

**SUMMARY OF THE PUBLIC MEETING  
OF THE  
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**

**May 10 to 12, 2011  
Brooklyn, New York**

Victoria Robinson  
Designated Federal Officer

Elizabeth Yeampierre  
Chair

*A Federal Advisory Committee of the U.S. Environmental Protection Agency  
[www.epa.gov/environmentaljustice/nejac/](http://www.epa.gov/environmentaljustice/nejac/)*

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## PREFACE

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. To date, NEJAC has held 40 meetings:

1. Washington, D.C., May 20, 1994
2. Albuquerque, New Mexico, August 3 -- 5, 1994
3. Herndon, Virginia, October 25 -- 27, 1994
4. Atlanta, Georgia, January 17 and 18, 1995
5. Arlington, Virginia, July 25 and 26, 1995
6. Washington, D.C., December 12 -- 14, 1995
7. Detroit, Michigan, May 29 -- 31, 1996
8. Baltimore, Maryland, December 10 -- 12, 1996
9. Wabeno, Wisconsin, May 13 -- 15, 1997
10. Durham, North Carolina, December 8 -- 10, 1997
11. Arlington, Virginia, February 23 -- 24, 1998  
(*Special Business Meeting*)
12. Oakland, California, May 31 -- June 2, 1998
13. Baton Rouge, Louisiana, December 7 -- 10, 1998
14. Arlington, Virginia, November 30 -- December 2, 1999
15. Atlanta, Georgia, May 23 -- 26, 2000
16. Arlington, Virginia, December 11 -- 14, 2000
17. Washington, D.C., August 8 -- 10, 2001 (*Special Business Meeting*)
18. Seattle, Washington, December 3 -- 6, 2001
19. Baltimore, Maryland, December 9 -- 12, 2002
20. New Orleans, Louisiana, April 13 -- 16, 2004
21. Washington, D.C., January 5 -- 6, 2006 (*Special Business Meeting*)
22. Washington, D.C., June 20 -- 22, 2006
23. Washington, D.C., February 6-7, 2007
24. Teleconference, August 23, 2007
25. Baltimore, Maryland, September 18 -- 20, 2007
26. Teleconference, November 20, 2007
27. Washington, D.C., June 10 -- 12, 2008
28. Teleconference, September 11, 2008
29. Atlanta, Georgia, October 21 -- 23, 2008
30. Arlington, Virginia, July 21 -- 23, 2009
31. Teleconference Meeting, September 24, 2009
32. New Orleans, Louisiana, January 27 -- 29, 2010
33. Teleconference Meeting, April 28, 2010
34. Teleconference Meeting, June 15, 2010
35. Washington, D.C., July 27 -- 29, 2010
36. Teleconference Meeting, August 26, 2010
37. Teleconference Meeting, September 23, 2010
38. Kansas City, Missouri, November 16 -- 18, 2010
39. Teleconference Meeting, March 31, 2011
40. Brooklyn, New York, May 10 -- 12, 2011

In addition, NEJAC, in collaboration with EPA, has held other special meetings including the following:

- ❖ Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities, held in Boston, Massachusetts; Philadelphia, Pennsylvania; Detroit, Michigan; Oakland, California; and Atlanta, Georgia; Summer 1995
- ❖ Relocation Roundtable held in Pensacola, Florida, May 2 -- 4, 1996
- ❖ Environmental Justice Enforcement and Compliance Assurance Roundtable, held in San Antonio, Texas; October 17 -- 19, 1996
- ❖ Environmental Justice Enforcement Roundtable, held in Durham, North Carolina; December 11 -- 13, 1997
- ❖ International Roundtable on Environmental Justice on the U.S./Mexico Border, held in San Diego, California; August 19 -- 21, 1999

As a federal advisory committee, NEJAC is governed by the Federal Advisory Committee Act (FACA). Enacted on October 6, 1972, FACA provisions include the following requirements:

- ❖ Members must be selected and appointed by EPA.
- ❖ Members must attend and participate fully in meetings.
- ❖ Meetings must be open to the public, except as specified by the EPA Administrator.
- ❖ All meetings must be announced in the Federal Register.
- ❖ Public participation must be allowed at all public meetings.
- ❖ The public must be provided access to materials distributed during the meeting.

- ❖ Meeting minutes must be kept and made available to the public.
- ❖ A designated federal official (DFO) must be present at all meetings.
- ❖ The advisory committee must provide independent judgment that is not influenced by special interest groups.

EPA's Office of Environmental Justice (OEJ) maintains transcripts and summary reports of all NEJAC meetings, which are available on the NEJAC Web site at [www.epa.gov/compliance/environmentaljustice/nejac](http://www.epa.gov/compliance/environmentaljustice/nejac). Copies of materials distributed during NEJAC meetings are also available to the public upon request. Comments or questions can be directed to OEJ via e-mail at <environmental-justice-epa@epa.gov>.

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**  
**May 2011 PUBLIC MEETING**  
**Brooklyn, New York**

**MEETING SUMMARY**

The Executive Council (Council) of the National Environmental Justice Advisory Council (NEJAC) convened for its 40<sup>th</sup> public meeting on May 10 through 12, 2011, in Brooklyn, New York. This summary presents highlights of the NEJAC members' deliberations during the Executive Council meeting, including action items, requests, and recommendations; and briefly summarizes the issues raised during the public comment period.

Appendix A presents a list of on-site meeting attendees. Attachment A contains materials and handouts associated with the Executive Council meeting, and Attachment B presents written public comments and handouts associated with the public comment period. Exhibit 1 lists the members of the Executive Council who were in attendance, as well as those who were unable to attend the meeting.

**CHAPTER 1. EXECUTIVE COUNCIL DISCUSSIONS**

**1.0 Welcome and Opening Remarks**

Opening remarks were provided by the NEJAC Designated Federal Officer (DFO) and Chair; as well as EPA and other officials seated at the meeting table.

Ms. Victoria Robinson, NEJAC DFO, EPA Office of Environmental Justice (OEJ), welcomed participants to the 39<sup>th</sup> public meeting of the NEJAC. She noted that the NEJAC is a federal advisory committee that has provided advice and recommendations to EPA for more than 17 years. She added that this was the first in-person public meeting of the NEJAC in 2011. She acknowledged EPA Region 2 as the meeting hosts. She noted that EPA OEJ was also concurrently conducting a youth workshop on intergenerational community engagement.

Ms. Elizabeth Yeampierre, NEJAC Chair and Executive Director of UPROSE, Inc., expressed appreciation for being in Region 2 and "the republic of Brooklyn." She noted that Region 2 is one of the most densely populated regions in the country and suffers from disproportionate environmental justice burdens, as evidenced by cancer clusters and high rates of asthma, to name a few. She recognized the NEJAC meeting as an opportunity for the communities in Region 2 to come together to share experiences to inform and shape the recommendations of the Council.

Following Ms. Yeampierre's opening remarks, the remaining NEJAC members in attendance introduced themselves (see Exhibit 1).

**Exhibit 1**

**Members of the NEJAC Executive Council**

**Members in Attendance**

Elizabeth Yeampierre, NEJAC Chair, UPROSE, Inc.  
John Ridgway, NEJAC Vice-Chair, Washington State Department of Ecology  
Teri E. Blanton, Kentuckians for the Commonwealth  
Sue Briggum, Waste Management, Inc.  
Peter Captain, Sr., Yukon River Intertribal Watershed Council  
Jolene Catron, Wind River Alliance  
Wynecta Fisher, formerly E<sup>2</sup> Inc.  
Stephanie Hall, Valero Energy Corporation  
Savonala "Savi" Horne, Land Loss Prevention Project  
J. Langdon Marsh, National Policy Consensus Center, Portland State University  
Margaret May, Ivanhoe Neighborhood Council  
Vernice Miller-Travis, Maryland State Commission on Environmental Justice and Sustainable Communities  
Paul Mohai, University of Michigan  
Father Vien T. Nguyen, Mary Queen of Viet Nam Community Development Corporation  
Edith Pestana, Connecticut Department of Environmental Protection  
Nia Robinson, SisterSong  
Patricia Salkin, Albany Law School  
Nicholas Targ, American Bar Association  
Kimberly Wasserman, Little Village Environmental Justice Organization

**Members Not in Attendance**

Ms. Jodena "Jody" Henneke, The Shaw Environmental & Infrastructure Group

Ms. Cynthia Giles, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA) welcomed everyone on behalf of EPA. She noted that she looked forward to the Council's discussions around how EPA is using enforcement to further the goals of environmental justice. She acknowledged the Council members' requests for more time for dialogue. She reported that, in response, EPA would provide brief presentations to allow more time for dialogue and public comment.

Ms. Judith Enck, EPA Region 2 Regional Administrator, -- introduced by Ms. Giles as a "tenacious environmental advocate" at EPA -- expressed excitement to be surrounded by colleagues at the meeting. She echoed Ms. Yeampierre's comments about the uniqueness of Region 2, stating that it is home to the largest city, New York; the most densely populated state, New Jersey; as well as to 8 Indian nations just within the state of New York. She added that Region 2 also encompasses Puerto Rico and the U.S. Virgin Islands. Ms. Enck noted that students in New York City public schools come from 190 different countries and recognized that, while this diversity is a gift, it also represents day-to-day challenges. She asserted that, with this diversity in mind, environmental justice is the lens through which EPA views all of its work in Region 2.

Ms. Yeampierre introduced Congresswoman Nydia Velazquez, New York's 12<sup>th</sup> District, noting that she is the first Puerto Rican woman to be elected to the U.S. Congress. She praised Congresswoman Velazquez for her role in advancing environmental justice in one of the most diverse and burdened districts in New York City.

Congresswoman Velazquez noted that Region 2 is fortunate to have such bold leadership and commitment to environmental justice. She acknowledged the challenges in Washington, DC, pertaining to the budget crisis and the potential de-funding of agencies. She voiced her commitment to ensuring that EPA has the budget and tools to achieve its mission.

Congresswoman Velazquez acknowledged Ms. Yeampierre and UPROSE, and her close work with them around issues of environmental justice. She highlighted efforts to educate low-income communities about the relationships between concentrations of waste transfer stations and respiratory illness; to prevent siting of large power plants in overburdened, low-income areas; and to build consensus around greenway, watershed, and other key environmental justice issues. She expressed support for small businesses as innovators in energy independence and the green economy. Congresswoman Velazquez asserted that environmental remediation is not just an environmental goal, but also a public health goal. She stressed that addressing these environmental justice challenges requires working together in a coordinated manner, in which everyone has a role to play.

Congresswoman Velazquez concluded her remarks by praising everyone on the NEJAC and in the audience for their role in working to improve the world for the next generation, and thanked them for their continued leadership.

## **1.2 A Dialogue with EPA Regional Administrator Judith Enck**

Ms. Enck provided an overview of current priority issues for EPA Region 2 and delivered a presentation on polychlorinated biphenyls (PCBs) in light fixtures in schools, which she noted as an emerging environmental justice issue.

Ms. Enck stated that Region 2 is home to the North Shore of Staten Island Environmental Justice Showcase Community and that EPA is working with the North Shore Waterfront Conservancy of Staten Island as part

of that project. She noted that this area was the center of industry for a long time, but like many other areas, much of that industry has moved out. Ms. Enck explained that EPA provided a grant to the organization to identify environmental justice priorities. She reported that 21 sites of interest meeting environmental justice concerns were identified, ranging from brownfield redevelopment issues, to use of pesticides in day care centers. She acknowledged that many of the issues may be better addressed at the local government level but that EPA hopes to bring the right people and organizations to the table to address them.

Ms. Enck described the Martin Peña community in Puerto Rico, which experiences frequent flooding, has no water infrastructure or septic systems, and suffers from some of the worst poverty in the world. She highlighted efforts by community groups to work with residents to envision a future for the area and noted urban agriculture efforts taking place.

Ms. Enck spoke about the island of Vieques off the coast of Puerto Rico, which was formerly used as a bombing range by the U.S. Navy for 60 years. She noted that military exercises stopped 7 or 8 years ago after much advocacy, but it left a legacy of unexploded ordinance. She reported that two-thirds of the island is a federal Superfund site that needs to be cleaned up. Ms. Enck added that the island has 10,000 residents, an unemployment rate near 20 percent (%), and 60% of the population live below poverty. In addition to clean up, she expressed the Agency's desire to see sustainable economic development on the third of the island that is not a Superfund site. She stated that President Obama mandated the Vieques Sustainable Task Force, which is developing an ambitious agenda for how to help Vieques address high utility costs, protect the bioluminescent bay, increase tourism, protect the watershed, address healthcare issues, and reduce light pollution. She commented that there is real excitement and extraordinary leadership around efforts to restore the island.

Ms. Enck referred to the issue of climate change as one that cannot be brushed aside. She noted that 2010 tied with 2005 as the warmest year on record. She stated that, for her, climate change conjures up images of heat-related death in cities, devastation in the agriculture sector, and flooding. She acknowledged that disproportionate environmental burdens are borne by low-income communities.

**PCBs in Lighting Fixtures in NYC Schools.** Ms. Enck explained that PCBs are man-made organic chemicals that were used for a variety of commercial and industrial applications before being banned and restricted by Congress due to significant negative health impacts. She stated that EPA began working with New York City to investigate PCBs in caulk and lighting ballasts prior to her arrival at the Agency. She reported that aging lighting ballasts were found to crack and emit PCBs in the air, which could be inhaled. She noted this as a nationwide issue for all schools built prior to 1979, prompting EPA to release national guidance that was reported in the New York Times. She explained that the report brought attention to leaking ballasts in New York City public schools, prompting further inspections with concerning results. She stated that, as a result, EPA encouraged the City of New York to develop a comprehensive citywide plan for lighting replacement in all older schools, but that the City went a step further and developed a plan for both lighting replacement and energy retrofitting of 722 schools.

Ms. Enck stated that while the plan is ambitious and would have a remarkable impact on saving energy and money and creating new jobs, the expanded scope would take longer to achieve. She stated that EPA has asked the City to prioritize the lighting replacement elements of the plan, and they are still in discussions as to a compromise.

Ms. Enck concluded her remarks by expressing that the Agency has enough information to prompt action.

Following Ms. Enck's remarks, the Council engaged her in conversation. Highlights of the discussion included the following:

Members of the NEJAC inquired about the steps being taken to assess the impact of exposure to school children and identify the actual exposure pathway. Ms. Enck responded that this issue is fairly new, and that she was not aware of any public health impacts studies. She stated that while studies should be done, action should not be hindered while waiting for them. She noted that EPA does not believe that there is an imminent risk, but rather is concerned about the potential impacts of extended exposure in children and teachers. She expressed a desire to conduct affirmative outreach and information-sharing.

In response to member questions relating to similar efforts in other regions, Ms. Enck noted Regions 1, 5, 9 and 10 as being active on these issues. She praised Region 9 for its previous efforts, which she said became a model for EPA's national guidance.

Members of the NEJAC stressed the importance of collaborating with local groups, including unions, to spur more immediate action on the issue; and supporting their efforts to foster a safe environment for educators and other employees to raise environmental concerns.

Council members acknowledged that the ballasts that Ms. Enck described exist in all sorts of facilities, not just schools. They asked about ways that EPA is working with other agencies, including the U.S. Department of Energy and the U.S. Department of Education, to expand this initiative. Ms. Enck responded that EPA plans to work with federal and state agencies on this major issue. She emphasized her belief that change would most likely germinate at the grassroots level, from sources such as environmental justice groups, parents, and teachers. Ms. Giles clarified that Region 2's efforts are geared towards informing and educating the schools on the issue not towards enforcement.

