those things that are available on this new GIS mapping thing that EPA has done. So I am going to go home and start really looking up some stuff. So I commend everybody to take advantage of that.

MR. LEE: Great. Thanks, Mary.

Without further ado, we want to go to the next section of the discussion of the Cumulative Risk Impacts Draft Report. And that has to do with a presentation and discussion around the key concepts in this report. You heard a lot about the use of deterrent stressors, and vulnerability, community-based participatory research, qualitative analysis, etcetera, etcetera.

So we wanted to spend some time to make sure everyone is well grounded in these very important concepts. They are, in fact, the sub-text of the discussion. They are the underlying issues of the discussion about looking at cumulative risks and

impacts. I think that it would be very important that we kind of are familiar with some of these concepts because they really are the glue that provides the basis for what you will hear about tomorrow. Which are the overview in terms of the recommendation themes, and the action items that grow from there.

So, with that, we are going to ask Hector Gonzalez to do the presentation and each of the workgroup members are going to say a few words about the different aspects of these key concepts. So, Hector.

Key Concepts

by Hector Gonzalez

MR. GONZALEZ: First of all, I want to thank everybody for the rich discussion, because I think it follows exactly in what the key concepts are trying to address. And we can have the first slide.

(Slide)

But, I want to caution also in some of the discussion that I heard as well that some of the traditional research components, for example. One of the things that this committee was very adamant about was quick action. Diligent with quick action, because I think for too long, we have known some of these issues and the panel has very eloquently stated some of the –- you have already

defined some of the information we are going to go over. But, it is putting into perspective as to how we change policy.

And this is why, again, I think it is so monumental that EPA is sitting at the table with others. Community folks above all, and other experts, business and civic persons, to really rethink this strategy and framework. And I really agree with the word framework. It is not a program, it is a framework for processing of how we are going to do things. And that is monumental. That is a big change. That hasn't been done.

Earlier, I had said –- and thank you, Jody, for also adding to it that environment and health were together at one time. Then, because of funding, primarily, they went different routes. And now we are saying, again, that we need to sit at the table together because they are not separate.

So, again, this whole issue about cumulative risk is so critical to the discussion because there are many, many other factors besides the chemical impacts that effect one's response to a contaminant. In addition, that contamination and pollution is very difficult for everyone to understand, but that we have to. If we are going to have an all inclusive group to address these issues, everyone needs to understand it and what is my role and what is my responsibility. And it is all of ours.

So, let me start with the first one, the definition of stressor. And, again, all morning we have been discussing it that it is not just the chemical and the physical biological, but it is any other entity. And this is new again to someone like EPA who was addressing it from a single source of chemical impact. Now we are saying there are other issues that may also effect how someone responds and is affected. Age, sex, economic status, social conditions, housing, healthcare.

Again, as I said this morning, we really have seen it in the biological side time and time again. The response that someone has to an infection that is well-nourished, has good healthcare, is in general good health condition versus someone who faces the same impact, but doesn't have a provider, isn't in good healthcare, isn't well-nourished, isn't going to have a good immunological response. That is a given fact. The same is true for an environmental and toxicological impact. It is the same.

So I am very glad that we are beginning to address this whole issue that there are other stressors that impact one's health and how one responds to that. Can we have the next one.

(Slide)

Vulnerability. This is so important as well. There was a lot of discussion so far, and I want to clarify that when we are

talking about cumulative risk, it is the aggregate of stressors and other conditions that effect those impacts on someone, and how they adversely effect health. But, it is not over time solely, it is also the acute exposure. It is the low-dose exposure, and definitely the chronic exposure. Because it is all those other factors and not just one single.

Again, we are changing that paradigm where up to now we consider only one factor. And we are saying now there are other factors that have to be considered and that we all need to understand them. And that is the whole issue of vulnerability because some populations may be more susceptible.

I think the biggest and most easiest example is during pregnancy. We know that during pregnancy mom and child are more susceptible and more sensitive to certain impacts. So, taking that into account, that is the same basis in looking at vulnerability and looking at susceptibility and sensitivity.

These are all definitions and terms that may confuse us, but the bottom line is that to understand that there are a multiple amount of issues that may impact someone's response to an adverse impact to an environmental condition. The next one please.

(Slide)

And these are some of the issues. Differential exposures, the differential preparedness, the ability to recover. The ability to recover, for example, takes into account how long, how much time, what was the exposure, was the person prepared, is the person's condition ready to respond.

And then the preparedness side of it, for example, a good example on the biological side is having someone vaccinated to be able to respond to a disease. Well, how are we being prepared to respond to environmental impacts? How are we dealing with the exposure? Are we ready? And how is someone's own general health able to respond to it?

Here very important for a long time, a lot of the exposure formulas for ——- and males, and their response to a certain chemical, a certain reaction. But not women and children. They are now being incorporated, but then now my follow-up question, what about women and children of other populations as well. How are they being figured into the equation and what makes them more susceptible or not? Next slide please.

(Slide)

Social factors. Again, we are discussing with someone here and that is very important in understanding social and cultural. Where certain communities may feel, well it is okay if I get sick

because that is the way it is. Someone pointed that out earlier, and that is very true that in certain cultures that is accepted.

Well, how do we deal with that in helping those communities understand that even though it is better now, or that it is a fate, then it is still effecting you now and it doesn't make it right. How is it right for someone to be sick. Economic factors. If someone is ensured and can quickly detect early enough that there is an exposure, makes a big difference for someone not to go to the doctor until they are sick, and much so over long-term low-dose exposure to an environmental contaminant.

(Slide)

Health disparities. A lot has been discussed right now, there are already other multiple issues that effect many populations. So how does that effect someone's outcome when they are exposed to an environmental contaminant as well?

My example this morning, we have children who are exposed to lead who live in communities who have no wastewater treatment, and so have diarrhea. So the diarrhea leads to more chronic anemia, anemia worsens the exposure to lead. We can easily say, well, eat right and then take you away from the physical site where you are being exposed to lead. But that doesn't solve the problem because where else do they go, and if

they don't have anything else to eat to combat the anemia, they continue to drink contaminated water and have diarrhea, their general health will worsen.

So the health disparities definitely fits right into the whole equation of vulnerability.