Council members inquired about working with environmental justice associations and other possible venues for accessing funds. Ms. Yeampierre suggested that the Regional Greenhouse Gas Initiative – the New York State cap-and-trade program – might play a role in funding.

While the members recognized that enforcement efforts by Region 2 are compliance-focused rather than enforcement-focused, they noted the enforcement implications and asked whether the citywide plan that Ms. Enck described might ultimately become part of an Order. Ms. Enck acknowledged the sensitivity of the topic and expressed hope for a written commitment from the City in support of these efforts through the next mayoral election. She noted that discussions pertaining to commitments and time schedules are underway.

Members acknowledged the hard work of the NEJAC's School Air Toxics Monitoring Work Group. They noted the need for a second phase of that effort, which goes beyond the schoolhouse door to include indoor environments of schools.

### **1.3 Plan EJ 2014: Overview of Implementation Plans**

A panel of senior EPA officials provided the Council with an overview and update of implementation plans associated with on Plan EJ 2014. This section summarizes the individual presentations and subsequent NEJAC discussions.



**1.3.1 Ms. Lisa Garcia, Associate Assistant Administrator for Environmental Justice, EPA OECA**

Ms. Lisa Garcia, Associate Assistant Administrator for Environmental Justice, EPA OECA, thanked the NEJAC members and EPA staff who have worked on Plan EJ 2014 and the implementation plans. She provided the Council with an overview of the goals of Plan EJ 2014 and explained how environmental justice is being integrated throughout EPA's many programs and regions. She noted that earlier environmental justice work plans were siloed and expressed excitement for this more integrated approach.

Ms. Garcia identified the following goals of Plan EJ 2014:

- Protect health in communities that have been overburdened by pollution.
- Empower communities to take action to improve their health and environment.
- Establish partnerships with local, state, tribal, and federal organizations to achieve healthy and sustainable communities.

She explained that the Plan framework consists of three major sections:

1. Cross-Agency Focus Areas
2. Tools Development Areas
3. Program Initiatives

Ms. Garcia explained how environmental justice principles would be integrated throughout the Agency. For each of the cross-agency focus areas — rulemaking, permitting, enforcement, community-based action, administration-wide action — and each of the tools development areas — science, legal, information, and resources — there is a lead program and lead region to ensure collaboration throughout the Agency on environmental justice.

**1.3.2 Mr. Charles Lee, Deputy Associate Assistant Administrator for Environmental Justice, EPA OECA**

Mr. Charles Lee, Deputy Associate Assistant Administrator for Environmental Justice, EPA OECA, echoed Ms. Garcia's appreciation to everyone at EPA who worked on Plan EJ 2014. He stated that it represents "real effort and momentum" and quoted Mr. Mathy Stanislaus, Assistant Administrator, EPA EPA Office of Solid Waste and Emergency Response (OSWER), as saying, "They say it takes a village to raise a child. It takes a whole agency to raise environmental justice."

Mr. Lee outlined the major sections of the plan, focusing on the cross-agency focus areas:

- Incorporating Environmental Justice into Rulemaking
- Considering Environmental Justice in Permitting
- Advancing Environmental Justice through Compliance and Enforcement
- Supporting Community-Based Action programs
- Fostering Administration-Wide Action on Environmental Justice

Mr. Lee noted that each cross-agency focus area has corresponding goals and strategies or actions for implementation. He identified community and stakeholder engagement as a hallmark of the Plan. He also described some of the efforts underway to hold regional stakeholder dialogues and work with other federal agencies to develop new environmental justice strategies. He outlined four areas of focus for tools development: Science, Law, Information, and Resources.

He highlighted the science implementation plan as being particularly strong and envisioned new areas such as research into cumulative risk impacts and a sustainable healthy communities program.

Mr. Lee concluded his remarks by thanking the NEJAC for their input and advice, and stated that the results of their recommendations are very clear in the development of the Plan. He acknowledged climate adaptation as an area that still needs to be further addressed in the Plan. In closing, Mr. Lee relayed that EPA's emphasis is not about plans, but about executions and actions.

### **1.3.3 Mr. Mathy Stanislaus, Assistant Administrator, EPA OSWER**

Mr. Stanislaus spoke about the tremendous power of communities that are provided with the tools they need. He also stated that EPA wants to continue to learn and grown, and must be open to criticism and feedback.

Mr. Stanislaus offered a brief explanation of each of the Agency's five strategies to strengthen community-based programs that engage overburdened communities and build partnerships that promote healthy, sustainable, and green communities.

The first strategy, he explained, pertains to the operationalization of environmental justice into decision-making processes, such as working with states and tribes on integrating environmental justice.

Under the second strategy that pertains to providing technical assistance and funding, Mr. Stanislaus highlighted the need to address how to rebuild a community that has been disinvested. He noted the need to look at redeveloping the context of communities. He relayed that 23 planning-area pilot projects currently underway and 20 new pilots have been identified and included in the proposed budget for 2012.

The third strategy, Mr. Stanislaus explained, stresses the importance of promoting a "One-EPA" presence in order to better engage communities. He said it addresses the need to improve communications both internally and externally, and creates a multimedia and multi-project presence at all conferences. Mr. Stanislaus expressed his belief this would allow communities to see how the parts of the process work together and understand what each part means for them.

Mr. Stanislaus explained that the fourth strategy fosters community-based programs modeled on Community Action for a Renewed Environment (CARE) principles. He cited CARE as one of the more successful EPA community-based programs. Noting that the budget for CARE cannot currently be increased, Mr. Stanislaus commented that the model could be used in other ways.

Lastly, Mr. Stanislaus stated the fifth strategy focuses on how EPA policies and programs can support local decision-makers in land use decisions, planning, and siting. He added that EPA is interested in figuring out its role within the intersection of local land-use planning and decision-making.

### **1.3.4 Discussion with the NEJAC**

Following the presentations, the Council discussed implementation plans for Plan EJ 2014. Highlights include the following:

Ms. Yeampierre recognized Ms. Kim Wasserman, Executive Director of Little Village Environmental Justice Organization and Chair of the NEJAC Plan EJ 2014 Work Group; and the efforts of her Work Group. Ms. Wasserman also recognized the efforts of the Work Group and shared her excitement to see so many of the points they had covered reflected in the document. Ms. Wasserman remarked further that the question of partnership is very important in environmental justice. She stated that she was pleased to see local government decision-making addressed in the document, and recommended that it be expanded to other

areas of the Plan as well. Ms. Wasserman expressed hope that EPA would pursue an ongoing dialogue with the NEJAC to help lead the growth and development of the Plan as a living document.

Ms. Yeampierre asked the NEJAC to offer suggestions for strengthening stakeholder engagement and outreach. Ms. Savi Horne, Executive Director, Land Loss Prevention Project, acknowledged that stakeholder engagement and outreach are critical issues facing North Carolina communities with environmental justice concerns. She noted a need for accountability and asked whether EPA would consider under Plan EJ 2014 incentivizing local governments that receive federal dollars to track their engagement efforts and report back.

Ms. Jolene Catron, Executive Director, Wind River Alliance, acknowledged the complexities of engagement and outreach to tribal communities, and called the One-EPA concept “very good.” She noted that public accessibility to tribal councils does not always exist, making it particularly difficult to know what is going on at the community level. She cited her own experience working on a CARE program, and the frustrations of trying to navigate the range of what EPA could offer. Ms. Catron emphasized the need to build capacity for communities to understand the environmental laws involved in the issues impacting them. Ms. Garcia acknowledged efforts by EPA to come up with new ways to engage with their tribal partners. Mr. Stanislaus added that, in addition to continuing government-to-government consultation, EPA recognized the need for consultation and outreach to begin earlier in the process. He noted that outreach also needs to happen early to other local residents impacted by EPA’s decisions.

Mr. John Ridgway, NEJAC Vice-Chair and Manager at Washington State Department of Ecology, stressed the need to consider providing a consistent message about integrating environmental justice principles into policy and practice — that it must be embodied in all of the facets of what is being done instead of a separate budget line-item — to EPA staff, the people involved in putting together performance partnership agreements, local governments, among others. He emphasized the importance of ensuring that people understand why this is a good thing to do and encouraged EPA to engage those questions and dialogues. Mr. Ridgway stated that it is never too early to start thinking about metrics for measuring and communicating success, as well as how to ensure that this effort endures into the next administration.

Ms. Sue Briggum, Vice President, Federal Public Affairs, Waste Management, Inc., shared her feeling that the most important way of engaging the business community is to make environmental justice predictable in the sense that it is something that arises consistently as a routine consideration. She remarked that Plan EJ 2014 is an enormous step in that direction, and that as more people pay attention, the more they need strong and regular progress reporting as a mechanism to show that an otherwise decentralized agency is working together to stay on track. Ms. Briggum noted that the legal section of the implementation plan is the shortest which may send a message to the business community about the importance of the legalities of the Plan and environmental justice. She expressed her worry regarding “One-EPA” and training, that there needs to be real buy-in that comes from understanding the ultimate goal and how this can be a win-win opportunity. She added that in terms of policy, “The goal is getting together.” She noted that it was not enough to bring the business community in just once, and there needed to be real collaboration and partnership to infuse the business community with, “The NEJAC spirit.”

Ms. Vernice Miller-Travis, Vice-Chair, Maryland State Commission on Environmental Justice and Sustainable Communities, commented that the legal implementation plan is too short. She noted two fundamental issues that needed to be addressed: (1) the need for finalized guidelines for Title VI of the Civil Rights Act and a review of its significance with various stakeholders; and 2) the need to clarify existing legal and statutory authorities in terms of where the basis for state enforcement action.

Fr. Vien Nguyen, Pastor, Mary Queen of Viet Nam Community Development Corporation, commented that the tension in dialoguing with state and local groups is unclear to him. He added that environmental justice communities have been painted as anti-economic development entities. He added that there are also “invisible” environmental justice communities, and questioned if there are ways to help identify these communities and facilitate interaction with EPA.

Ms. Edith Pestana, Administrator, Environmental Justice Program, Connecticut Department of Environmental Protection, voiced agreement with the comments made by Ms. Briggum, Mr. Ridgway, and Ms. Miller-Travis, and stated that there is a need for clear laws. She stated that many new administrators in state agencies do not understand environmental justice and find these plans very complicated. She strongly recommended that EPA develop a clear law and simple definitions, including a clear definition of an environmental justice community.

Ms. Patricia Salkin, Associate Dean and Director, Government Law Center, provided several recommendations related to the implementation plans:

- Regarding the legal implementation plan, she recommended that EPA engage and partner with U.S. Department of Justice (DOJ) from the beginning rather than consulting with them later in the process, as is currently represented in Step 4 of the implementation plan.
- Regarding land-use planning issues, she recommended that EPA use a climate-friendly communities model for environmental justice; and develop a model pledge, order, or ordinance for communities to adopt and follow. She added that there are 8 to 10 federal agencies that provide funding to communities that impact land use.
- She urged EPA and the Federal Interagency Working Group on Environmental Justice (IWG) to examine the impact of existing and new grants in transportation, housing, and disaster preparedness on communities.
- She urged EPA to continue its outreach to States and tribal communities, and to conduct outreach beyond talking to the traditional local environmental commissions and agencies. She added that there is a need to get more people talking to generate more activity.
- Ms. Salkin recommended introducing an edit to statutes that comprehensive plans include an environmental justice element.

Mr. Lang Marsh, Fellow, National Policy Consensus Center, Portland State University, noted that he was pleased to see the notion of the community becoming an organizing principle for EPA’s work in the Plan. He encouraged the Agency to highlight it even further. He suggested more emphasis on weaving together the resources of all of “the federal family” and lining community-based priorities across the entire federal government rather than just within the Agency.

Mr. Nicholas Targ, Co-Chair, Environmental Justice Caucus, American Bar Association, stated that outreach to States, tribal communities, and the business community is critical to creating clarity and champions at all levels. He added that clear outcomes and metrics for measuring progress are needed in order to determine if the goal of environmental justice is being advanced.

Ms. Teri Blanton, Fellow, Kentuckians for the Commonwealth, commented on the importance of ensuring that communities understand the science of the issues that impact them and addressing environmental justice and non-compliance.

Ms. Garcia and Mr. Stanislaus thanked the Council for their feedback, and acknowledged the challenges before them. They noted that they take comments on legal authorities very seriously and will be looking for ways to enhance this section of the plan. They also added that, in order for the efforts to survive in the

future, there needs to be a collective effort around defining the measurement of success to determine whether the implementation plans are successful.

#### **1.4 Plan EJ 2014: Enforcement and Compliance Implementation Plan**

This section summarizes the presentation and subsequent NEJAC discussion on Plan EJ 2014 Enforcement and Compliance.

Ms. Giles provided an overview of the implementation plan for Enforcement and Compliance, which is the third of the five focus areas of the Plan. She explained that OECA's environmental justice implementation plan has four tiered themes intended to ensure that environmental justice permeates throughout everything that OECA does, from the very highest levels of identifying work and priorities, to the most local levels of targeting facilities or areas and finding appropriate remedies. She added that opportunities for meaningful engagement with impacted communities would be built into each of the tiers.

Ms. Giles explained that OECA selected six National Enforcement Initiatives based on input from the NEJAC, community groups, and several regional and geographic priorities to address in the Plan. She explained that, while bringing companies and facilities into compliance is always a baseline expectation, OECA is working towards more injunctive relief options as well as ways to encourage companies to go beyond compliance towards restorative efforts. She cited Supplement Environmental Projects as an example of this.

Ms. Giles provided examples of national, regional, and criminal enforcement issues that OECA has been involved with, and the outcomes of working with companies and communities to go beyond compliance. She highlighted the importance of companies working directly with communities to identify needs and the most appropriate remedies. She added that criminal enforcement is important to enforcement and compliance more broadly because of the deterrent impact, and because it is a powerful incentive for companies to comply with the law.

Ms. Giles concluded her presentation by addressing the need to work more closely with states to strengthen oversight of state environmental regulatory programs and to increase transparency across the entire Agency through electronic reporting. She noted that such activities would encourage compliance and allow EPA to share information more effectively with communities and watchdog groups.

Following the presentation, the Council discussed implementation plans for Enforcement and Compliance in Plan EJ 2014. Highlights include:

Ms. Stephanie Hall, Senior Counsel, Valero Energy Corporation, spoke about achieving environmental justice by investing in communities beyond simply complying with the law. She reinforced the importance of engaging affected communities in direct dialogue with the companies to identify specific community needs. She commented that there is still a perception to be overcome in the business community about involving EPA, and EPA wanting to just shut them down. She noted that there must be a way to bring everyone to the table with an open mind in dialogues that engage other federal agencies to enhance the quality of life of people living in environmental justice communities and fence-line communities.

Ms. Horne stated that she was disappointed in the lack of movement on Concentrated Animal Feed Operations (CAFOs) and violations of the Clean Air Act. Ms. Giles acknowledged the issue, stating that data has been collected and the science teams should soon have a sense of what we can learn from that data, how to make it available, and what it means moving forward.

Ms. Blanton noted that there are communities where companies have been non-compliant for years. She asked how to protect those communities from poisonous water — for example, get them not to drink the water, get them access to clean water — until these companies come into compliance. Ms. Giles responded that progress relies on an active citizenry and cited states where Clean Water Act and Clean Air Act compliance has been increasing. She added that EPA is looking very closely at the National Environmental Policy Act (NEPA) and the Clean Water Act, and impacts on communities.