(Slide)

I don't know if you can see this one, but if you get the —- and I hope everybody gets a copy of the draft report —- this is an excellent scheme that just puts what I just said into perspective in how each thing relates to each other. Vulnerability, access, susceptibility, response, stressors, how all of these relate to how someone will respond, how well someone will respond, how quick someone will respond to an environmental exposure.

(Slide)

This is so critical. A lot has been discussed, and I failed to mention that some of the panelists are each going to address some very specifics in each one of these issues. One of them that will be discussed and making a comment is the participatory research. Someone said —- the only thing I want to stress how important this is. Two comments were made. If everyone understands a little bit better what their response is and what their

role is with environmental issues, then we can, hopefully, make it a better decision and a better access to our outcomes in health.

So this is critical. Critical to that in how community participates in the discussion as well. We have a lot to learn from them.

(Slide)

The question about research –- and I k know this is critical to EPA and to our science community, and I consider myself a scientist as well. But I think that there is enough out there already that people have lived on a day-to-day that we need to go back and analyze what does that mean and what do we do now, and how do we continue.

Some of these things that are on the screen right now that you see are things that are already out there and we don't need to reinvent the wheel and we need to look at what is out there and how we can use it now. How it relates to environmental impacts.

(Slide)

Again, the proportional response. A lot of discussion as to how we get voluntary participation, or do we use regulatory participation, or both. I think we are all in agreement that we are going to need both. Here, the big factor is how we can get

business, especially, and industry and civic folks to participate. It is all of our responsibilities and using incentives, for example.

And on the biological side, one of the things we have done in some communities, not just in ours, was in promoting those businesses, for example, who don't promote smoking. So we thank them for not doing that on the public health side. So we tell folks, these are the places you need to go to. And environmental impacts is working with business and thanking them and highlighting them for taking an active role in working with us and sitting at the table and helping be part of the solution. So we promote them, that this is a good business.

(Slide)

I will stop here and go over now to the panelists who are all going to say a few comments on each one of the different areas. I think first we have Tim to just say a few words about stressors.

Stressors

by Timothy Fields

MR. FIELDS: Thanks, Hector. I think everybody sees and knows stressors, but we don't sometimes think about what they are. A stressor is any physical, biological, chemical entity that may be adversely impacting your community. It could be that a chemical

manufacturing plant down the street could be the hazardous waste facility two miles away. It could be those warehouses in Laredo that Hector talked about this morning. It could be asthma, presence of asthma in the community. It could be the lack of adequate clinics or healthcare facilities in the community. All of those are stressors that are impacting that community.

We have what we call multiple stressors. These multiple stressors are regulated by different environmental statutes. Clean Air Act, Clean Water Act, Superfund, RCRA, and these traditionally have been dealt with in a statewide approach, whether you are talking federal, state, or local government. Each regulatory agency has dealt with those stressors with their own authorities in different ways, and often in an uncoordinated way. But as we now look at this issue of multiple stressors, and the cumulative risks that are caused, we recognize that there needs to be greater partnership in terms of how they are dealt with.

Each of these stressors needs to be dealt with, different agencies have to be involved, different authorities, federal, state, local, but also the private sector. We need to find incentives and ways for which they get involved. I think that that is why the starting point for this issue of cumulative risk and cumulative

impacts in the community starts with the focus on multiple stressors in a community.

I think that the workgroup has developed recommendations which we will discuss later about how these stressors can be dealt with in a coordinated way to achieve public health and environmental protection and betterment of communities across the country.

So it is a critical concept, it is important to our understanding of what we have done here, and I think we will talk more about how we deal with these stressors as we go on and talk about subsequent themes in this report.

Vulnerability

by Patricia Hynes

MS. HYNES: Yes, I have been asked to talk in more detail about the factors, the social, economic, cultural factors which contribute to ill health and compound disproportionate exposure to environmental toxins.

I am going to use two examples to make my point. I think it is no accident that the highest rates of childhood asthma, and the highest rates of childhood lead poisoning we have today are among poor children, children of color, and in both cases, particularly, African-American children.

The reasons are not only due to their environment, what they are exposed to. That is in part the reason. Poor children live in poor housing, poor urban children live in older housing. Their parent or parents cannot afford to de-lead the house or to maintain it. And if they have poor nutrition, as was said earlier, they will have higher rates of lead poisoning.

The same with asthma. The environmental exposures, particularly, for urban poor children, are in part, poor housing and it is also because often diesel traffic, diesel buses, bus depots are differentially located in their communities.

But in addition to these exposures that I have talked about, poor housing, allergens, air toxics, peeling paint because of poverty, there is also a burden of ill health that is due to the stress of being poor. That has been demonstrated, separate from what you are exposed to. The stress of being poor, as was said earlier, lowers the immune system. You are just more vulnerable.

But it is not only poverty. There are also studies –- I mean, every study that has looked at poverty will tell you, poor people die sooner, poor children are sicker, they are more disabled, they have more injuries, but also income and equality, which is related to poverty but it is different. An income and equality

measures the gap between the upper 10, 20, 30 percent income and the lowest, 10, 20, 30 percent income.

The wider that gap, the poorer the health of poor people. So a poor person in a country that is pretty even, that has a narrow gap that poverty is distributed across people, poor people in those countries are not as sick as poor people in countries with wide disparities.

Of the industrial countries, the United States has the greatest gap in income. The highest income in equality. We have, therefore, the highest rates of child poverty, the highest rates of homicide. So it is not just poverty, it is the gap. This is attributed to a number of things. One is that if you have a great gap, you have a poor distribution of resources. Your health services are not stretching and meeting those poorest of children. So the lack of resources is one explanation.

Another is weaker social cohesion. That sounds a bit vague, but let me just interpret it in my own way. I think that people give up when they feel that they live in a dead end. There is no exit. I don't see any exit from the life they live, for the children that I work with in public housing in Boston.

There are no jobs. Minimum wage, you cannot afford to live in Boston. The school system they go to is very poor. So kids

give up, their parents give up. That is weak social cohesion. No wonder voting rates are lowest in that community. They have given up. They don't have hope that whoever is elected is going to represent them. That is weak social cohesion. It translates into poor health.

Another factor contributing to poor health, and studies prove this, has nothing to do with income, it is race. And this is not because minority people are poor. That too, because they are poor they are sicker. But race is an independent factor. That has been shown, and if people want the studies, I can show you the studies, or tell you the studies.

Now, race doesn't have to be a factor of ill health, nor a factor of hyper exposure to environmental toxins. It happens in a racist society, where there is race discrimination. The same with being poor, you don't have to be sicker because you are poor. You are sicker because you feel the stress of being poor, you are sicker because you feel the stress of not being the right color in a society that discriminates between colors.

So there are many studies which show that, for example, our highest lead poisoning rate is three and a half times the rate of children –- African-American children have three and a half times the rate of elevated blood lead poisonings compared to

the U.S. average. In our studies with asthma in Boston, and I have seen them in Harlem and in many other inter-cities, minority children always have much higher rates of asthma. They also have many more hospitalizations, but that is a different thing. That is health services, which I will get to.

So many of the researchers have concluded that the impact of being minority in a country which is racist comes from stress. That is an underlying sort of cause of ill health. And stress effects the endocrine system, it effects the immune system, it effects the coronary system, and so there is multiple health impacts which are documented in earlier mortality rates and in mortality by those causes.

So, I just want to draw a conclusion under race, income, poverty, income and equality, and racial segregation. Which is different from just saying race and racism. The more highly segregated a minority group, the worse their health outcomes. Blacks who are less segregated than Blacks who are more segregated are healthier. So the higher the degree of segregation within a racial community, the worse their health.

Again, it is attributed to the stress of being isolated, marginalized, lack of opportunity, and lack of control over ones life.

I want to draw a line under both of those and call these social inequalities. There is many, many, many studies which show that social inequality, whether it is due to race or poverty, or where you are on the ladder of the particular sort of world you live and work in, that has an impact on your health.

Finally, I want to add to this. The issue of health disparities, which is very big now. It is the counterpart of environmental justice for the Department of Health and Human Services, another of the public health service of this country.

Let me just add that everybody knows that there are health disparities. I mean, if you look for them you will find them. In Boston, 15 out fo the 20 health indicators that were studied, African-Americans have poorer health outcomes for 15 of them. Our city did that study. I think any city that does a study like that will find the same.

The Department of Health and Human Services was asked to do a nationwide look at health disparities. The report came out about two to three months ago. It was not good. I mean, it found what is there. Severe health disparities among all minority groups compared to Whites and among poor compared to better off people.

This is a footnote. I will just say that that information was covered up when that report was first issued. It was rewritten and the word disparity, which occurred 30 times in the executive summary, was reduced to two times. And it was discovered by scientists who had prepared the report and it was exposed. And then the original report was issued. So, I am going to quote from the original report. And this just gives you an example of the kinds of disparities in health services that they were looking for:

> "The use of physical restraints in nursing homes is higher among Hispanics and Asian-Pacific Islanders compared to non-Hispanic Whites. Minorities are more likely to be diagnosed with late stage breast cancer and colorectal cancer compared to Whites. Blacks and poor patients have higher rates of avoidable hospital admissions."

And, just a couple of more cc how across all minority groups this is:

> "Racial and ethnic minorities are less likely to report health insurance compared with Whites. Lower income persons are also less likely to report health insurance compared with higher income people."

No surprise.

> "Many racial and ethnic minorities and persons of lower socioeconomic position are less likely to receive childhood immunizations."

So I will finish by just saying that from the perspective of exposure to toxins –- that is a given, we understood it. You all come from environmental justice communities. But also from a perspective of health services, health prevention services, health treatment services, and also from this kind of vague burden of stress that comes from being unequal. So you have either additive or –- Connie's synergistic –- health impacts that result from all of that.

I applaud EPA that in their new comparative risk group cumulative risk assessment, they have added as a stressor social, economic, cultural –- I would add race to that –- and gender –- why not, because of sexism is a stress as well, but to recognize that these are companions to disproportionate exposure to toxins.

The challenge is, how do you address them all at the same time. This is my segway into Connie, but before we go into community-based participatory research, I just want to say to EPA, first, I think there are ways to measure vulnerability. There are indices for –- we have the census for poverty, we have the

census for race, there are indices, genie index for income and equality, dissimilarity index for racial segregation.

We now have national health disparities data coming out of HHS. All of that can be put together and you can identify and compare in contrast communities across the country to find those most severely burdened, with all of those health consequence burdens. Add that to your environmental toxins database, air toxics, etcetera that you have. Superfund site, RCRA, and then you find communities that are suffering all of it disproportionately. These could be communities where that immediate action takes place.

I also want to say, and this is to EPA as well as to others –- and I think you brought this up, how do you measure vulnerability, how do you know when you reduce it –- it seems to me to reduce this vulnerability it is not enough to clean up environmental sites. We have to reduce inequality. Because it is –-

(Applause)

MS. HYNES: Many researchers feel they can't explain more than 40 to 50 percent of the disease. I just read something by a guy who is a lifetime expert in coronary heart disease. He said

they understand 45 percent of what the risk factors are. He truly believes the rest are social risk factors.

So we need to be able to reduce those as well while we work. Training communities to be your researchers, building their social assets that way, creating jobs through interventions, investing that way. I mean, we just have to be creative about how we reduce inequality and also give people greater control over their lives. Thank you.

(Applause)

MR. GONZALEZ: Thank you, Pat, for those good overview of vulnerability. And, again, that just stresses again the whole issue that there are other factors that we need to take into account when we look at environmental impacts. The other big half to this whole equation is what role community plays. And for that, to make some comments on community-based participatory research is Connie Tucker.

Community-Based Participatory Research

by Connie Tucker

MS. TUCKER: I would like to compliment Pat on her presentation. Before I get directly into CBPR, which is the acronym for Community-Based Participatory Research, I would like to kind of

talk about what communities feel we are presently having to accept from the research community.

Many of you may have already heard that there is a lot of tension in communities about research. And a lot of the things that communities say are things like, we are studied to death, that the research is inconclusive by design, and certainly there is a lot of tension around the top down research agenda.

There is one popular EJ researcher who people frown when they see him coming, because he has got a reputation for parachuting into people's community, writing stuff up, and never ever having the input of that community.

Also, it is the arrogance to assume that in a vacuum, researchers can come up with the research questions, the appropriate research questions, that are relevant to the concerns of the community. And all too often, research is driven by the funding dollar, or by the wish of the research institution to build its capacity.