Mr. Marsh asked what could be done to encourage states to become more engaged in enforcement activities around these fence-line communities. Ms. Giles agreed that the states need to play an active role in enforcement and suggested that EPA might be less rigid in its expectations of the States. She suggested that there be balance to ensure that states are doing enough on critical issues while remaining open to them being as involved as possible in reaching an agreement between federal and state agencies about responsibility. Ms. Enck added that budget cuts in New York have brought many challenges to moving environmental justice initiatives.

Mr. Targ requested updates from EPA about Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT) and efforts to abate lead-based paint hazards. He questioned whether not including these topics in the presentations reflected that they had lost priority. Ms. Giles responded that they are both still priority issues. She clarified that many of the recommendations from the NEJAC have already been incorporated into EJSEAT, while some related to more long-term policy changes. She added that more is being done on the enforcement side regarding lead paint; and noted the benefits of new media, such as YouTube, as a strong new mechanism to continue to raise the level of awareness at EPA and beyond.

Mr. Ridgway expressed interest in the initiative described by Ms. Giles that placed air monitors in the community to collect real-time data. He asked how long it takes for the community to see data after it is collected. Ms. Giles clarified that the company, not EPA, operated the monitors. However, she stated that, as she understands it, the data is available online in real time, and the company has committed to regular meetings with the community to talk about the data and answer questions. Ms. Giles noted that, while OECA's involvement always begins with the confrontational posture of a violation, there is an opportunity to move towards a positive corporate responsibility posture. She added that many companies could be sold on the merit of moving to a good-natured approach to the communities in which they are located.

## **1.5 Plan EJ 2014: Science Implementation Plan**

This section summarizes the presentation and subsequent NEJAC discussions about the science implementation plan.

Mr. William "Bill" Sanders III, Director, EPA Office of Research and Development (ORD) National Center for Environmental Research, provided an overview of ORD's implementation plan for science tools development. He spoke about the "old way" of addressing environmental justice issues at EPA, which included looking only at geographic proximity and single pollutants; focusing too much on finding the smoking gun and blaming a single company; discounting community knowledge; limiting research to epidemiological studies; and ignoring socio-economic status and increased vulnerabilities. He contrasted that with the "new way," embodied in the implementation plan, which includes community-based participatory research and values around "residential wisdom;" a focus on cumulative risk impacts; and a greater focus on non-chemical stressors.

Mr. Sanders noted the importance of science and its critical role in expanding the conversation on environmental justice. He added that science underpins and forms the basis of all EPA policies and regulations. He remarked that science is never “done,” but rather always continues to develop, and added that it should also develop in the arena of environmental justice. He noted, “When we look at science, we do good for all communities.”

Mr. Sanders stated that science enables decisions. He outlined five major strategies towards the goals of the science tools development implementation plan:

1. Integrated transdisciplinary research (community-based participatory research)
2. Active engagement
3. Interagency collaboration
4. Strengthening science capacity at EPA
5. Strengthening stakeholder capacity

Mr. Sanders remarked that ORD is going through a significant change in how they approach research. He highlighted four focus areas for research programs, which will each incorporate environmental justice:

1. Air and climate
2. Safe and sustainable water
3. Safe chemicals for sustainability
4. Safe and sustainable communities

Concluding his presentation, Mr. Sanders asked that a NEJAC Work Group on environmental justice science be formed, citing it as an important mechanism for engaging with the full body of research that is done through the Agency.

Following the presentation, the Council engaged in conversation around implementation plans for science tools development. Highlights of the discussion included the following:

Mr. Marsh suggested that targeting research activities towards some of the environmental justice showcase communities might yield progress. He added that life cycle sciences are a growing area that is much more holistically integrated, and that there is an opportunity to integrate that approach into Agency thinking. Mr. Sanders responded that life cycle analysis and systems thinking are critical to current efforts at ORD. He commented that, “You can’t do sustainability without life cycle analysis.”

Ms. Wynecta Fisher, formerly E<sup>2</sup> Inc., highlighted Activity 3.1 in the implementation plan regarding the Federal Collaboration on Health Disparities. She suggested that it be expanded to be a group that includes representatives of business and industry. Ms. Fisher raised concern about substitutions in manufacturing processes and the potential health impacts to consumers when something is paraben-free, for example. For Strategy 5, she suggested using school science fairs as a mechanism to get young people involved in research from the very beginning. Ms. Fisher recommended that Activity 5.5, regarding enhancing the capacities of minority academic institutions to engage in scientific research and workforce development, be expanded to include engaging not just with science departments, but also the business departments. She concluded her remarks by questioning how ORD might be involved in breaking down the elitist wall that exists between scientists and communities when research is conducted and findings are presented.

Mr. Sanders addressed questions and comments regarding the politics of science and integrating a behavioral and social sciences approach. He noted that science is not black-and-white, and “experts” can be bought. He added that whenever economics are involved, you will have multiple sciences at the table.

Incorporating a behavioral sciences approach, he explained, means incorporating understandings about how people make decisions (and that they are often swayed by emotion, not science).

Members of the Council raised concerns about a focus on impacts to adults and advocated for more attention to impacts on children. Mr. Sanders agreed that the science around impacts to children is insufficient and noted some of the challenges of trying to measure impacts to children. Ms. Devon Payne-Sturges, Assistant Director for Human Health, EPA National Center for Environmental Research, noted the need for a better mechanism for the Agency to share with the public why and how it makes decisions. She commented that there needs to be great effort put into building the evidence base around health disparities and equity, and impacts to children; and getting that evidence base into the decisions.

Mr. Sanders and Ms. Payne-Sturges explained the evolution of the EJ Wizard tool and how it differs from other tools the Agency has used and developed. They noted that, while tools like CFIRST are geared towards targeting and screening, EJ Wizard seeks to build on the CFIRST tool to incorporate an analysis or assessment piece to make sense of the data. Ms. Payne-Sturges explained that development of the tool is still in the early stages of development. She noted that those developing the tool would be very interested in feedback from the NEJAC, as well as working with people on-the-ground in beta testing. The Council recommended that the peer review process of new tools be applied in a meaningful way and as publicly as possible.

Ms. Catron noted the importance of including tribal colleges in the Inter-Tribal Environmental Council and other university partnership work. She commented that opportunities for building community capacity fall on highly competitive funding sources, such as the CARE program. Ms. Payne-Sturges responded that ORD is developing a Request for Application for research grant funding; and is evaluating ways to better encourage, promote, and/or require partnerships with tribal colleges and other tribal agencies and grassroots organizations.

Ms. Sanders, in response to questions about how ORD's activities might support reform of the Toxic Substances Control Act (TSCA). He stated that TSCA reform is an open and ongoing issue for ORD, but does not believe that there will be real reform anytime soon. He noted that ORD is focused, rather, on computational toxicology and moving away from single-chemical analysis towards an understanding of the impact of chemicals at the cellular level. He explained that this approach is geared towards being able to look at hundreds of chemicals at a given time. He noted that the issue of safe chemicals and TSCA reform fits into the focus area around safe and sustainable chemicals. He added that the Work Group that ORD would like to form with the NEJAC would be one way to ensure that those concerns are elevated.

Ms. Salkin recommended that Activity 5.3, regarding public participation in science and decisions and the creation of a partnership, be expanded to include local governments and extend training to the local level where decisions are being made. She emphasized the need to think about how to share data sets at different levels in ways that everyone can understand. She suggested that there is opportunity for partnership with the U.S. Department of Energy, teachers' unions, etc., in efforts to engage students in hands-on learning projects in their own environments. Ms. Payne-Sturges noted that there is a lot of interest in ways that EPA can incorporate local information to try to better understand what is really happening at the local level, and are thinking of ways to partner with local health departments and others to share information and bring in the idea of health impact assessments. Mr. Sanders added that the Agency has long been struggling with how to best share information at a local level about the environment and human health impacts. He welcomed thoughts from the NEJAC on ways EPA can do this. He added that EPA is also very interested in the potential opportunities in phone/web applications development to engage students in observing what is going on in their environments.



## **1.6 Coastal Ecosystem Restoration**

This section summarizes the panel presentations and subsequent NEJAC discussions on coastal ecosystem restoration.

### ***1.6.1 Mr. John Hankinson, Executive Director, Gulf Coast Ecosystem Restoration Task Force***

Mr. John Hankinson, Executive Director, Gulf Coast Ecosystem Restoration Task Force, provided an overview of the Task Force's charge and progress. He described the Gulf Coast as a critically important economic engine for the country and a place that is culturally and ecologically diverse. He acknowledged that the Deepwater Horizon oil rig explosion remains an ongoing issue to be addressed in the Gulf Coast region. He cited the need to look at the Gulf Coast region holistically to develop a strategy for restoration that also addresses legacy or chronic stressors in the Gulf, such as concerns around sea level rise, flooding, loss of barrier islands and sand areas, hypoxia, and vulnerability to storms.

Mr. Hankinson described the formation and membership of the Gulf Coast Ecosystem Restoration Task Force. He explained that the Task Force is charged with developing a restoration strategy for the Gulf of Mexico. He reported that one key area of focus for the Task Force currently is identifying the critical restoration items that need to be there, both natural and human. He also clarified that, while the Task Force's emphasis is not on economic development and health, their definition of ecosystem restoration includes the concept that the ecosystem needs to support the economies, communities, and cultures of the region.

Mr. Hankinson stated that the Task Force is emphasizing the need for efforts to be informed by the people who live and work in the communities of the Gulf. He added that the Task Force received a recommendation to create a citizen advisory board to provide enhanced opportunities for two-way information sharing and discussion. He reported that EPA is in the process of implementing that recommendation, and the citizen advisory board would be formed as a federal advisory committee under the Federal Advisory Committee Act (FACA). Mr. Hankinson added that the Task Force is looking for further input from the local government advisory group (LGAC) and NEJAC Work Groups for collective direction.

### ***1.6.2 Mr. Kevin D. Moore, Urban Environmental Group, and member of the New Jersey Environmental Justice Advisory Council***

Mr. Kevin Moore, Urban Environmental Group, and member of the New Jersey Environmental Justice Advisory Council, gave a presentation on urban freshwater restoration, and the opportunities and challenges for environmental justice. He encouraged the Council to look at the relationship between urban waters and coastal restoration.

Mr. Moore began his presentation by describing the New York/New Jersey Harbor Estuary Program – the NY/NJ estuary is home to 20 million people and supports 300 species of birds. He explained that promoting an informed and educated constituency through public education and community involvement is one of the five primary goals of the Harbor Estuary Program Action Plan, as well as an opportunity to nurture environmental justice advocacy.

Mr. Moore highlighted several projects and opportunities for New Jersey, including Lincoln Park West in Jersey City, Liberty State Park, and Weequahic Lake in Newark. The Weequahic Lake project, he explained,

included shoreline stabilization, biological analysis of lake and sediments, stormwater monitoring, construction of wet and dry water retention basins, and constructions of a rubberized running track. He reported that the project leveraged a \$3 million EPA line item to raise over \$6 million through a grassroots effort. He added that Weequahic Lake is now being overwhelmingly-used by the community.

Mr. Moore noted the value of environmental education in developing a sense of awareness in both children and adults, and referenced strong partnerships with the academic community. He also commented on available funding resources and the need for an environmental justice policy that ensures Natural Resource Damage Assessment (NRDA) funds are invested into the area where injury occurred. He noted that the Liberty State Park described earlier in his presentation came from a NRDA settlement.

Mr. Moore called for awareness, advocacy, and action to educate communities on the importance of these issues, elevate the issues, cultivate buy-in from communities, build credibility, and nurture programs that produce tangible deliverables, empower residents, and build community capacity.

### ***1.6.3 Mr. Eddie Bautista, Executive Director, New York City Environmental Justice Alliance***

Mr. Eddie Bautista, Executive Director, New York City Environmental Justice Alliance, presented on waterfront advocacy in New York City and the points of synergy with environmental justice. He began his presentation by cautioning against thinking of New York as a rich city. He pointed out that in 2009 the poverty rate was over 20%, which means that 1.8 million people live in poverty in New York City.

Mr. Bautista provided an overview of the New York City Environmental Justice Alliance's work on brownfield laws for the state and that state's Brownfields Opportunity Areas (BOA) grants, which gave resources to communities to look at brownfield redevelopment in new ways for the first time.

Mr. Bautista transitioned the discussion to waterfront advocacy and commented on overhauling the comprehensive waterfront plan. He stated that Significant Maritime and Industrial Areas (SMIA) zones were designed to foster and protect maritime uses. He added that, unfortunately, all six SMIA zones in New York City are located within environmental justice communities.

Mr. Bautista went on to acknowledge how vulnerable these SMIA's are to climate change, sea rise, and associated storm surges. With Geographic Information Systems (GIS) maps, he demonstrated the potential impacts of different sized storm surges on waterfront communities and SMIA's in New York in relation to Toxics Release Inventory (TRI) sites, unregulated bulk storage facilities, and Superfund sites.

Mr. Bautista concluded his presentation by noting the need to look at waterfront issues in terms of climate change.

### ***1.6.4 Discussion with the NEJAC***

Highlights of the discussion following the individual presentations on coastal restoration and urban waters included the following:

Mr. Hankinson responded to Council questions about the nexus between Gulf Coast ecosystem restoration and state level projects on urban waters by stating that the discussion is about scale. The Gulf is a huge area, he explained, and therefore his efforts are not as detailed as the local projects described regarding, for example, hazardous waste. He expressed hope that the Community Resiliency area of the strategy would be able to point to places where the community meets the ecosystem.

Members of the Council drew attention to Detroit as another city with both significant urban water and environmental justice issues. They suggested that Detroit environmental justice groups engaged in similar work connect with Mr. Hankinson as well as directly with the Detroit river communities.

Mr. Hankinson addressed member questions regarding how the Task Force is responding to new emergencies in real time and the impacts of additional storms and flooding on the areas the Task Force is trying to restore. He commented, "It doesn't seem to stop in the Gulf," and noted lessons to be learned from the flooding regarding the need for the Mississippi River to be reconnected with its flood plain. He cited loss of wetlands and increased vulnerability to storms resulting from river disconnection. Mr. Hankinson noted that the processes of addressing these issues often get tied up in working through the permitting process. As a result, he said, the Task Force is looking at ways to speed up these processes. He explained that additional storms and floods create more challenges in trying to understand distinctions between impacts of the oil spill versus impacts of a storm or flood. He noted that additional impacts include loss of sand from floodwaters and the potential for nutrients carried down to the Gulf to exacerbate the "dead zone."

Ms. Yeampierre noted that New York City is looking to learn from the work of the Task Force. She asked how federal agencies are working together to produce results; what Mr. Hankinson's experience has been on the ground; and how agencies might work more effectively with communities. She remarked further that SMIA's are mixed-use residential zones. Mr. Moore added that New York City is currently writing policy around these issues, and there needs to be a concerted effort between federal and state bodies to figure out how to maintain manufacturing as a base of employment without risking the environments. Mr. Hankinson commented that the Task Force has a number of agencies at the table to look at the whole ecosystem, and not just the waterfronts. He recognized the need for everything to work together and the critical importance of considering communities in the process.

Members of the Council raised concerns about redevelopment initiatives ultimately leading to gentrification and displacement of communities. Mr. Moore added that projects that foster relationships between local non-governmental organizations (NGOs) and municipalities should be promoted whenever possible. He remarked that the challenge for policy makers is to craft public policy that advances environmental protections, preserves longstanding communities, and ensures that people are not displaced by the inevitable market pressures and rising land values that come with redevelopment.

## **1.7 NEJAC Draft Recommendations: Review and Deliberations**

The NEJAC Gulf Coast Ecosystem Restoration Work Group presented its draft recommendations to the Council for review and deliberation. The following members of the NEJAC Gulf Coast Ecosystem Restoration Work Group provided a presentation outlining the Work Group formation, EPA's charge, and process, and an overview of the draft report for review and deliberation by the Council:

- Ms. LaTosha Brown, Gulf Coast Fund for Community Renewal and Ecological Health, Work Group Co-Chair
- Ms. Wynecta Fisher, formerly of E<sup>2</sup> Inc., Work Group and NEJAC member
- Ms. Kedesch Altidor, EPA Region 4, DFO for the Work Group

Ms. Altidor outlined EPA's charge to the NEJAC and the three focus questions around which to develop recommendations. She described the formation of the Work Group and introduced each of its members. Ms. Altidor outlined the Work Group's process and end goal, explaining that the group met regularly via

teleconference meeting, solicited input from additional stakeholders, and aimed to build on the legacy of prior work done by the NEJAC in drafting its report of findings and recommendations.

Ms. Fisher provided an overview of the report and its structure. She explained that the report contains 13 findings and proposes 27 recommendations organized around cross-cutting themes. She explained that the Work Group members had to create a framework for what effective community engagement should look like in order to identify known and potential barriers.

Ms. Fisher highlighted several critical elements of effective engagement identified by the Work Group, including two-way communication and an effort to meet communities where they are, and recognize them for their unique qualities and knowledge. She highlighted several barriers to effective community engagement, including language and cultural differences. She explained that these points led to the development of cross-cutting themes that endeavor to capture critical elements of effective community engagement and address barriers.

Ms. Brown presented some of the key findings and recommendations from the report, reminding the Council that the findings and recommendations are geared towards answering those three questions from the charge. She highlighted four of the 27 recommendations in the report that address interagency coordination of community engagement efforts; elevating the level of inclusion of non-federally recognized tribes in decision-making processes; engaging underrepresented or systematically-ignored communities; and communication with communities around concepts, impacts, and scope and how their input will be used in the process.

Ms. Brown concluded the presentation by referring the Council to the three charge questions and asking whether the report adequately addressed each of those questions.

Highlights of the discussion among the members of the NEJAC are summarized as follows:

Mr. Ridgway asked how the report addressed outreach to sparsely-populated areas that are not well-connected to information infrastructure. Ms. Brown remarked that that issue had raised a lot of discussion among Work Group members. She cited Recommendation 14, which calls for leveraging multiple modes of communication, including internet, radio and call-in opportunities.

Ms. Miller-Travis noted the profound difficulty in engaging communities as part of the major coastal ecosystem restoration effort underway in the Chesapeake Bay. She looked to the Work Group for lessons and successful models that could be replicated. Ms. Brown cited Recommendations 13, 14, and 15. She commented that regulatory agencies need to (1) ensure that they are effectively communicating with communities about the purpose and outcomes of their engagement efforts; (2) consider cultural competency in their methods of communication; and (3) ensure adequate access to information, for example, in terms of meeting times and transportation options to meeting locations. Ms. Fisher also referred to Recommendation 2 and the importance of clearly conveying the stages and scope of the engagement process, how input will be used in making decisions, and ultimately what decisions were made and why.

Based on successes in Connecticut, Ms. Pestana, added that churches can play a critical role in outreach efforts to new immigrant populations and communities with language barriers.

Ms. Catron noted Mr. Hankinson's earlier reference to "good science" and remarked that giving equitable weight to the traditional ecological knowledge of non-federally recognized tribes *is* good science.

Ms. Horne raised the issue of high concentrations of animal waste in Maryland's Delmarva Peninsula. She noted the opportunity to incorporate the community participation model advanced by Mr. Omega Wilson, President, West End Revitalization Association, to restore community trust in federal agencies around this issue as well.

When asked to share observations from recent Task Force meetings, Ms. Altidor noted specific feedback from communities that are embodied in the report, including the need for agencies to (1) be honest and transparent, (2) give communities an active role in the process, and (3) use community-based organizations and local wisdom, to name a few. Ms. Brown added the importance of (1) using local experience and expertise, (2) relationship building, (3) having cultural competency, and (4) using existing networks as a resource.

Ms. Robinson instructed the Council to send any additional feedback on the report to her and the Work Group co-chairs via e-mail. She stated that their input would be integrated into the final report.

### **1.8 Next Steps: Environmental Justice and Permitting Initiative**

This section summarizes the individual presentations and subsequent NEJAC discussions on next steps for the Agency's environmental justice and permitting initiative.

Mr. Ridgway, Chair of the NEJAC Permitting Work Group, stated that the Work Group's report of recommendations is essentially complete. He added that EPA has been very responsive to the report. He remarked that the NEJAC has established a new work group to support the implementation plans for environmental justice in Plan EJ 2014. He noted that the role of the NEJAC is to ask questions, provide dialogue, and give advice, and that there would be an opportunity for the NEJAC to learn from this work group.

Ms. Janet McCabe, Principal Deputy Assistant Administrator, EPA Office of Air and Radiation (OAR), thanked the NEJAC for its hard work on the topic of permitting and for the proposed recommendations. She explained that OAR wished to engage in dialogue on the topic to ensure all areas are being adequately addressed. She introduced Ms. Michelle Rouse, U.S. EPA Region 1, as the chief organizer of the initiative within the Agency. Ms. McCabe noted that EPA has drafted a work plan for addressing environmental justice and permitting, and has already received several comments. She reported that, beginning in June 2011, OAR will be hosting a series of listening sessions to educate both internal and external stakeholders on current activities. She added that OAR has developed a series of focused stakeholder groups that include representatives from local government, tribes, community-based organizations, and others to weigh in on the topic. She requested NEJAC's feedback on this selection.

Ms. Carol Ann Siciliano, Associated General Counsel, EPA Office of General Council, discussed the status of the final report and described the range of comments received, focusing on the need for meaningful engagement between EPA and major stakeholders. She explained that EPA's goal is to provide "early, abundant, objective, and transparent communications." She added that EPA recognizes the need for this level of communication across EPA and outward to the state and local governments in order to demonstrate what is being accomplished. Moreover, she addressed the fact that there is a recognized need for EPA to maintain consistent and ongoing communications.

Highlights of the discussion among NEJAC members are summarized below:

Ms. Blanton asked whether other agencies would be asked to provide input on EPA's permitting activities relevant to environmental justice issues. Ms. Siciliano answered that the permitting group would work with as many other policy and industry associates as possible in order to move the process along.

Mr. Peter Captain, Sr., Elder Advisor to the Executive Board of Directors, Yukon River Intertribal Watershed Council, noted that Alaska does not recognize tribal status and urged EPA to oversee the permitting process in the state in order to ensure that tribal concerns are being adequately addressed. Ms. Siciliano said she would take note of this issue.

Ms. Yeampierre asked how health impact assessments could potentially inform the permitting process. Ms. McCabe agreed that health impact assessments could be very useful in the permitting process and noted that, in fact, the Agency's internal working group is looking into how these assessments can be effectively leveraged.

### **1.9 Remarks from Brooklyn Borough President**

Mr. Marty Markowitz, President, Borough of Brooklyn, remarked that Brooklyn's environmental justice community is leading the way in engaging low-income communities and communities of color. He noted that Brooklyn is a glowing green lantern lighting the way to New York's sustainable future. Mr. Markowitz noted the incredible diversity of Brooklyn, stating that in a changing world, Brooklyn could serve as a model for the rest of the country.

### **1.10 American Indian Environmental Office Update**

Ms. JoAnn Chase, Director, EPA American Indian Environmental Office (AIEO), provided an overview of EPA's tribal program. She began her presentation by noting the value of coming together to brainstorm and work together to advance environmental justice issues. She explained that her purpose at the NEJAC public meeting was to make a commitment to work together with the Council.

Ms. Chase defined "Indian Country", according to federal law, as reservations, allotments, and dependent Indian communities. She remarked that in terms of people and land base, Indian Country is very broad and challenging to classify. She noted that understanding the diversity and uniqueness of tribal populations is critical to this work. In outlining the federal relationship with tribes and its trust responsibility, Ms. Chase stated that she saw an opportunity to work with the federal government to affect real change. She briefly explained EPA's trust responsibilities before acknowledging some of the work being done by EPA around direct implementation and tribal environmental regulatory authority. She also noted that EPA was the first federal agency to adopt a formal Indian Policy.

Ms. Chase expressed interest in partnering with OEJ around a federal policy on consultation. She noted that EPA is the first to step forward with a federal policy on this issue and reinforced the message that agencies must continue to work together. She highlighted some of the actions that might require consultation including permits, civil enforcement actions, and emergency planning and response actions.

Ms. Chase concluded her presentation by stating that she looks forward to working with the NEJAC and determining ways to maximize the other EPA offices for the good of tribal governments.

Highlights of the discussion following Ms. Chase's presentation included the following:

In response to Ms. Fisher's question about AIEO's approach to engaging non-federally recognized tribes in meaningful dialogue, Ms. Chase stated that she is pushing boundaries in every way she can. She referred to tribal recognition and boundaries as previously-imposed rules and laws that had been "somebody else's determination." However, she expressed her personal goal of continuing to push for an inclusive dialogue.

Ms. Chase spoke about the political and fiscal environment of working with tribes on environmental justice issues. She supported the sentiments expressed by Council members that it is time to push forward and maximize on the favorable political climate for these issues.

Ms. Catron commented on the need to think about how the dynamics and challenges that Ms. Chase described are explained to other tribal partners and youth, noting that building tribal support for governments is always challenging. She remarked further on the need to address internal tribal issues and build true environmentalism.

Ms. Miller-Travis relayed the importance of recognizing and working with the indigenous peoples of Hawaii, New Mexico, and other groups around the country who are exposed to nuclear or chemical waste sites and bring them forth as part of the conversation.

### **1.11 Local Government Priorities for Environmental Justice**

This section summarizes the presentations by, and Council discussions with, the following individuals about local government priorities for environmental justice in New York City:

- Ms. Elizabeth Ernish, Brooklyn Borough President's Office
- Mr. David Bragdon, New York Mayor's Office on Long-Term Planning & Sustainability

Ms. Elizabeth Ernish, Brooklyn Borough President's Office, recognized the environmental justice community's invaluable ability to continue to reinvent itself and innovate in response to changing conditions. She noted that all projects in Brooklyn start at the grassroots and added that there is not always the capacity to look at things from 3,000 feet. She acknowledged that, "Sometimes it takes incremental projects."

Mr. David Bragdon, New York Mayor's Office on Long-Term Planning & Sustainability, spoke about how environmental justice was incorporated in the development of PlaNYC. He noted that most planning in New York was historically done by transportation planners; but PlaNYC represents an increased effort to integrate metrics around jobs, affordable housing, and public health.

Mr. Bragdon explained that PlaNYC continues to assert basic values and principles that can endure over time, citing solid waste plans and borough equity as examples. He added that the City is looking to ways to ensure a holistic approach to projects and make agencies work together, as with the Sustainable Communities Partnership. He also described elements of PlaNYC aimed at phasing out residual heating oils and accelerating increased air quality.

Highlights of the discussion following the presentations by Mr. Bragdon and Ms. Ernish included the following:

Mr. Marsh inquired about the Sustainable Communities Partnership and asked to hear more about selecting some environmental justice projects that could partner with NGOs and state, local, and federal

governments. Mr. Bragdon noted that there are some innovative regional models, such as several projects in Utah and Connecticut, which have benefitted from collaborative federal funding opportunities.

In response to questions about how New York City is working or sharing information with other large cities with a sustainability agenda, Mr. Bragdon stated that they are involved in the Sustainability Directors Network, ICLEI (an international association of international governments), and C40 (a group of large cities committed to tackling climate change). He noted that many sustainability tools – such as zoning, planning, and land use – happen locally and are not federal issues, and those efforts are being shared among cities.

Members of the Council engaged Ms. Ernish and Mr. Bragdon around permitting in relation to local zoning issues. Ms. Ernish acknowledged the challenges faced by environmental justice communities in Brooklyn in trying to navigate the permitting process. She noted that the conversation could be reframed in terms of rezoning, rather than developing another layer of process. Mr. Bragdon recommended that EPA engage with cities on the issue of local zoning and permitting by offering more flexibility in allowing innovation in how projects are achieved.

In response to member questions about incentives for heating oil change-outs, Mr. Bragdon explained that the City has \$37 million in American Recovery and Reinvestment Act funding related to energy and energy efficiency for property owners. The other part of the approach, he explained, is to work with utilities on regulatory and recovery costs.

Mr. Targ asked Mr. Bragdon to speak to the tensions between transit-oriented development and the effects of a smart growth approach on toxic air questions and particulate matter issues. Mr. Bragdon noted that the focus of the development has been very much on rezoning. Ms. Ernish added that Brooklyn has gone from 500 residents to 12,000 residents in the past 5 years due to being such a transit-rich area in New York City. Mr. Targ noted further that regulatory thresholds for air quality and transportation under the California Environmental Quality Act (CEQA) provide that residential land uses cannot be sited near them to avoid excess cancer rates. Mr. Ernish responded that projects in proximity to major arteries of the transportation system are subject to this CEQA threshold.

Mr. Bragdon was asked to provide greater detail on the Mayor's carbon challenge to reduce carbon emissions by 30% by 2030. He explained that, while the charge is directed at large institutions such as New York University and Columbia University, he noted that it may need to be expanded to include hospitals and hotels. He reported that carbon emissions have not yet been reduced at the local level. He noted the need to look at storm surge, sea level rise, clean energy, renewables, health impacts, and transportation impacts, among other impacts, in this effort. Ms. Ernish added that Brooklyn is also home to two solar empowerment zones.

Members of the Council raised the issue of communities displaced by redevelopment projects that increase environmental amenities, and cited a need to find a way of balancing these things. Mr. Bragdon acknowledged those concerns, stating that it is important to look at the history of the City to avoid repeating the same mistakes. "We need to look at who made the decisions and why." He acknowledged that many decisions made have not reflected the diversity of the City, and decisions need to be made inclusively to build the discussion and address trade-offs upfront.

## **1.12 Next Steps and Closing Remarks**



Ms. Robinson facilitated a dialogue among the NEJAC members pertaining to the Council's action agenda for the next few years. Areas for potential action include issues around Title 6 of the Civil Rights Act, safe and sustainable sciences, and climate change.

Ms. Robinson announced the next NEJAC public meeting in New Mexico, which is tentatively scheduled for October 2011. She stated that the Steering Committee is working on drafting the agenda for that meeting.

Ms. Yeampierre offered closing remarks, thanking EPA, the Council, and the public for participating and sharing their rich information and wisdom. She commented that environmental justice is a movement that is accountable to the collective public, and the NEJAC strives to make recommendations that are relevant to the public.

## **CHAPTER 2. PUBLIC COMMENT PERIOD**

### **2.0 Introduction**

On May 10 and 11, 2011, the NEJAC held public comment periods to allow members of the public to discuss environmental justice concerns within their communities and beyond. The Focused Public Comment session on the first day mainly featured public feedback on EPA's Plan EJ 2014; and the General Public Comment session on the second day was an open forum for general environmental justice issues. A total of 19 individuals verbally presented public comments. Specifically, seven individuals spoke on May 10<sup>th</sup> and an additional 12 addressed the Council on May 11<sup>th</sup>. Further, three of the seven people who spoke during the first session provided supplementary comments during the second session.