I would like to remind you guys of the CUP Grant, Community University Partnership Grants, and the white paper that was submitted by Chattanooga, where one majority institution with no relationship to that community got that CUP Grant, and really

formed shammed partnerships in the community so they could get the money. So, there is a lot of tension around that.

While, on the other hand, I for one want to know what is happening in our community. I grew up at a time when folks went to school and had good teachers and they could come out reading. Things have changed and I want some answers to the reduced learning. The learning disabilities. And the range of rare diseases that we find popping up in impacted communities beyond cancer.

So there is a need for a research, there is also a need for research that brings in the social factors. I have been involved in a community-based participatory research project that is funded by CDC right now with the Southeast Community Research Center, and Jackson State University is asking the question, why do Black people get sick and die more than others?

Statistically speaking, my brothers and sisters from the other people of color communities, that is a fact. Why is that so? And I think that Pat gave a number of those reasons. Beyond diet, environment, poverty and racism were the three largest responses from community people about why we get sick and die more than others.

Now, CBPR is actually –- it provides an opportunity for a real new paradigm. It provides an opportunity for equitable

partnerships. And all of the examples of community-based participatory research that I have seen, the research actually is formed at the community level.

The researchers don't come up with a mix of questions and then survey the community to see which ones make sense to them. But rather, they take the time through dialogue sessions of some sort of discussion process to really surface the concerns of the community. First, by themselves, and then ultimately with other stakeholders.

Now, what I have seen, for example, in the State of Georgia, in Savannah, Georgia, in Augusta, in Albany, when researchers set down actually with community folk they learn a whole lot. So it is not a threat to the existing research complex that we should be pushing CBPR. In fact, it will give something to the research agenda because the researchers themselves will learn something about it.

It can get, I believe, the CBPR approach –- is it time? Are you saying time, Charles?

MR. LEE: We are trying to move this over.

MS. TUCKER: Oh, okay. I am sorry. All right. Let me just say –-

MS. HYNES: I apologize. I probably took some of your time. I am sorry.

MS. TUCKER: Oh, okay.

MR. LEE: The reason why is because the court reporter has to take a bathroom break.

MS. TUCKER: Okay. All right.

MS. HYNES: The cat is out of the bag.

MS. TUCKER: Well, I think if we had had the tool of CBPR over the last 10 years or so, we would be, I think, way more advanced in what we know about cumulative risk. Because it does form the kind of partnership that it allows relevant research to go on. We have wasted a lot of research money without any real result.

The other thing is that implicit and CBPR is action, is intervention. So it is not research just for research sake. It brings together a tool for communities to work with scientists and other stakeholders.

Now, regarding the partnership piece. I want to say again that I know that there are going to be at least some unreadiness from communities around the partnership piece. The notion that communities must sit down with all stakeholders,

including the polluter, may not be the thing that everybody wants to hear.

It may not be possible in all instances, but it is not required for you to actually sit down with the polluter to pursue CBPR. Although, ADR –- that is Alternative Dispute Resolution –- perhaps, is a better alternative to torts. Because I can tell you, in our region, I don't know one tort where the community has benefitted. Rather, it has been the attorneys. Thank you.

MR. GONZALEZ: Thank you, Connie. The other important components to the cumulative risk framework is the qualitative analysis and proportional response, and Sue Briggum is going to make some comments. Sue.

Qualitative Analysis

by Sue Briggum

MS. BRIGGUM: I think the kind of participatory research that Connie is talking about is very consistent within and, in fact, it is one of the inspirations for in the document, are endorsement of a qualitative analysis approach as opposed to a strictly quantitative analysis. If we want to get a good sense of cumulative impacts that include not only all of the sources form all media, but also all of the areas of stress and vulnerability.

It is necessary to recognize that you are not going to come up with a simple quantitative analysis that that will be inadequate. This recognizes that there is some stressors that are easily measured, there are some sources that are easily measured, it is relatively easy to get your TRI numbers, or water discharge numbers, but that doesn't really encompass the entire analysis of the environment that you want to cover.

That there are other stressors that aren't capable of this kind of mathematical precision now and, perhaps, ever. Effects over time, for example, in the face of inadequate and non-comparable data. Non-regulatory impacts, things like older noise tend to be regulated under municipal ordinance rather than state or federal standards. Therefore, you are never going to have kind of comparable quantitative analysis of those kinds of impacts.

Then there are impacts that we don't really begin to have much of a quantitative handle on, like visual blite or species loss. Things that are very important and a part of your cumulative impacts assessment, but need to go into a qualitative assessment.

We are not just making it up here, actually. The Council on Environmental Quality, in fact, has done guidance that talks about the way in which you analyze cumulative risks and impacts

that embraces the qualitative approach and sets out guidelines that are very consistent with what we use in the report.

MR. GONZALEZ: Thank you, Sue. Is Shankar going to be here tomorrow?

MR. LEE: No, why don't we do that tomorrow when he is here.

MR. GONZALEZ: Okay.

MS. BRIGGUM: Oh, I have one more.

MR. GONZALEZ: Yes, yes.

Proportional Response

by Sue Briggum

MS. BRIGGUM: I am sorry, I should have kept on rolling, but you were doing such a nice job of transition. But the other thing I was supposed to cover was the proportional response. And I will do it quickly, because we have talked about this so far, but there are two aspects of proportional response here, and they are extremely important both to assuring that we will get the collaborative approach, and also assuring that we can actually achieve the bias for action and start doing some practical implementable things first, as well as ultimately get a more holistic comprehensive approach.

The first issue in terms of proportional approach is the that the more severe the impact that the communities experiencing, the more immediate and serious the response has to be. That there needs to be some prioritization. The communities that are most burdened, that are most vulnerable and subject to the most sources of environmental pollution and other stressors need to get the first attention of the government, and the highest attention of business and industry, and other governmental entities that operate in those communities. We put our resources where they are most needed.

The second is the way that we attempt to really re-enforce the idea of accountability in the community. And that is that your expected response should be proportional to your contribution to the harm. So that if you have, for example, we have seen many communities where there are some very large sources of very significant harm, as well as many small sources.

And instead of getting into the dispute about, well, not it is their fault, it is not my fault, it is important to look for accountability. So that the sources with the largest potential negative impact will be expected to have the largest and most immediate response.