This chapter provides a summary of the spoken testimony and the Council's responses given at both public comment periods. Summaries are broken up by day. Exhibit 2 lists the individuals who spoke during the public comment periods, as well as those who provided written testimony.

### **2.1 Day 1: May 10, 2011**

This section summarizes the public comments of individuals who spoke during the Focused Public Comment session on May 10, 2011.

#### ***2.1.1 Mr. Arturo Garcia-Costas, New York City Department of Environmental Conservation, Office of Environmental Justice***

Mr. Arturo Garcia-Costas provided public comments on Plan EJ 2014 on behalf of the New York City Department of Environmental Conservation's Office of Environmental Justice. He applauded EPA Administrator Lisa Jackson for the Plan and her overall commitment to environmental justice. However, he noted there could be "a significant gap between the rhetoric and what happens on the ground." He called for concrete metrics to measure success, as well as an emphasis on transparency. He suggested that innovative tools such as the formal designation of environmental justice communities, which he said was originally implemented by EPA Region 3 and is now widely used, could be established to support implementation efforts.

Mr. Garcia-Costas referred the NEJAC to his organization's new program, "Operation Eco Quality". He explained that the program, which is managed in conjunction with the New York City Department of Law Enforcement, seeks to improve environmental quality of life in low-income communities while making strategic use of the City's limited financial resources. He said that in this program, law enforcement

personnel engage with community leaders to discuss their unique quality of life priorities and discuss compliance reinforcement and assistance. Through “Operation Eco Quality,” Mr. Garcia-Costas reported that he and his colleagues have found that small business owners often do not have a clear understanding of environmental regulations. He noted that, by giving preliminary warnings and offering regulatory assistance, these small businesses could come into environmental compliance without sacrificing the economic health of the community.

<b>NEJAC Member Responses</b>	
→	Ms. Yeampierre suggested the use of Regional Green House Gas Initiative (RGGI) funds to further extend financial resources for addressing environmental justice issues.

**2.1.2 Ms. Lori Johnston, Southeast Indigenous Peoples’ Center**

Ms. Johnston of the Southeast Indigenous Peoples’ Center said she had traveled from Eatonton, Georgia to give public testimony to the NEJAC. She asked the NEJAC to help identify the proper channels for assistance with environmental data collection and climate change adaptation strategies. She voiced her frustration about the U.S. government’s lack of concern about how environmental problems affect sacred lands. Ms. Johnston urged the NEJAC to support the rule of sovereignty and invite indigenous peoples to be involved in climate change planning efforts.

<b>Exhibit 2. Individuals Who Provided Public Comments</b>	
<b>Public Comments</b> Day 1: May 12, 2011	<ol style="list-style-type: none"> <li>1. Mr. Arturo Garcia-Costas, NYC Department of Environmental Conservation, Office of Environmental Justice</li> <li>2. Ms. Lori Johnston, Southeast Indigenous People†*</li> <li>3. Mr. Nicky Sheats, New Jersey Environmental Justice Alliance and Thomas Edison State College†</li> <li>4. Ms. Catherine Peltzer, National Wildlife Foundation</li> <li>5. Mr. Jon Fleming, New Partners for Community Revitalization†*</li> <li>6. Ms. Beryl Thurman, North Shore Waterfront Conservancy of Staten Island, Inc.*</li> <li>7. Ms. Barbara Zimmer, Private Citizen from Long Island City, Queens</li> </ol>
<b>Public Comments</b> Day 2: May 11, 2011	<ol style="list-style-type: none"> <li>1. Mr. Arnold P. Wendroff, Mercury Poisoning Project*</li> <li>2. Ms. Jo Anne Simon, Gowanus Community Stakeholder Group</li> <li>3. Mr. Jonathan Ferrer, UPROSE</li> <li>4. Ms. Shenay Sneed, Youth Ministries for Peace &amp; Justice</li> <li>5. Ms. Kellie Terry-Sepulveda, The Point CDC</li> <li>6. Ms. Sally Gellert, Unitarian Universalist Legislative Ministry, N.J.</li> <li>7. Mr. Henry Rose, New Jersey Environmental Justice Alliance</li> <li>8. Ms. Kimberly Armstrong, Diamond Development Consulting</li> <li>9. Ms. Marian Feinberg, Environmental Health and Justice</li> <li>10. Mr. Hilton Kelley, Community In-Power and Development Association*</li> <li>11. Mr. Mutope-A-Alkebu-lan, Eye of Heru Study Group</li> <li>12. Ms. Ana Baptista, Ironbound Community Organization</li> <li>13. Mr. Jon Fleming, New Partners for Community Revitalization†*</li> <li>14. Mr. Nicky Sheats, New Jersey Environmental Justice Alliance†</li> <li>15. Ms. Lori Johnston, Southeast Indigenous People†*</li> </ol>
<b>Written Testimony</b>	<ol style="list-style-type: none"> <li>1. Ms. Janet Doyle, Concerned Citizen from Manassas, Virginia*</li> <li>2. Ms. Vanessa Frazier, Howardville Community Betterment*</li> <li>3. Ms. Savonala Horne, Land Los Prevention Project*</li> <li>4. Ms. Janice Moynihan, Sustainable Long Island*</li> <li>5. Rev. Robert Murphy, Unitarian Universalist Fellowship*</li> <li>6. Mr. Marvin Robinson II, Quindaro Ruins / Underground Railroad- Exercise 2011*</li> </ol>

\*Submitted written comments  
 † Testified during both public comment periods (May 10 and 11, 2011)

**NEJAC Member Responses**

- Ms. Yeampierre recommended that Ms. Johnston attend Ms. Jo Anne Chase’s presentation the following day.
- Ms. Catron lamented the fact that the Southeast Indigenous Peoples’ Center is a non-recognized tribe by the U.S. government. She noted that this creates a complex situation, especially regarding the recent Gulf Coast environmental problems. She recommended that the NEJAC be more aware of these “invisible EJ communities” in the future.

**2.1.3 Mr. Nicky Sheats, New Jersey Environmental Justice Alliance and Thomas Edison State College**

Mr. Sheats spoke on behalf of the New Jersey Environmental Justice Alliance to discuss recommendations for environmental justice in permitting. He stressed the importance of access in the permitting process and suggested that permitting be more specific. Further, he recommended that community impacts from new sources of pollution should be taken into account in this process. Additionally, he noted that regulations could permit businesses to “ratchet down” pollution over time to minimize economic impacts from environmental regulations. Mr. Sheats also suggested that, if a business wants to pollute in an environmental justice community, offsets should be provided that immediately benefit the affected community.

The second portion of Mr. Sheats testimony focused on the backlog of Title VI administrative complaints relevant to environmental justice concerns. Though Administrator Jackson has communicated that she will address these issues, Mr. Sheats said he has seen little evidence of progress on this subject. He called for increased accountability in this matter.

**NEJAC Member Responses**

- Mr. Ridgway explained that the Council will be discussing permitting the following day and announced that EPA is planning to hold public hearings around the country on this issue starting this month. Mr. Ridgway suggested that Mr. Sheats contact him directly for the date and times of these meetings. Mr. Sheats responded by explaining that if the state Department of Environmental Protection is distributing too many Title VI permits, citizens can file a complaint. He noted that because many of these complaints are not being considered, Administrator Jackson has hired staff to address this issue. Mr. Sheats suggested that this issue be mentioned in Plan EJ 2014 to signal to environmental justice communities that it is a priority. Mr. Sheats added that communities of color can file an administrative complaint if they feel that EPA is discriminating with the issuance of these permits. He stated that the complaints do not have to show intent, only the data. Mr. Ridgway responded to Mr. Sheats by citing a case in Washington State where an individual sued the EPA for not carrying out the law.
- Ms. Yeampierre inquired about how pollution from new technologies has affected Mr. Sheats’s jurisdiction. Mr. Sheats explained that his organization has been advocating for pollution from a local waste-to-energy incinerator to be “ratcheted down.” Ms. Yeampierre mentioned that the NEJAC should discuss concerns about how some organizations are citing waste-to-energy facilities as renewable resources.

**2.1.4 Ms. Catherine Peltzer, National Wildlife Foundation**

Testifying on behalf of the National Wildlife Foundation, Ms. Peltzer expressed her concerns about how limited access to climate change grants is affecting low-income communities. Though the organization has not been involved in environmental justice issues historically, she explained that part of the mission of its

Fair Climate Project is to give community organizations access climate change grants. She reported having received feedback that grant training is lacking.

Aside from difficulties surrounding the grant writing process, Ms. Peltzer relayed that permitting can also be an issue. She added that the current cap-and-trade process would put disproportionate burden on low-income communities. She asked the NEJAC to advise the EPA to reshape the role of communities by finding ways that allow communities to “weigh in during the development process.” She noted that this process should be a collaborative one where scientific results are clearly and directly translated to members of the community that may not have scientific backgrounds.

<b>NEJAC Member Responses</b>
<ul style="list-style-type: none"> <li>→ Mr. Targ inquired about how the National Wildlife Federal was using environmental justice grants. He expressed concerns over fraud issues that may develop as a result. Ms. Peltzer explained that the organization shares grant opportunities and is focused primarily on education in urban communities.</li> <li>→ Ms. Robinson asked how the National Wildlife Federation defines environmental justice and how its work in this area has evolved. Ms. Peltzer explained that the Fair Climate Project focus has shifted recently to start engaging with community leaders to inform them on climate change policy and lobbying opportunities in Washington.</li> <li>→ Ms. Miller-Travis inquired about diversity within the organization. She relayed her feeling that the organization should develop relationships to help communities, but allow the communities to have their own voice. She expressed her hope that Ms. Peltzer’s enthusiasm “complements, not supplants, local leadership.”</li> </ul>

**2.1.5 Mr. Jon Fleming, New Partners for Community Revitalization**

Mr. Fleming stated that his organization, New Partners for Community Revitalization, is not principally concerned with environmental justice. Rather, he explained that the organization concerns itself with brownfields, which tend to disproportionately affect low-income communities. He reported that his organization has developed a plan to align resources with these communities, which he referred to as brownfield opportunity areas (BOA). Mr. Fleming focused his testimony on how EJ 2014 could incorporate similar strategies. He said that by supporting BOAs and allowing them to hire their own consultants, Mr. Fleming and his organization have helped environmental justice communities establish a vision for brownfield redevelopment.

Mr. Fleming asked the NEJAC to advise EPA to (1) establish criteria on how to evaluate pilot programs and how they address environmental justice issues, and (2) institutionalize the evaluation process as a core feature of the departments who support it. He also recommended that EPA set aside 50% of EJ funds to go towards community-based organizations and stressed that environmental justice issues should be prioritized across agencies.

<b>NEJAC Member Responses</b>
<ul style="list-style-type: none"> <li>→ Mr. Ridgway asked how communities that haven’t been involved in the brownfield process could catch up with the communities who are farther along. Mr. Fleming suggested that community groups get technical assistance during the application process. He added that the program should be flexible and tailor environmental justice solutions to the community.</li> <li>→ Ms. Miller-Travis asked how Mr. Fleming’s organization addresses the issue of gentrification that can result from brownfield redevelopment. He listed several alternative implementation strategies, including planning studies for community land trusts, land banking, tax increment financing, and tax credit programs that are linked to environmental justice communities.</li> </ul>

**2.1.6 Ms. Beryl Thurman, North Shore Waterfront Conservancy of Staten Island, Inc.**

Ms. Beryl Thurman testified on behalf of North Shore Waterfront Conservancy of Staten Island, a small grassroots organization located on the north shore of Staten Island. She explained how her organization “arrived late in the [environmental justice] game” and has experienced a significant learning curve. She described how the grant-writing process is particularly daunting and inaccessible to small community groups. Ms. Thurman expressed her frustrations over the use of her organization’s intellectual property by government agencies and educational institutions without compensation. She stated, “If we are going to participate, we should get some sort of compensation for this information. We are not being empowered in the way that we are told we are supposed to be empowered.”

NEJAC Member Responses
→ Mr. Ridgway asked Ms. Thurman whether her organization has asked these groups to come to her community and whether she has asked the EPA for technical assistance through grants. Ms. Thurman responded that she had invited these groups but it hasn’t made a difference. She added that the webinars that EPA offers to help with grants are not sufficient for her organization to successfully complete grant applications.

**2.1.7 Ms. Barbara Zimmer, Private Citizen from Long Island City, Queens**

Ms. Zimmer testified to bring the issue of ground-borne vibration from industrial processes to the attention of the NEJAC. She explained that her home is located near several industrial facilities in Long Island City, Queens; and, as a result, she experiences ground-borne vibration at all hours of the day and night. She reported that, though the U.S. does not recognize this form of pollution, Japan and several countries in Europe are aware of this issue. Ms. Zimmer expressed hope that the NEJAC would bring this issue to the attention of EPA. She stated, “I don’t know what I want you to do about it, I just want you to know about it.”

NEJAC Member Responses
→ Ms. Caltron noted that vibration from uranium mining has created structural problems in the cultural resources of some tribes of the Pueblo Indians.

**2.2.0 Day 2: May 11, 2011**

This section summarizes the public comments of individuals who spoke during the General Public Comment session on May 11, 2011.

**2.2.1 Mr. Arnold P. Wendroff, Mercury Poisoning Project**

Mr. Wendroff, a medical sociologist who said he is teaching himself about environmental issues, testified to the NEJAC about his concern regarding the failure of the EPA to address mercury contamination from religious ceremonies in Latino and Caribbean households. He stated that EPA has failed to use the precautionary principle in this issue. He cited two cases where individuals were poisoned in their homes from mercury vapor emitted by previous occupants during religious ceremonies. Mr. Wendroff concluded his testimony by urging the NEJAC to inform EPA about mercury poisoning from religious activities and advise them to form a task force and/or conduct a simulation study to further investigate this issue. Additionally, he suggested that EPA measure mercury vapor levels and waste water from a representative sample of potentially contaminated communities.

**2.2.2 Ms. Jo Anne Simon, Gowanus Community Stakeholder Group**

In her testimony to the NEJAC, Ms. Simon shared her story of how disparate communities can come together to successfully tackle EJ issues. She stated that, in the 1990s, the New York City Department of Transit planned to divert traffic from the Gowanus Expressway through neighborhoods as a part of its planned replacement. She reported that the Department’s initial plan was to build an overpass; however, Gowanus community groups advocated for a tunnel.

Ms. Simon noted that the expressway is an overpopulated 3.5-mile stretch of roadway that cuts off the neighborhoods of Sunset Park and Red Hook from the rest of Brooklyn and “spews pollution” into the air and creates a “physical and environmental barrier.” She added that the most adversely impacted neighborhoods are made up of low-income and minority populations. She reported that community groups fought for an investment study and sued the state and federal government over this issue. She said the lawsuit was settled with an agreement that would provide the project with an enhanced environmental impact study and money to hire independent consultants. She stated that, ultimately, the Department agreed to build a tunnel instead of the planned overpass; however, the enhanced environmental impact statement is currently on hold and the community groups are advocating for a “funding plan that more actively address the environmental health impacts.”

NEJAC Member Responses
→ Ms. Yeampierre asked how the EPA can play a role in addressing disparities in ways that replicate the community-based model that was so successful in Ms. Simon’s case. Ms. Simon suggested that EPA make their environmental justice information more accessible to diverse audiences and translate the information into multimedia formats. She also suggested that EPA treat the community like a client by allowing stakeholder groups to set the agenda, and provide more funding to community groups.