But, the smaller sources will be expected to come to the table as well. So it is accountability by all, and the level of accountability reflects what it is you have done, and your actual impact on the community.

MR. GONZALEZ: Thank you, Sue. And excellently put. Just one more comment on that whole issue is that it is based –- the participation is based on the community's needs and that determines what the intervention is. So it is everyone participating.

Unifying Environmental Protection and Public Health

by Hector Gonzalez

MR. GONZALEZ: Let me end by going over two last points, what we have already addressed in how we unify health, how we join both public health and environmental protection. It is a complex issue, but one that needs to be done, and it is not just public health.

We have already addressed the importance of from the individual health side of why public health needs to be at the table with environmental health, because both of them together look at the impacts, and look at the outcomes of ones health and the quality of life for a whole community. So it is not just based on an

individual, but it is more than just public health and medical services.

It is partnering with engineering, it is partnering with utilities, it is partnering with housing, it is partnering with other solid waste management, and it is partnering with other entities that impact the whole comprehensive approach to health.

And on the health side, it also takes into account safety and epidemiology. What is out there that looks at the trends of how health is impacted by environmental contaminants. So the marriage between them, to me, it is just logical. That the marriage between health and environment is joining again because that is the only way we are going to improve environmental contaminants and environmental impacts to ones health.

That also will not work without the whole concept of social capital. And that is what I think a lot of us have already eluded to, is how those community and people networks already out there and exist, and how we bring them into the picture. Because their work is valued. Only by doing that can we build consensus and everyone is at the table.

Because I think everybody said it, it is going to take more than just the federal agencies or EPA, it is all of us. But it is all of us sitting together and that social capital, I think, has more value

than what many of us may think of. It is based on bringing community and helping understand.

Because if the person doesn't know that they have to do this to comply with enforcement and what it means for not doing that, than we are not going to improve on environmental conditions as well.

MR. LEE: Why don't we take a break –- well, why don't we give a round of applause to the speakers.

(Applause)

MR. LEE: We have been promising the courtroom reporter her break, so why don't we take a 10 minute break. It is now 4:00, or five after 4:00. Why don't we be back at 4:15.

(Whereupon, a brief recess was taken)

MS. EADY: Okay, this part of the meeting is when we get a chance to dialogue about the key concepts that the panel just over viewed for us before the break. I see one card already up. Bob, I am going to ask Charles to say a few words first, and then you are absolutely next.

MR. LEE: Thanks, Veronica. You know, one of the things –- I just wanted to say a few words just to put a point on the presentation that was just made; particularly, the discussion about vulnerability. And, as you know, Hector said that in terms of

vulnerability, it is a very key concept and it really goes not only to the heart of understanding cumulative risks and impacts, and cumulative risk analysis, but also environmental justice.

I think that one of the questions that is going to be talked about at length on Friday, when there is a discussion around the Office of Inspector General Report, but also one of the questions that has been a real difficult one for the area of environmental justice to really get a handle around is this whole idea of how do you define disproportionate impacts. You know, what does the term disproportionate impacts actually mean?

So, as I have heard it, you know, in the past, when the idea of disproportionate impacts is used, most people mean it, and communities as well mean it, when the word is used in terms of like disproportionate emissions, or disproportionate exposures, without looking at the other side of the equation. That there is –- you know, you look at the agent's side and you have to look at the receptor's side. And like Hector said, if you have different types of communities that come to the table with different types of backgrounds and deficits, the kind of impacts are going to be very different.

That, actually, begins to really round out a much more fuller understanding of the concept of disproportionate impacts.

What is really kind of interesting is that –- and the other part of this is, when one says vulnerability then is not just talking about the physical or biological factors, but the socioeconomic, cultural, and those types of factors.

What I would really like you to do is look at the way that the report talks about these, because if you go back to the EPA's framework for assessment for cumulative risk assessment, those four categories are a way to think about how you link environmental risk with these other factors. And that is something that has actually not been done before.

And then, you know, I would like you to say, well, how important is that for understanding environmental justice? Because environmental justice is, in one sense, about those kind of factors which are socioeconomically derived. That impact the way environmental factors, environmental exposure may impact the way that different populations are effected.

So, therefore, when Pat talks about the fact that there is a huge amount of literature in the social sciences and public health around disparities and vulnerability, for the first time then you can have some kind of articulation of the functional relationship. That is what that chart is talking about. You know, especially when you start to think about that in terms of health disparities.

So I know Devon Payne Sturges is here. She is with EPA, and she presented at the American Public Health Association conference in San Francisco last year on the research that she is doing looking at environmental and health factors, or indicators, that are of relevance in terms of race and class.

She found 55 supportable by the literature. What we are trying to do is to talk about, and try to figure out –- you know, and this is what the workgroup has been wrestling with. You know, not so much which of those become actually useful, but what are the conditions that are necessary to be able to use these kind of indicators within an environmental risk context.

You know, what is it that is going to be rigorous enough, and predictive enough, to be able to be useable. This is going to factor a lot into the discussion they are going to have around the Office of Inspector General Report, and this whole idea of what exactly is disproportionate income.

So I just wanted to add that point to what was being said. It is very important, and this is not something necessarily that any of us had any understanding of maybe six months or a year ago. So this is one of the, I think, important kind of sub-text discussions in terms of cumulative risk draft report. So I just wanted to add to that, Veronica.

MS. EADY: Thanks, Charles. Bob Harris, you had your card up.

MR. HARRIS: It was so long ago, I have forgotten I guess. I think we have had some very good discussions, at least presentations, from this morning, this afternoon, from the various panels focused around the general them bias tort action. Which means doing something.

The one thing that has struck me, both from this morning and, in particular, from the panel that just concluded –- and I am reminded of the words of Connie Tucker a few minutes ago about bringing stakeholders together, even with the pollutants. It just seems to me that when we talk about bringing stakeholders together, clearly, that means bringing all stakeholders together, as she implied. Even the ones you don't like.

Usually, the polluter is the one you don't like. But, in order to resolve the problem, they have to be at the table. I guess my question to the panel, or to the participants, is that when you consider all of the factors involved here, the various stakeholders, the various players, it seems to me that there is one common denominator that runs throughout all of this. And, of course, that is the regulator.