**2.2.3 Mr. Jonathan Ferrer, United Puerto Rican Organization of Sunset Park (UPROSE)**

Fifteen-year-old Jonathan Ferrer testified on behalf of UPROSE and his community of Red Hook, Brooklyn. He explained that the predominately Latino neighborhood of Red Hook bears a disproportionate amount of the environmental burdens imposed by pollution caused by the Gowanus Expressway, power plants, peaker plants, brownfields, and a bus depot. He reported that the effect of the pollution is evidenced in the unusually high rates of asthma, respiratory diseases and cancer experienced in this community. Additionally, he said the community has been identified as a Significant Maritime and Industrial Area (SMIA). Mr. Ferrer explained that young people in the area are worried about how these industrial facilities will affect water quality as climate change brings rising sea levels. He urged the NEJAC to advise EPA to be proactive by working with the National Oceanic and Atmospheric Administration (NOAA) and the Federal Emergency Management Administration (FEMA) in disaster prevention, emissions reductions and climate change resilience.

NEJAC Member Responses
→ Ms. Fisher mentioned that, because FEMA is composed of primarily part-time workers, the organization may not be the best resource. She suggested that Mr. Ferrer and his organization contact NOAA. She added that advocating for zoning law changes may be another good way for UPROSE to approach this issue.
→ Mr. Ridgeway asked Mr. Ferrer how the NEJAC could engage with young people. Mr. Ferrer replied that many young people are unaware of these issues and that education efforts would be a good place to start.



**2.2.4 Ms. Shenay Sneed, Youth Ministries for Peace & Justice**

Ms. Sneed testified on behalf of Youth Ministries for Peace & Justice, a 17-year old non-profit dedicated to preparing youth to be voices for peace and justice by transforming the existing framework. As a young person born and raised in the Bronx, she raised concerns about the area’s air quality. She said that her community, which experiences the highest rate of asthma in the country, is surrounded by three highways, causing the area to be dubbed the “triangle of death.”

In addition to air quality, Ms. Sneed raised concerns about the water quality of the Bronx River, which is highly contaminated by combined sewage outflow pipes. She reported that one of these outflow pipes, HP007, is ranked the 7<sup>th</sup> worst in the state of New York. Additionally, she explained how the underutilized Sheridan highway limits access to two new green spaces in the area. She expressed her belief that, though the project recently won a TIGER grant to investigate alternate uses, the project should get additional funding for redevelopment efforts. Ms. Sneed concluded her testimony by asking the NEJAC to advise EPA to increase air and water quality monitoring in the area. She also suggested that EPA provide more funding to remediate the Sheridan Expressway and redefine brownfields as contaminated and/or underutilized property, instead of contaminated and underutilized.

<b>NEJAC Member Responses</b>
→ Mr. Targ inquired about the TIGER grant. Ms. Sneed explained that the Sheridan Expressway was granted \$1.5 million in TIGER funds to investigate highway use. She said that her community would like to decommission the expressway so the area can be used for affordable housing and green space.

**2.2.5 Ms. Kellie Terry-Sepulveda, The Point Community Development Corporation (CDC)**

Ms. Terry-Sepulveda testified regarding the youth development and economic revitalization of Hunts Point in the Bronx on behalf of The Point CDC. As a native of Hunts Point, she said she sees an abundance of polluting industries located in the area. She stated that, though her organization has had some successes in this matter, Hunt’s Point still has one of the highest asthma rates in the U.S. Ms. Terry-Sepulveda charged President Obama to “invest in sustainable development by ushering young people into green jobs and to regulate pollution,” and she asked the NEJAC to advise EPA to ensure that grassroots organizations are funded enough to move forward on this issue.

She noted that Congressional District 16, which includes the neighborhood of Hunts Point, is one of the poorest in the country and is comprised of a largely African American and Latino population. She stated, “Hunts Point is one of most at-risk communities for youth and forms a portrait of environmental racism.” She gave examples of the environmental burdens carried by the Hunts Point community, including the vehicle traffic from the Fulton Fish Market, several waste-related facilities including a wastewater treatment plant, and three highways. She reported that the area also has the lowest resident-to-parkland ratio in the city. She said that her organization has become a meaningful platform for community advocacy and supports projects that mitigate unfair policy such as the South Bronx greenway, Jose Serrano Park, the riverfront brownfield opportunity area, and South Brother Island. Ms. Terry-Sepulveda concluded her testimony by asking the NEJAC to advise EPA to invest in urban youth, air quality, equitable solid waste management, and sustainable infrastructure.

**2.2.6 Ms. Sally Gellert, Unitarian Universalist Legislative Ministry, NJ**

On behalf of the Unitarian Universalist Legislative Ministry, Ms. Gellert testified against the planned continuous catalyst regeneration (CCR) plant and nitrogen fertilizer plans in Linden County, New Jersey.

She reported that this area already has high asthma rates and that the two projects will exacerbate the already heightened air pollution experienced in the area. She explained that local governments are opposed to these projects. She noted that, in Norway, a similar CCR plant failed because scientists could not find the carbon. Ms. Gellert said that she wants the money to go into renewable energy sources, but she is unable to find the agency that is in charge of permitting. She concluded her testimony on behalf of a friend who expressed concerns regarding the privatization of the U.S. water supply.

<b>NEJAC Member Responses</b>
→ Ms. Hall assured Ms. Gellert that the NEJAC will seriously consider the affects of CCR projects.
→ Ms. Fisher asked Ms. Gellert how the NEJAC could approach the issue of water privatization. Ms. Gellert was unsure but felt that clean water should be a common good that should be distributed by the government instead of private industry.
→ Ms. Wasserman expressed that the NEJAC should expand their purview to include pollution resulting from new technologies such as CCR, hydrofracking, carbon capture and sequestration (CCS), and water privatization.
→ Ms. Horne reported that many countries south of the equator have “enshrined the right to water and food into their constitutions.” Though she recognized that NEJAC does not have the authority to do the same, Ms. Horne stated that it is important to understand these issues.

**2.2.7 Mr. Henry Rose, New Jersey Environmental Justice Alliance**

Mr. Rose spoke on behalf of the New Jersey Environmental Justice Alliance, where he is the Statewide Coordinator. Because environmental justice is both a social and environmental issue, he expressed his belief that action is especially important. He asked NEJAC to use the following framework for future environmental justice policies:

1. Center and contextualize the environment
2. Show preference for the poor
3. Examine power and the logic/language of the opposition
4. Create comprehensive policies
5. Understand that the needs of the earth and the needs of people are not in opposition.

Mr. Rose continued his testimony by voicing his frustration over his belief that New Jersey Governor Chris Christie favors business over environmental and social issues. He urged the NEJAC to “challenge the status quo” and plan for climate change.

<b>NEJAC Member Responses</b>
→ Ms. Yeampierre explained that NEJAC comes from a place of justice and expressed her understanding that climate change would exacerbate these issues.
→ Ms. Fisher lamented the fact that EPA uses the model of a 35-year old white male to assess risk. Because different ethnic groups metabolize poison in different ways, Ms. Fisher stated that the NEJAC should advise EPA to change this model.
→ Ms. Robinson agreed with Ms. Fisher’s statements but warned that minorities have been historically misused by western medicine. She cautioned that these populations should not be tokenized.

**2.2.8 Ms. Kimberly Armstrong, Diamond Development Consulting**

Ms. Armstrong spoke on behalf of her business, Diamond Development Consulting, a consulting firm dedicated to helping businesses ensure sustainability. She informed the NEJAC of her professional



background in youth criminal justice, and asked the body how criminal justice and environmental justice could be integrated. She noted that many ex-offenders leave prison without a job. Ms. Armstrong expressed her desire to see this community of ex-offenders employed in ways that help the environment. She asked the NEJAC to advise the EPA to “follow the money” when distributing grants.

NEJAC Member Responses
→ Ms. Miller-Travis invited Ms. Armstrong to the Environmental Justice and Sustainable Communities Work Group on the 4 <sup>th</sup> Thursday of every month in the Old Montgomery Ward Building in Baltimore. She also suggested that ex-offenders be trained to clean up lead. Ms. Armstrong concurred with the suggestion and expressed concern about the neurological effects of lead poisoning in children.
→ Mr. Targ agreed with Ms. Armstrong’s assertion that federal agencies should track grant funds, especially in regards to green job grants.
→ Ms. Hall suggested that Ms. Armstrong read Joyce Ann Brown’s book, <i>Justice Denied</i> .

### 2.2.9 Ms. Marian Feinberg, Environmental Health and Justice

Ms. Feinberg spoke on behalf of Casa Puedo, a Goldman Prize-winning community group based in Puerto Rico, whose members could not join the NEJAC meeting due to economic and geographic challenges. She expressed her belief that distance and money are often problems for grassroots organizations that cannot afford to travel to environmental justice meetings. Her testimony focused on Casa Puedo’s opposition to a proposed natural gas pipeline in Puerto Rico.

Ms. Feinberg expressed concern over the permitting process of this project and informed the NEJAC that important U.S. Army Corps of Engineers (USACE) documents related to the project had been seized from the Puerto Rico office and moved to the Jacksonville, Florida, office. She reported that USACE believes that the pipeline will not pose a problem for the community, but Ms. Feinberg disagrees, saying that the project will impact 92 miles of wetlands. She also expressed her feeling that USACE may be under the influence of the private sector. She explained that the pipeline, which will run north to south from the Atlantic Ocean to the Caribbean to provide energy to Puerto Rico, has already been opposed by Congressman Gutierrez. She added that opposition groups have published testimony about the potential effects of the project on sacred sites.

NEJAC Member Responses
→ Ms. Yeampierre responded to Ms. Feinberg’s testimony by asserting that the core tenet of environmental justice is to permit affected groups to speak for themselves. She explained that several NEJAC members travel regularly to Puerto Rico to speak with local activists. She informed Ms. Feinberg that there are other channels such as conference calls that allow members of distant community groups to have a voice.

### 2.2.10 Mr. Hilton Kelley, Community In-Power and Development Association

Mr. Kelley began his testimony by asking the NEJAC to advise the EPA to stop approving rules that prevent businesses from paying for environmental justice infractions. He expressed his belief that there should be a no-tolerance policy for businesses found in non-compliance and that environmental justice communities should be entitled to reparations for damages. Mr. Kelley told the NEJAC about a power plant failure that resulted in a major explosion that killed several members of an environmental justice community in Texas. He urged EPA to help victims and their families get reparations for incidents like these.

**2.2.11 Mr. Mutope-A-Alkebu-lan, Eye of Heru Study Group**

Mr. Mutope stated that he had traveled from Detroit, Michigan, to testify before the NEJAC despite his hesitation about large organizations. He explained that Detroit is suffering from high rates of asthma, cancer, unemployment, insurance, foreclosure, lead poisoning, obesity and infant mortality, among issues. Mr. Mutope asked the NEJAC to advise EPA and other agencies to investigate the following issues within the next 6 months:

- East Side Waste Incinerator
- Medical waste incinerator at Ford Hospital
- Mericon Oil Refinery technology
- Fermi 2 Detroit Energy Site
- Master Metal Superfund cleanup
- Copper and Brass Site
- Emissions from the Ford Rouge plant
- Southwest Detroit and Del Ray communities

Mr. Mutope also asked the NEJAC to create a strategy that allows state legislators and legislation to circumvent city charters.

NEJAC Member Responses
→ Ms. Caltron invited Mr. Mutope to the EPA Community Involvement Conference that will be held in Detroit in August.
→ Ms. Yeampierre asked how the NEJAC can help shape policies that can benefit environmental justice communities in cities like Detroit and Baltimore.
→ Mr. Targ suggested that Mr. Mutope reach out to the EPA Region 5 Coordinator Eileen Deemer after the meeting.
→ Ms. Margaret May, Executive Director, Ivanhoe Neighborhood Council, explained that the NEJAC is charged to listen to the public and make recommendations to EPA. She clarified that the Council does not have the authority to “go to Detroit and act.”

**2.2.12 Ms. Ana Baptista, Ironbound Community Organization**

Ms. Baptista spoke on behalf of her Newark-based community organization, Ironbound, where she is the Director of Environmental Justice Programs. She explained that Ironbound is an environmental justice community surrounded by two ports, the Newark airport, and the largest garbage incinerator in Newark. She asked the NEJAC to help her organization with two issues that would encourage cumulative, positive, impacts in her community:

1. Ensure accountability for commitments regarding Port facilities. Ms. Baptista asked the NEJAC to follow up with EPA’s progress on fulfilling its commitment to monitoring materials movement. She noted that her organization has seen little change on-the-ground. She expressed her understanding that EPA distributed \$7 million for a truck replacement project, but she has seen very little actual truck replacements.
2. Harmful incineration facilities. Ms. Baptista noted that these facilities have been seeking considerations from the government to be designated as renewable energy sources as a way to receive tax credits. She asked the NEJAC to weigh in on the impact of mass burning of waste like gasification and to promote zero-waste facilities.

**NEJAC Member Responses**

- Mr. Marsh pointed out that the Goods Movement report and EPA’s response showed how the NEJAC can affect change within EPA. He acknowledged that it can be hard to hold EPA accountable.
- Ms. Yeampierre suggested that Ms. Baptista raise questions at the IWG meeting the following day.

**2.2.13 Mr. Jon Fleming, New Partners for Community Revitalization**

Mr. Fleming followed up on his previous testimony regarding displacement and gentrification of environmental justice communities as a result of brownfield redevelopment. He suggested that EPA partner with the U.S. Department of Housing and Urban Development (HUD) or his organization to seek an avenue to address these issues. Mr. Fleming suggested that EPA incentivize developers to work with community organizations to envision the future of brownfield properties.

**NEJAC Member Responses**

- Mr. Marsh mentioned the Partnership for Sustainable Communities as a way for all three agencies to work with NGOs on selected projects.

**2.2.14 Mr. Nicky Sheats, New Jersey Environmental Justice Alliance**

Mr. Sheats offered a second testimony to the NEJAC to discuss how climate change policy should not only address greenhouse gas emissions, but other pollutants such as nitrogen oxides (NOx), sulfur oxides (SOx), particulates, etc. He expressed his belief that EPA should lower its particulate matter standards from 15 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to 14  $\mu\text{g}/\text{m}^3$ . Mr. Sheats asked the NEJAC to advise EPA to reduce particulate matter standards to 11  $\mu\text{g}/\text{m}^3$ . He raised the issue of CCS and the “false idea” of clean coal. He explained that even if CCS works, it would significantly lower air quality standards in the surrounding communities. He asked the NEJAC to ensure that environmental justice issues are mentioned in CCS discussions.

**NEJAC Member Responses**

- Ms. Victoria Robinson explained that the EPA is working to bring more environmental justice advisors to the Clean Air FACA committee. She asked Mr. Sheats to suggest people who could serve on this committee.

**2.2.15 Ms. Lori Johnston, Southeast Indigenous People**

Ms. Johnston focused her second testimony to the NEJAC on how the culture of over-consumption and “colonial escapism” affects land resources of the entire population. She invited the NEJAC to “work with, not through, the southeast indigenous people” and promote open communication between tribal groups and decision makers working on climate change mitigation policies.

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**APPENDIX B**  
**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL PUBLIC MEETING**  
**MAY 10-12, 2011**

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**APPENDIX C  
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL PUBLIC MEETING  
MAY 10-12, 2011**

**WRITTEN PUBLIC COMMENTS**

The following pages present the written testimony of the individuals and organizations that submitted to the NEJAC. No changes or modifications were made to the text.