The polluter may not like being told to come to a meeting, the community may not like the polluter and, obviously, for good reasons, but even if the polluter doesn't like the community and doesn't want to get involved, the regulator, it seems to me, has a pull on everything. Because the regulator not only deals with the polluter on this particular issue, but on numerous other issues.

So, therefore, there is an incentive for the polluter to come to the table and participate if the regulator says, look, I am the facilitator here, and assumes that role very forcefully.

There is a problem in this community we are going to resolve and, therefore, I want all the parties here. My thought, and of course my experience has been, that almost all people from at least the industry side will come to the table if, indeed, the regulator is not playing games and insists Mr. Jones and Ms. Johnson, I want you here and I want you to participate in a meaningful way. We want results.

So it seems to me, I don't see us moving as quickly as we, perhaps, can toward that kind of facilitation in insisting that the regulators play that role. I am not talking about just EPA here, I am talking about all regulators, regardless. Everybody who has the "title of a regulator," whether it is local, state, or federal can play that role.

So it just seems to me –- and I am trying to get your feedback and thoughts on this. Is that an unreasonable insistence in terms of resolving issues, rather than just discussing the issues when you are dealing with these kinds of problems that ought to be resolved, and can be resolved?

MS. EADY: Thanks, Bob. Let me ask this question. Tim or Judy, are your cards up in response to what Bob said? Okay, good then. Tim and then Judy.

MR. FIELDS: We should explain ourselves, I guess, why we didn't put our cards up.

I think, Bob, you are absolutely right. I think that I have seen a couple of persuasive examples of that. The importance of the regulator being a facilitator for effective action. I commend a couple of examples involving Region 4 where that has happened.

Some situations that I have been involved in, one in Spartanburg where there is an ongoing dialogue going on for three years now between the community and the company. The thing that has kept everybody there has been EPA coming to all the meetings. EPA saying we are going to be there, we are going to be involved. I commend Cynthia Peurifoy and her staff who have showed up at every meeting, been there, part of the dialogue, been

working through issues around revitalization, issues around environmental protection.

I think it does, as you point out, it can be very effective in trying to get to resolution on issues, if the regulator plays a constructive role and says they are going to commit their time, their energy, to work with the effected stakeholders, city and county government, with the community. Work with the person who is causing some possible adverse impact in that community. And the power of their persuasion, the power of them "being there," being committed to resolution of the issues can, in fact, be a useful model; not only in the overall pollution reduction context, but in the issue of addressing cumulative risks and impacts as well.

When you have an agency, and it doesn't have to be EPA, it could be any entity, it could be a state government entity, that state government entity, a lot of times the regulators can be an honest broker. The community will feel more comfortable being in a dialogue with industry if the regulators are there. The community will feel more comfortable being in a dialogue with the "polluters," if the regulator is there.

So I have seen that model work, and I think it can be a very useful implementation tool. And we will talk about that tomorrow when we talk about resource impacts, capacity building

issues associated with this report. But I fully agree with you and I have seen that work. But it does require a substantial commitment on the part of all parties to really make that work in practice.

MS. EADY: Let me just review the order. Judy, and then Phyllis is going to comment on this topic also. Then we are going to move from Phyllis to Terry and then Connie. So Judy.

MS. HENNEKE: I just want to echo what Tim just said, because I think it is critical that –- and thank you also for that, Bob. Because I think this is a very important point. Somebody has got to carry the water in these areas and it is not always EPA that needs to do it. If it is beyond EPA's enforcement, or regulatory control, or even purview of what needs to be done, it has to be a state agency or a local agency, or even some political duress if it needs to happen.

And that just happened in New Mexico with Los Alamos National Laboratories, where the state insisted for a year now that they come to the table. They were extremely recalcitrant. It was only because of some political intervention that they finally came, which I think is shameful. But, apparently, it takes some industries years to become shamed into doing something, which is quite unfortunate in this day and age.

But, I do want to kind of echo what Lori said earlier because being a former regulatory, there are some real issues there, I think, with taking that role. And that is that you do have to have some back-up of some kind or another. Not only do you have to have political cover, I think if you are a state agency director or secretary, like I was, you have to know that there is somebody covering your back. And that is either regulations, that is an enforcement action, that is the ability to have to deal with this thing.

As Bob says, some of these permits are given multiple times in different locations to the same type of industry. You need to know that you can put them into a corner. You need to know that you have back-up from your community. So that the community is going to assist you in taking these actions, as well as you assist the community as well.

But it also takes resources and, you know, in this day and age with state governments, and local governments, in a situation where they are cutting staff and cutting resources, and all that, it takes a lot of creativity. Because this is a process that takes time and make no mistake about it. When you are talking about what we are talking about in this report, which is community participatory research, which is a collaborative approach, that will

take more time than if you just want to try and shove something down somebody's throat.

But in the end, of course, it is very well worth it. That is why we are doing this. But, I think we need to be aware of that when it comes to our regulators because we need to work with them and give them back-up as well. Thanks.

MS. HARRIS: Actually, Judy said everything I was going to say. I will just quickly repeat from my perspective. I do think it is important that, while EPA has a vital role in some of the issues that Tim raised and, in fact, we were very helpful in Spartanburg, I do think we need to figure out how we can expand our knowledge and abilities to states and local governments, because I do think that when EPA comes in as, "we are here to save the day," like Mighty Mouse, it does in some ways undermine what the state is trying to do.

And I think there are very good state programs out there that are trying to do the right thing, and I think we need to figure out what tools and how we can begin to transfer our knowledge and our experiences to the states as well so that they can come in and be a facilitator with communities and with industry.

MS. EADY: Thank you. Terry, and then Connie, and then Graciela, and then Jody.

MR. WILLIAMS: Similarly, what I wanted to bring out of this conversation –-

MR. LEE: Speak closer to the microphone.

MR. WILLIAMS: Okay. Somewhat similarly, what I wanted to bring out of this conversation was that EPA, or whichever agency would have the lead, needs to have a pretty clear idea of what leadership role is going to entail. And, usually, with issues like this it is not just one business or one industry in most cases. We are talking about impacts that go across broad jurisdictions because of the way our system is structured.

And, in fact, I was going to give a quick example of them. In 1995 when my tribe loaned me to EPA to head up the Indian Office, I was expecting to leave home for about a year. But I had just started a watershed group to look at endangered species issues. It covered the watershed group as an organization of 27 different jurisdictions.