Appendix C includes the written testimony of the following 12 individuals and organizations, arranged by alphabetical order:

<b>Individuals Who Provided Public Comments</b>		
<b>Section</b>	<b>Name</b>	<b>Organization</b>
<b>C1.</b>	Ms. Janet Doyle	Concerned Citizen from Manassas, Virginia
<b>C2.</b>	Ms. Vanessa Frazier	Howardville Community Betterment
<b>C3.</b>	Mr. Hilton Kelley†	Community In-Power and Development Association
<b>C4.</b>	Rev. Robert Murphy	Unitarian Universalist Fellowship
<b>C5.</b>	Mr. Marvin Robinson II	Quindaro Ruins / Underground Railroad-Exercise 2011
<b>C6.</b>	Mr. Jon Fleming*†	New Partners for Community Revitalization
<b>C7.</b>	Ms. Lori Johnston*†	Southeast Indigenous People
<b>C8.</b>	Ms. Janice Moynihan	Sustainable Long Island
<b>C9.</b>	Ms. Beryl Thurman†	North Shore Waterfront Conservancy of Staten Island, Inc
<b>C10.</b>	Mr. Arnold P. Wendroff†	Mercury Poisoning Project

\* Denotes those who verbally addressed the NEJAC during the **May 10<sup>th</sup>** public comment period

† Denotes those who verbally addressed the NEJAC during the **May 11<sup>th</sup>** public comment period

**C1. Ms. Janet Doyle, Concerned Citizen from Manassas, Virginia**

*Ms. Doyle submitted the following written comment to be included in the public record. She did not attend the meeting.*

The issue in which I am interested concerns the inability of persons living in Prince William County, Virginia, who rely on private wells for their drinking water, to ensure the protection of their wellhead. My own drinking water supply was tainted when a greedy County Supervisor pushed for dense infill development behind my home on the recharge area to my aquifer. His only concern was in obtaining the proffer money from the houses rather than in the protection of the people who rely on private wells near the Chesapeake Bay. The Supervisor knew that my home was on an environmentally sensitive area (i.e. situated between the watershed boundary and an intermittent stream channel), yet allowed for the filling in of wetlands and intermittent stream channel that were keeping my property dry. As a result we are left with unpotable water, severe erosion, structural damage to the house, a proliferation of noxious weeds and severe flooding.

Our watershed and aquifer were mapped long before the construction started. It is not enough for these big developers to “perform in accordance with the permits” when the permits should not have been issued to them in the first place. I have spent countless thousands of dollars trying to mitigate the damages for a problem that cannot be fixed and only gets worse. My husband and I have been continuously ill since the start of the construction. We have nothing left and cannot even sell our house.

As communities continue to grow, people who rely on private wells for their drinking water can no longer protect themselves from greedy politicians and developers. Where is the justice in that?

**C2. Ms. Vanessa Frazier, Howardville Community Betterment**

I remain concerned about the **transparency and accountability** regarding Environmental Injustice grant awards and w/ CERCLA compliance of awarded grants. A few of the projects taking place across the country do not include minorities or serve minorities, tribal and underserved minority populations.

**APPENDIX C  
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL PUBLIC MEETING  
MAY 10-12, 2011**

**WRITTEN PUBLIC COMMENTS**

There has got to be a way for the poverty stricken and other underserved communities to directly benefit from this program. It might help if the people that selected the awards be rotated out, every couple of years. Including some of our representatives who are not so friendly to the environment.

Special interest groups always have someone on the inside re-directing or channeling awards. There are worthy organizations, whose submissions are being deleted (and never receive notification of elimination or award). Thanks.

**C3. Mr. Hilton Kelley, Community In-Power and Development Association**

**EPA SHOULD STOP APPROVING RULES THAT ALLOW COMPANIES TO AVOID PAYING MONETARY PENALTIES FOR VIOLATIONS THAT IMPACT EJ COMMUNITIES**

This Administration talks a lot about environmental justice. While there's a lot that needs to be done to truly bring about such justice, at the most basic level EPA needs to have a "no tolerance" policy for violations of existing laws in EJ communities. And EPA needs to make sure it recovers penalties that take away any benefit the company got from noncompliance AND that reflect the harm to local communities.

Instead, what EPA is doing is weakening the Clean Air Act's enforcement provisions. EPA is approving rules that prevent the agency and the public from obtaining monetary penalties for the very violations that cause the greatest harm to EJ communities. Upsets release huge amounts of pollution. They make people cough. Their eyes water. They have trouble breathing. Their kids have asthma attacks and miss school. Certainly these violations, whatever their cause, should be subject to monetary penalties.

Instead, EPA's policy says "too bad" to EJ communities. We're not going to make companies pay a penalty for these violations because the companies were trying their best to comply. Meanwhile, we'll go ahead and let the communities around the plants pay the price for the emissions with their health and safety and well-being.

These rules put too much power in the hands of companies to thwart citizen enforcement efforts by claiming that the illegal emissions meet the affirmative defense criteria, and then using up citizen's little financial resources on massive discovery and expert fights over whether or not a company really did everything it should have to prevent the illegal air pollution.

These rules are not fair. EPA needs to repeal its guidance allowing states to adopt these rules, eliminate the rules from state implementation plans, and remove them from the hazardous air pollutant rules. As a first step, EPA should grant our petition to reconsider the Texas upset rules and start a real dialogue about what is a fair enforcement policy for EJ communities.

**C4. Rev. Robert Murphy, Unitarian Universalist Fellowship**

**RELIGION AND ENVIRONMENTAL JUSTICE**

My name is Robert Murphy. I'm a parish minister, on the coast of Massachusetts. So I care for a congregation and a set of communities that often stands in harm's way. On Cape Cod, we're concerned about global climate change, because we're exposed to hurricanes and the threat of coastal flooding. We're concerned about toxic dumping and threats to our drinking water supply. We're worried, also, about the rising costs of energy and food, because we already pay some of the highest consumer prices in the United States. My church is involved with a variety of environmental justice issues.

I want to speak, very briefly, today, about religion and environmental justice. The Abrahamic traditions include Judaism, Islam, and Christianity, and some other traditions.

**APPENDIX C**  
**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL PUBLIC MEETING**  
**MAY 10-12, 2011**

**WRITTEN PUBLIC COMMENTS**

I'll offer an observation that may surprise some people, including some environmentalists. Simply stated: "If you want to understand the environmental justice movement, start with the Book of Exodus." Even if you're an agnostic or an atheist, I encourage you to go back to rediscover the Exodus story. And, then, ask the question that's really important, "Why has this story of liberation survived, for so many centuries, and why is it still important to people of faith in every part of today's world?"

I suggest that the Book of Exodus is the oldest, and the best-known, of the environmental justice narratives. It's honored by Muslims, Christians, and Jews, and others. In African-American churches, especially, there is a long tradition of singing hymns and telling stories that are inspired by the escape from slavery in Egypt. And, of course, there are many people who pause, every year, to celebrate the season of Passover.

The Exodus story is very simple: According to the Bible, the people who owned and managed ancient Egypt were rich, sophisticated, and powerful, and, in some ways, ancient Egypt was very attractive. When there was a famine in the Middle East, Joseph's family fled to Egypt, where Joseph was already established as a high-ranking official in the Egyptian government. Egypt looked like a nice place.

However, something went wrong in ancient Egypt. If you study the problem, and do some reflection, you'll understand why the environmental justice movement developed and you'll know why it still matters.

The rulers who owned and managed ancient Egypt were concerned about their natural environment. They had some of the best engineers, architects, physicians, and scientists in the ancient world. The rulers developed an elaborate system for nature worship, so they had temples to honor cats, and crocodiles, and every year there were elaborate festivals to honor the Nile River. Pharaoh was concerned about air quality and water quality. However, the Bible tells us that Pharaoh wasn't interested in human rights. At the bottom of the social pyramid, the Hebrew slaves were forced to do the dirty and difficult work that made Egypt's power and prosperity possible. Egypt was a divided society and it was a corrupt society.

A healthy society can survive during difficult times. However, ancient Egypt wasn't a healthy society. According to the Bible, one environmental crisis followed another - the scholars talk about "the plagues of Egypt" - and many people said that God was punishing the rulers of Egypt. After much suffering, and a lot of confusion, the Hebrew slaves fled into the wilderness to create a new kind of society. In the books of Leviticus, Numbers, and Deuteronomy you can read about their wilderness experience.

Some of you may ask, "Is the story true?" You're free to answer that question in your own way. What may really matter, for today's discussion about environmental justice, is the question that was asked earlier in my comments. "Why has this story of liberation survived, for so many centuries, and why is it still important to people of faith in every part of the world?" Why do I mention the Exodus story?

The answer is simple: The Book of Exodus, and the books that follow, tell us that environmental protection is important. The ancient Hebrews had to manage camps and villages and they were very concerned about pollution problems. So, in some ways, the ancient Hebrews were like the ancient Egyptians, when it came to some very practical matters. In the Middle East, everybody is concerned about protecting the public's drinking water supply. However: The Bible tells us that there was a big difference between the escaped slaves and the slave-owners in Egypt. The Egyptians cared for their natural environment, while abusing people. The Hebrews wanted to live in a different way.

Think about that bit of irony: It's possible that the roots of Western religion can be traced back to an environmental justice story. There's a lot more that needs to be said about the origins of the Abrahamic tradition, but, still, in the midst of your current projects, I encourage you to think about people like Moses, and his brother Aaron, and their sister Miriam, and Moses' wife Zipporah. They may have been some of the first advocates for what we now call "environmental justice." Please keep them in mind.

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Keep the Exodus story in mind, when you go into the world to organize for environmental justice. Don't be surprised if you meet some people who think and talk like Pharaoh and Mrs. Pharaoh. "By their fruits you will know them," as one of the great leaders in the Middle East once said. You'll be told that the world will be a better place when the human population is reduced, and you'll be told that people waste too much energy and food, and it will be argued that "everybody has to make sacrifices so that we can protect Mother Earth." When you talk about problems like racism and poverty, don't be surprised when you meet people who say, "Well, those aren't real environmental issues. We need to look at other matters."

Talk with Christians, and Jews, and Muslims, and others, about the Book of Exodus. It will do some good. As you work together, you'll come to a better understanding of what environmental justice means. Together, we can move away from Pharaoh and his understanding of environmental protection. We may be in the wilderness for a few years, and there will be some difficult moments, but if we want to create environmental justice for all people, we'll have to break away from ancient Egypt. Amen.

**C5. Mr. Marvin Robinson II, Quindaro Ruins / Underground Railroad- Exercise 2011**

Come 17 May 2011 will mark the 24th consecutive year of my co-ordination / out-reach, network and Team Building attempt to seek and obtain simple factors regarding the QUINDARO RUINS / UNDERGROUND RAILROAD - the largest archaeological UNDERGROUND RAILROAD in all of NORTH AMERICA - that leadership tried to make / allow being converted into ANOTHER toxic waste dump!

Quindaro Ruins/ Underground Railroad is a premiere ENVIRONMENTAL JUSTICE- POLLUTION PREVENTION site and is situated along the banks of the Missouri River and was the only FREE-PORT-of-Entry off the Missouri river to assist the African fugitive run-away enslaved freedom seekers, with the help of New England Emigrant Aid Society / Abolitionist - alongside the French Canadian Wyandotte Indians.

So, had I had the money to come to the NEJAC in BROOKLYN, I would have tried to EXPRESS the tremendous gratitude and importance of this pre-American Civil War archaeological site, that almost became a dump: And the current - ENDOWMENT through the WYANDOTTE COUNTY PARKS FOUNDATION as a LAUNCH PAD.

To re-assure the public, that womb and cradle of the western world's shrine to LIBERTY: almost became just another toxic waste dump, but- due to the conscience - deliberate organizations in the grass-roots communities and the COURT of PUBLIC OPINION this PREMIERE ENVIRONMENTAL JUSTICE and Pollution Prevention site is poised to be taken into the future for Americans, yet- unborn to better comprehend the struggles and sacrifices from many cultures and races in our great NATION!

Thank you.

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**C6. Mr. Jon Fleming, New Partners for Community Revitalization**



**Statement to the National Environmental Justice Advisory Council  
On Plan EJ 2014,  
Supporting Community Based Action Programs Implementation Plan  
(Strengthening the Area-Wide Approach to Brownfields Redevelopment and  
Community Revitalization)  
Submitted by John Fleming  
May 2010**

*Final, May 10, 2011*

Good afternoon. We thank the members of the National Environmental Justice Advisory Council for the opportunity to provide input on EPA's policies. I am John Fleming, the Policy Director for New Partners for Community Revitalization (NPCR), a nonprofit organization working to revitalize New York's low- and moderate-income (LMI) neighborhoods and communities of color, that have been disproportionately impacted by multiple brownfield sites. NPCR was co-founded by Mathy Stanislaus and Jody Kass during the policy debates leading up to New York's Brownfields law which passed in 2003. Our Board consists of EJ leaders, affordable housing developers, environmentalists, lenders and insurers. NPCR seeks realistic and effective approaches to brownfields redevelopment and community revitalization which balance the concerns and perspectives of these multiple stakeholders.

NPCR is not an environmental justice (EJ) organization, although it was co-founded by a well-know EJ leader, Mathy Stanislaus, and has always included EJ leaders on its Board. We provide technical assistance to several EJ CBOs in NYC with their efforts to implement the area-wide approach to brownfields redevelopment – in New York called the Brownfields Opportunity Areas Program, or BOA. We also engage in advocacy efforts to improve brownfields and other public policies that impact community revitalization. Our agenda is informed by on-the-ground projects and input from NYC's grassroots EJ CBOs. In short, supporting NYC's grassroots CBOs is a core commitment of NPCR.

NPCR has two main areas of concern: i) how important the area-wide approach to brownfields redevelopment and community revitalization is – and how it is rooted in EJ and how its tangible elements can be institutionalized so that the area-wide approach can be a strengthened tool to achieve community supported and community-led revitalization; and ii) how to make EPA's brownfield programs work better for LMI and communities of color. Today I will speak with you about the area-wide approach; and my comments tomorrow will be focused on the EPA's brownfield programs. These comments generally apply to Plan EJ 2014's *Supporting Community Based Action Programs Implementation Plan, Strategy 2* – aligning EPA's programs.

We are delighted that the EPA recently launched an Area-Wide Brownfield Pilot Program, which is acknowledged as being modeled on the NYS Brownfield Opportunity Areas Program, referred to in New York as the BOA program. We see this as an important first step in creating and institutionalizing what

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**C7. Ms. Lori Johnston, Southeast Indigenous People**

April 6, 2010  
The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

**Southeast Indigenous  
Peoples' Center**



PO Box 4003  
Eatonton, Georgia, 31024  
706.481.8244  
[SoutheastPeoples.org](http://SoutheastPeoples.org)

Dear Ms. Jackson,

The mission of Southeast Indigenous Peoples' Center, an NGO founded in 2008, is to protect the rights of culture, subsistence, and heritage needed to preserve and restore the lands and Peoples' continued existence. In planning for immediate and environmental planning and implementation needs we are researching opportunities for southeast indigenous Peoples. SIPC would like to work with the US Environmental Protection Agency to develop programs or share information with southeast indigenous Peoples about the programs you have available for southeast Natives.

How can your agency work with southeast indigenous Peoples to:

1. Create a dedicated coherent program to focus on climate change mitigation, climate change impact preparation and mitigation, and the survival of all Peoples suffering under US environmental policies?
2. Restore our ecosystems to health so they can adapt to the climate changes of heat, drought, erosion, flooding, changes in winds and water currents, increased storm intensity and frequency, and other weather extremes that cause hunger, exposure, dislocation, and possible extinction of living things?
3. Rebuild indigenous communities that are intertwined with our ecosystems destroyed by colonial warfare, invasion, and occupation?
4. Rebuild our communities in a manner that respects our ecosystems and mitigates climate changing carbon emissions, the bulk of which are created by newcomers in indigenous lands?
5. Respond to inquiries of Mississippi Delta indigenous Peoples about storm impact mitigation in the wake of Katrina, Rita, and Gustave damage to the ecosystem, which was worsened by prior damage to the ecosystems and work to prevent such US contribution to ecological disasters?
6. Develop community development and relocation plans for climate change victims that mitigate the causes of climate change and mitigate the impact of climate change by improving the health of the ecosystems?
7. Responsibly site, construct, and connect communities to locally fueled energy plants in harmony with indigenous ecosystems so they do not damage the environment if destroyed and are more likely to operate in the isolation of storm aftermaths?
8. Respect indigenous laws regarding discharges into indigenous waters, winds and Greatgrandmother Earth?
9. Respect indigenous laws regarding manufacturing, transporting, dumping, storing of toxic and radioactive waste?



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**C8. Ms. Janice Moynihan, Sustainable Long Island**



To: US EPA  
From: Sustainable Long Island  
Re: Draft *Supporting Community-based Action Programs* Implementation Plan  
Date: April 29, 2011

With the publication of Plan EJ 2014, the EPA has re-dedicated itself to addressing nationwide environmental justice concerns. The plan calls for recognition of community health, community empowerment, and partnerships as important goals to achieve by integrating environmental justice considerations into the Agency's programs and policies. As we move towards more equitable and sustainable development, it becomes incredibly important to understand the value of community and create opportunities for those overburdened by pollution, health hazards, and other environmental harm to participate in the process. This begins with honest community engagement, conducting outreach and connecting community members with each other and their local, state and federal officials, as well as to the knowledge and resources needed to create their own strategies and solutions.

Sustainable Long Island is a nonprofit organization whose mission is to promote economic development, environmental health, and social equity for all Long Islanders. We are a catalyst and facilitator for sustainable development across Long Island, cultivating the conditions, identifying resources and providing tools to make smart growth happen in Long Island's economically distressed communities.

Sustainable Long Island prioritizes the involvement of diverse stakeholders and the community in its efforts to revitalize communities. Our work across Long Island emphasizes community engagement, recognizing that establishing a unified, organized, and skilled coalition of community members is a critical component to advancing sustainable development and environmental justice throughout the region. From the bottom-up, we work with the people who live in our neighborhoods- residents of all ages, community leaders and clergy - coming together over shared concern for their community to develop new solutions. From the top-down, we work with public officials and other leaders to change policy and identify resources at the village, town, county and state levels to achieve those solutions.

Sustainable Long Island supports the desired outcomes of the Draft *Supporting Community-based Action Programs* Implementation Plan and commends the EPA for their emphasis on the significance of community. We believe that these goals will help to promote integration of environmental justice considerations into a broad spectrum of federal government programs. By enhancing placed-based community programs through better information access, coordination, and leveraging, the EPA will create many more opportunities to engage stakeholders in the process and to better identify and address a community's needs and desires. The strategies set forth in the plan have the potential to serve as a model for other federal, state, and local agencies interested in coordinating and streamlining processes.

Over the course of the past twelve years, Sustainable Long Island has facilitated community planning processes in more than a dozen communities throughout Long Island. This work has established strong

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partnerships between our organization, community members, local community organizations, and elected officials that have helped to advance the goals set forth in the community plans. These coalitions have remained an integral part of our work, and we are committed to building local capacity and empowerment by sharing skills, knowledge, and resources necessary to create vibrant communities.

Through our Community Roundtables Program, Sustainable Long Island has been successful in convening stakeholders, creating partnerships and exchanging information about challenges, opportunities, and models for development that advances sustainable, equitable development. Each roundtable focuses on a specific theme and engages community leaders, universities, state agencies, banks, builders and other experts in an interactive discussion to share resources, best practices, and lessons learned. The general presentations are followed by an interactive session where the community partners share information and experiences with each other. This program has been a tremendous success in bringing community leaders and members from different municipalities together to share their experiences.

Sustainable Long Island is the nonprofit leader of brownfields redevelopment on Long Island, offering a unique perspective and understanding in this area through our work with community organizations over the past twelve years. Our Brownfields Redevelopment Program was developed as a result of discussions with community members, government officials, and business leaders to identify tools, programs and policies to create an effective strategy for the approximately 6,800 brownfields on Long Island. Sustainable Long Island advocates for community engagement throughout the revitalization process, as well as using an area-wide planning approach to redevelop brownfields. We have worked with several municipalities to facilitate collaboration within low-income, minority communities across the region to create a unified vision that addresses local environmental contamination while improving community health, enhancing the local economy, and protecting natural resources.

While in the process of identifying elements of other community-based programs that advance environmental concerns, build partnerships, and support sustainable development, the EPA should make a concerted effort to create a diverse set of tools and strategies that recognize the uniqueness of each community. Additionally, the EPA should promote techniques that foster honest community engagement throughout the process to ensure participation from a widespread, representative population. In our role as facilitator of equitable, sustainable development across Long Island, we have learned that encouraging an open exchange of information between stakeholders at the beginning of the process helps to create partnerships built on trust and establishes a foundation from which to improve community and environmental health. To truly integrate environmental justice considerations into EPA's programs and policies, the process must start by actively engaging the community.

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**C9. Ms. Beryl Thurman, North Shore Waterfront Conservancy of Staten Island, Inc.**



The North Shore Waterfront Conservancy of Staten Island, Inc.  
P.O. Box 140502  
Staten Island, New York 10314

April 25, 2011

NEJAC  
Public Comment Session...

Reference: Why is our government setting up the Environmental Justice Communities for Failure? Especially when all things are not equal.

For the past 12 years I have been involved with the Environmental Justice movement in my community it has been a difficult and painful process - as any of you can imagine. I don't think that any of us started out with much beyond having a passion to help our people and our communities.

Then at some point you realize that you really can no longer afford to do this voluntarily, it is not only draining emotionally when you can't reach everyone that you need to, but it is also personally financially draining when most of your costs are out of pocket. At some point you decide to apply for grants, but what no one tells you is that by applying for grants this is yet another full time job that you must invest your time into, time that no one is paying you for.

The process of filing an application with the Federal Government is on the same level of intensity of having an entire month of College finals. With no guarantee that you will receive the desired outcome - funding. Practically every month we receive notices telling us that these various grants are available, and you think if we could just get one that would help us for at least a few months to year. It might also relieve some of the pressure that we are experiencing.

But then as you try and weed through the grant which is 10 pages and 60 or more of references pages, you start to realize this is not as easy as you had hoped. You then realize that you will need a professional licensed accountant to wade through the financial portion to answer all those questions.

Then they ask you for all of your contact information and to sign onto Dunn Bradstreet for a number that we must have in order to complete the application. Once you give this contact information to Dunn and Bradstreet they feel obligated to provide this information in their publication that is used by every sales person in the country. And these sales people will call you even though your home phone number, which is the only number that your grass roots organization has, is on the Nation wide DO NOT CALL LIST !!!!!

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We then find out that we failed to meet the criteria of the grant. Or that the competition was too great and we being a small grass roots organization we could not compete with the larger organizations, colleges or universities nation wide. Which was no surprise to us, because it would be the same as a small town museum trying to apply for grant money against the Smithsonian. We truly can't compete with organizations and institutions that have more resources, more exposure, more brand name recognition than we do.

It really does become a Really... are you Serious? And a of course we can't compete. And why would you think that we could? Situation.

So not only do we not get the grant, but we have the pleasure of being annoyed by total strangers calling us to try and sell a service that we don't need and can't afford. And we get these calls for an entire year or better....

I have asked the EPA why is the grant process filled with these tortures trials and tribulations and they said that it was because of congress. That congress wants to make sure that we are not - for a lack of a better phrase - on the take. And so they have made all of these stipulations that must be followed and also have wrangled in the Internal Revenue Service into helping out with this. Two of the most confusing areas of our government that I have ever seen, people who invented lengthiness, or whose motto should be - why say two words, when you can say a hundred that mean the same as the two.

All of this is too say that when you have a population of people that have been in this country for hundreds of years and are to this very day being discouraged from moving upward and onward collectively, because of obstacles and institutionalize bigotry, there is something definitely wrong with the Federal grant process too. As all things are not equal.

As it stands the EPA's grant application process is most unforgiving. And there should be specific funding set aside for grass roots EJ organizations that don't have the wherewithal to compete, but still have just as much at stake in their communities as the more established organizations and institutions. And I may be wrong in how I'm seeing this, but if the larger organizations or colleges or universities do not get a EPA grant, most likely it may not break them. However, for a small grass roots EJ organization like mine, if we do not get a grant, or any sustainable funding during the year, there may not be a next year for us and for our communities.

In regard to what congress wants in a fool proof way of making sure that we are not scamming them or the American people. Let congress try and complete one of these grant application without any assistance from their staff, a CPA or any one else and see how well they perform? Congress should not make demands of "*the people*", that they themselves cannot do.

Thank you for your time and consideration,

Sincerely,

Beryl A. Thurman, Executive Director/President  
NSWC

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**C10. Mr. Arnold P. Wendroff, Mercury Poisoning Project**

*In addition to the following written comment, Dr. Wendroff submitted 89 electronic files to the NEJAC as supporting written documentation in the form of a) Journal Papers; b) Newspaper Articles, and c) Letters from EPA.*

Dear NEJAC Membership,

In 1996, under the heading "Environmental Justice Issues Related to Health and Research," the **NEJAC** report Summary of the Meeting of the National Environmental Justice Advisory Council - Detroit, Michigan, May 29-31, 1996, included the "**Domestic Use of Mercury**." The NEJAC submitted to EPA:

*Health Resolution No. 4: [of 6]*

NEJAC requests that OPPTS and OECA examine and report back at the next meeting the extent to which mercury poisoning associated with domestic use in cultural practices is a health problem, and where the responsibility lies within the federal agencies to address this issue.

One might well assume that no federal agency has responsibility to address this issue, as to date, nothing of a *substantive* nature has resulted from that NEJAC submission to the EPA Administrator. Since 1996, considerable literature has been published on the **magico-religious and ethnomedical uses of elemental mercury in Caribbean and Latino communities**. That literature, which I am presenting under separate cover, strongly suggests that many thousands of Caribbean and Latino homes have been contaminated with mean weights of some 10 grams of elemental mercury intentionally sprinkled on their floors, in the belief that mercury wards off evil and attracts good. This data, and the manifold city, state, and federal warnings of dangers inherent in magico-religious mercury use, coupled with the failure of EPA to conduct the basic environmental research that would define or disprove the existence of the problem, illustrates **the intentional flouting of the Precautionary Principle** by both the EPA and many members of the environmental justice community, including some NEJAC members. EPA's Offices of Environmental Justice, and Children's Health Protection have been especially remiss, as have OSWER and OPPT.

The fundamental research question addressing this source of toxic contamination of housing, is: **What are the levels of mercury vapor in a representative sample of apartments in Caribbean and Latino communities where mercury is known to have been sold for ritualistic use?** Indeed, as the ATSDR specifically stated in its March 1999, Toxicological Profile for Mercury:

A unique exposure pathway that has received little research attention is the **exposure to children from religious and ethnic uses [of mercury] in homes** and cars or in remedies containing metallic mercury (ATSDR 1997); Johnson [in press[May 1999]]; Wendroff 1990, 1991). In some religious practices of Latin American or Caribbean origin, there are traditional rituals or remedies that involve mercury. They include **intentional sprinkling of mercury on the floor**, burning candles with mercury, using mercury in baths, adding it to perfume, or wearing small containers of mercury around the neck for good luck. **There is an urgent need to obtain information on the levels of exposure from these practices to determine if children or adults are at risk.** Mercury vapor levels may be much higher ... during the winter months when the heat is turned on and the windows are closed, so data that reflect a variety of possible exposure scenarios are also needed.

The only attempts to obtain such data were made by the NJDEP in 2002 and 2007. However, NJDEP did not measure mercury vapor levels in apartments, as ATSDR had recommended, but rather in public hallways of heavily Cuban and Dominican-occupied apartment buildings in Union City and West New York, NJ. Those hallways had significantly elevated mercury vapor levels. However the adjacent apartments that were the source of the mercury vapor were never examined, despite the May, 2003 NJDEP report Cultural Uses of Mercury in New Jersey reiterating the ATSDR's earlier recommendations that:

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**Additional indoor air sampling is warranted to better characterize mercury levels in apartments.** Comparable sampling in areas with different ethnic characteristics is needed ...

To date, these recommended mercury vapor measurements *inside* apartments have not been taken, essentially because if they were, many apartments would have to be evacuated, as they would have mercury vapor levels in excess of the 10 microgram per cubic meter (10µg/m<sup>3</sup>) action/evacuation level of ATSDR and EPA.

Instead of engaging in research, for over two decades (>20 years), city, state and federal, as well as non-governmental environmental agencies, have been touting a course of "outreach and education" to address this issue. The unfortunate reality is that for the most part, the outreach and education, specifically to the clinical community, either never occurred, or was ineffectual. Therefore, the **clinicians serving these communities remain unaware of exposures to mercury from its magico-religious and ethnomedical uses. The impacted communities remain ignorant of the toxic certainty of ritualistic mercury use.** Ritualistic mercury users appear to have no knowledge that liquid mercury evaporates, and that its vapor is exquisitely developmentally neurotoxic. Furthermore, as most ritualistic mercury exposures occur at second-hand, the majority of families exposed can have no knowledge that their dwellings have been contaminated by mercury sprinkled on their floors by some prior occupant. Therefore, any **outreach and education must be based on demonstrating that:**

- **Homes are contaminated with mercury vapor as a result of magico-religious mercury use.**
- **Occupants of ritualistically contaminated housing inhale and absorb the mercury vapor.**
- **The absorbed mercury vapor has poisoned the occupants of contaminated dwellings.**

To date, despite the admonition of the Precautionary Principle, a convincing case connecting these three 'dots' and resulting in action to minimize domestic mercury vapor exposures has not been made to the satisfaction of the EPA or the environmental justice and environmental health communities. However, I will present an index case of magico-religious mercury contamination of a Caribbean dwelling, and consequent acute pediatric mercury poisoning during the upcoming NEJAC National Public Meeting.

As the EPA, as well as other city, state, federal and non-governmental agencies have been loathe to conduct the necessary environmental and clinical research, on this latent, but nevertheless real environmental health threat; and have failed to *effectively* communicate information describing what *is* known to either the impacted communities, or the clinicians serving them, **I hereby petition the NEJAC to advocate that the EPA:**

- 1) **Measure indoor air mercury vapor levels in a representative sample of Caribbean-Latino occupied housing**, as described in the attached July 13, 2010 letter from the EPA Region 2 Administrator, and associated EPA RARE grant proposal: Mercury Vapor Sampling in Targeted Housing: Investigation of Ritualistic Mercury Use.
- 2) **Measure mercury levels in the wastewater emanating from the same or a similar sample of Caribbean-Latino housing.**
- 3) **Ensure that EPA's Office of Children's Health Protection disseminates this information on domestic mercury vapor exposure to the clinical community in general**, and specifically to the EPA-sponsored Pediatric Environmental Health Specialty Units, all of whom are essentially ignorant of these exposures and/or, as is the case of the Mount Sinai PESHU, are reluctant to investigate them.

Sincerely yours,  
**Arnold P. Wendroff, Ph.D.**