And embroiled in the Endangered Species Act was EJ issues. But I was leaving town and my assistant looked at me and said, how can you do this when we just formed this organization? And I said, well, when I come home in a year you will still be arguing about it.

In fact, it was almost two years later I came home and they hadn't gained much ground. But the reality was that if you looked at the issues you are talking about in risk and management, and looking at cumulative effects, everything you have identified here, especially, into the qualitative analysis doing questionnaires, check-lists, matrices, networking, modeling, trends, all of that, we did all of that in that process for endangered species.

And, including more, social, cultural and economic, and everything you have talked about. We are almost 10 years later and we are just now starting to get our plan together. The same group, the same issues, the same process, and it doesn't move quickly. That was just mentioned, things move slow. We are getting a plan now, I think, that will be productive and will address a number of the issues.

But the downside to not having clear enough rules up-front, or the ability to stick to a science-based approach is 10 years later the cost of fixing the problem has doubled, to tripled, to more because costs escalate. Problems escalate.

So I think as you are thinking about moving this process with EPA, picking up on the earlier comments of move with what you know, it is extremely important. Because if you wait for the answers, if you wait for all the research, you are going to wait a

decade or more because there is always somebody that is going to question.

We need to have the ability to make decisions on what we know today. And, the ability to think through the impacts from a risk level, most of the time it doesn't take rocket science. But on the other hand, people are demanding it. You have to be able to cut through kind of the BS of the questions and say, look, you know, if we have significant information that is demonstrating problems here, certainly, that must add up to a problem. It has to manifest itself.

So a way to connect the current knowledge to the manifestation of the problem, even if it is somewhat loosely connected, the ability to move is extremely important.

I just wanted to mention one other thing. Twice now today, CEQ was mentioned on their guidelines, accumulative effects. That is important to understand that there has been some work done in that area and some guidance provided. But the reality is that the guidance at the time was just a state of knowledge at the time. And that has been close to a decade ago.

So you have to keep that in mind and go out and actively look for new information. And I know what was processed in that manual, because I helped to develop it with CEQ, my staff and I

worked on it with others. We put that together reaching out trying to grab some of the best information that was available then.

Certainly today, our ability to project into the future different types of impacts of modeling and risk assessment is much better. So you want to start looking at what are the tools out there today that would help advance that process. Thank you.

MR. LEE: You know, any of the new references that you are talking about if you can get it to us it would be great. We will make sure it gets included in the report.

MS. EADY: Thanks, Harry. Connie, you have been very patient.

MS. TUCKER: Just briefly, in response to Ken's comment. I really think the first key –- and there are a number of them –- but the first key is a well organized community. I think regulators respond to well organized communities more. Certainly, in Spartanburg, Spartanburg got the attention of Region 4 because they were well organized. So that is the first key.

The second point I want to make is that the notion of sitting at the table with polluters, for me, through ADR, Alternative Dispute Resolution, offers another method to get the polluter to do the right thing without –- and I think it potentially provides a new paradigm for us, because the present one is not working.

I will just use Anniston for an example. All total, with both law suits, Monsanto will have to pay $117 million approximately. I can tell you that most of that money is not going to those people who were most impacted. The bulk of it, the lawyers walk away with. The rest of it is spread out amongst so many people that those that get money is so little it is not kind of compensation for the health impact that they have. And social impact that they had to endure.

So, in my view, alternative dispute resolution is certainly, potentially, a better tool to force the polluter to the table when the community is organized. To reduce? Yes. But also to repair. Because if I am driving a car and I mistakenly hit another car, whether I intended to do it or not, I am legally responsible for hitting that other car.

And polluters have caused multi-generational impacts, which will be with us for –- including reduced learning. That is one major concern, is that it is an attack on our gene pool. They have to be willing to at least pay some reparations for that. I mean damages to folks who have been damaged, and some healthcare, and other things that can be a part of a repair package.

I just want to be clear for the community people here that EPA is not –- doesn't have this design to make us lovey-dovey with

industry. But they have been looking at what has been going out. I shouldn't say EPA, I should say OEJ –- have looked at all of these torts all around the country. I can tell you, it is the same –- and some of them are worse than Anniston. In Spartanburg, those people are dying to this day and I think it was like a $4 million settlement.

Maybe it is supposed to be off-the-record, but some small amount of change for those people losing their loved ones in epidemic numbers. So we are just looking for a way for communities to get a fair shake, that's all.

MR. LEE: Yes. Point-in-fact, in terms of Anniston, The Washington Post article said in terms of the settlements for the plaintiffs or the community residents, was between $500.00 to $7,000.00. In terms of the average for each of the attorneys involved, it was $4 million, the highest of which went to one firm of $34 million.

MS. EADY: And, Connie, the other piece of that too is that if the polluters, or the business is not paying outside lawyers, or their own lawyers to defend litigation, then they have more money to actually invest in the community.

MS. TUCKER: Exactly. Exactly. That is what I was trying to imply.

MS. EADY: Yes. It is a very good point. Graciela and then Jody.

MS. RAMIREZ-TORO: My comment has to do more with the beginning of the conversation. I think that we were really talking about fragmentation, which I was really happy to see addressed in the report. Coming from the Island of Puerto Rico, which is only 100 times 35, but with a topography that makes communities that are two miles away ——- two different words. That area of fragmentation brings many issues to mind.

For example, we might have communities that are Black or White or Brown in different geographical areas of Puerto Rico, but they are all overburdened by the same stressors. And to select which community we are going to help is out of the question. So we tend to think in terms of our burden as a class. These class of communities are overburdened by these type of stressors. The issue of differences is not an issue.

The reason why I bring this up is because I think that another area that we have to explore is to look into stressors that are in many different areas when Genaro was talking about the army base, I was thinking about --- in Puerto Rico. The struggle for five years to be able to move the navy out and now we are left with another struggle in terms of cleaning.

So I think that there are issues that we can look up as more nationally also and that doesn't mean that we are not going to be looking in the —— and in the region, but there is many environmental issues that could be looked at across the nation.

MS. EADY: Thanks Graciela. Jody.

MS. HENNEKE: I am not even sure who I am responding to at this point, and I feel obligated to say this.

(Laughter)

MS. EADY: Good, you say it.

MS. HENNEKE: One of the things that I feel like I need to say, for example, the state that I am here representing, by far, leaps and bounds, whole bunches, of the regulatory activity that happens within that state is within the confines of the authority of the State of Texas. So I think it is we really have to understand that this is an EPA Advisory Panel, but in order for this activity to be effective, it must be implementable by, at least in the state that I represent, by the state authority.

You guys, EPA, you are wonderful, hugs and kisses, etcetera, etcetera. And, Larry, I don't mean to offend you, but it doesn't really matter if the State of Texas doesn't do it. And I think that somebody has to say that. So I did.

I also feel compelled to say one of the things that I have learned going through this process –- I hope Connie feels the same way –- we agree more than we disagree. Which is a pretty cool thing. Something else that I think as a state person, we have a pretty good lock, at least the state that I represent, we understand facilitated kinds of activities. We know how to do that. We know how to do that, especially, in rule-making.

We have beaten up a lot when it comes to things like trying to get a set of rules on the books, be it municipal solid waste kinds of activities, CAFOs or VOC compounds. We know how to go through a facilitative process. And, frankly, from my perspective, what we are talking about here is not so much hard pure science as it is the art of going through and talking with people and trying to figure out how to come up with the process with an action with an activity to improve the life of a community.

And I think if we can think about it more along the facilitated dialogue, rather than so much of the, where is the set of rules that show me that I must go do this, both for the regulated as well as the regulator, I think it will make all of this easier to put into context.

Okay, that was my platform for the afternoon.

MS. EADY: Thank you. Sue, you have the next one.

MS. BRIGGUM: That reminds me of an important part of our report that we talked less about in terms of capacity building, because I think that that training. And not just for EPA, but the state to be the honest broker that you mentioned. Something Bob said really rang true to me where he said that the regulator has enormous power if they are not hiding the ball. There is nothing that is more detrimental to the process than if the regulator actually prefers one side and, therefore, says different things to different people.

It is equally detrimental whether or not they prefer the community's side or the business. They really do need to be the honest broker. It is so important, although, it is hard sometimes to really just put your cards on the table.

And a regulator can be very good at that because they understand the entities they regulate, they have a pretty good sense usually of kind of the business constraints, and the regulations. If they are properly trained, they should appreciate what is happening in terms of community burdens and concerns. They can really help keep people honest if they are trained in ways to make that their obligation. We should probably emphasize that.

MS. TUCKER: Sue, I get the spirit of what you are saying, but I have got to just amend it a little bit. I think the regulators are

supposed to be bias. The regulator is supposed to be bias towards the law, that is the first thing. Then, they are supposed to be bias for protecting the environment. And thirdly, they are supposed to be bias to protecting the public health.

Now, beyond that, they can be neutral, but they have to do that. That is a mandate.

MS. KINGFISHER: I just wanted to take an opportunity to just really –- I guess applaud and stamp this way that we are going, because in our 10 year legal battle with Kerr -McGee. Sure, we brought them to the table and they even came to our community meetings, and we did a lot of the shame and we did a lot of the other things to make that happen. But because there wasn't a regulator that would sit at the same table with all of us, nothing could happen and we weren't very disciplined back then as a community.

So I think this is the only way to go to bring everybody to the table. The stick is there and it really is in the regulator's hands. So I just want to say yes to that.

MR. LEE: You know, which is one reason why those seven elements of the Environmental Justice Collaborative Problem-solving Model, one of those speaks about the role of government in a lot of different ways. I just want to point that out.

MS. EADY: Great. I want to thank our panel. We have had a lot of really provocative discussion around your presentation this afternoon, and unfortunately, you have worked for the past year on this report and it seems like we are going to keep you working over the next couple of days.

So I do want to thank you for your presentations –-

MR. LEE: Work doesn't end in the next couple of days.

MS. EADY: Oh, we already told you that? Oh!

(Laughter)

MS. EADY: I do want to thank you for your commitment to this project and for the work that we are putting you to for the next couple of days, and thereafter.

We are a little bit early, so I am really excited. We have five extra minutes for a break.

MR. LEE: One last thing before we break.

MS. EADY: Oh wait, Charles is going to take that five minutes.

MR. LEE: No, it is going to take two seconds.

MR. FIELDS: Can I just say one thing before Charles?

MS. EADY: Yes, Tim.

MR. FIELDS: I just wanted to say that I learned a lot during this last discussion. I learned from Jody that Larry should get over it, that Jody doesn't really need him.

MR. LEE: Okay. I wanted to pass this out and there was an article that was actually quoted in a text box in the draft report called, Health, Wealth, and Air Pollution Advancing Theory and Methods. It appeared in the December 2003 issue of Environmental Health Prospectus by a group of people from the Harvard School of Public Health.

I think it is probably one –- I mean, for me, it was the best piece on this whole issue of socioeconomic status and environmental risk. It gives you the review of the literature on this as well.

So I just want to make sure everybody got that. It goes to a primer on socioeconomic position they call an air pollution as well. Talking about susceptibility, vulnerability, all those other issues.

MS. EADY: And Charles, with respect to this article, I just want to say when I was reading the report, I wrote in my report, find this article. And I underscored a lot of it, but one of the things that I really was interested in is a statement that says that poor

people and communities tend to benefit most from air quality improvements.

So, this is a really great piece and I am really, really excited, Charles, that you brought it with you and you are handing it out.

So, well, there goes our five minutes. We might have about three extra minutes. We are back here tonight at 7:00 for public comment. Please be on time. As you know, these public comment periods can go on for hours. So it is really important we are here on time so that we are not here taking comments until dawn.

MR. LEE: The Region 6 Stakeholder's meeting is going to take place at 5:00 to 7:00. I am not sure in what room. It's 5:00 to 6:30. Do you know what room that is in, Jen? The Region 6 Stakeholder's meeting.

(A chorus of Grand Cheneir)

MR. LEE: Oh, it's the Grand Cheneir Room.

MS. EADY: And the other thing before we break is that don't forget tomorrow morning, for those of you who aren't coming back for public comment –- and that wouldn't be anybody on the council –- but we are starting at 8:30. So get some rest tonight.

(Whereupon, the meeting was adjourned at 5:02 p.m. to reconvene at 8:30 a.m.)