

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**  
**Public Teleconference Meeting**  
**Wednesday, April 28, 2010**

Approved: *John Ridgway*  
John Ridgway, Acting Chair

*Victoria Robinson*  
Victoria Robinson

The Executive Council (Council) of the National Environmental Justice Advisory Council (NEJAC) convened for a two-hour public teleconference meeting on Wednesday, April 28, 2010. The meeting included a public comment period. This document summarizes U.S. Environmental Protection Agency (EPA) presentations to the Council, discussions among Council members, and community concerns expressed during the public comment period.

The NEJAC is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the EPA Administrator on matters related to environmental justice. The NEJAC is governed by the provisions of the October 6, 1972, Federal Advisory Committee Act (FACA). The Council is currently comprised of 15 members representing academia, business and industry, community-based organizations, non-governmental and environmental groups, state and local governments, tribal governments, and indigenous organizations. One EPA staff member serves as the Designated Federal Official (DFO) for the NEJAC. Exhibit 1 lists the members of the Executive Council who participated on the teleconference call, as well as those who were unavailable for the meeting.

This summary contains the following seven sections, which generally correspond to the meeting agenda:

1. Welcome and Opening Remarks
2. Update on EPA's Response to the NEJAC Goods Movement Report
3. Presentation on EPA's Office of Water School and Child Care Facilities Initiative
4. Updates from NEJAC Liaisons to Other Federal Advisory Committees
5. Update on the July 2010 NEJAC Meeting
6. Public Comment Period
7. Closing Statements

### **1.0 Welcome and Opening Remarks**

Ms. Victoria Robinson, NEJAC Program Manager and DFO, EPA Office of Environmental Justice (OEJ), welcomed all participants to the 31<sup>st</sup> public meeting of the NEJAC. She noted that, including NEJAC members and speakers, almost 200 people were participating on the call and 14 had signed up to provide public comments. Ms. Robinson informed participants that the call was being audio recorded and would be posted as a Podcast on EPA's NEJAC Web site

**Exhibit 1**

**Members of the  
NEJAC Executive Council**

***Members in Attendance***

Ms. Victoria Robinson, DFO  
Mr. John Ridgway, Acting Co-Chair  
Mr. Don Aragon  
Ms. Sue Briggum  
Ms. Jolene Catron  
Ms. Wynecta Fisher  
Mr. J. Langdon Marsh  
Mr. Paul Mohai  
Mr. Shankar Prasad  
Ms. Patricia Salkin

***Members Not in Attendance***

Ms. Elizabeth Yeampierre, Acting Co-Chair  
Mr. Chuck Barlow  
Ms. M. Kathryn Brown  
Mr. Peter Captain, Sr.  
Ms. Jodena Henneke  
Mr. Hilton Kelley

([www.epa.gov/compliance/environmentaljustice/nejac/](http://www.epa.gov/compliance/environmentaljustice/nejac/)), along with a written transcript and summary of the meeting, within a few weeks.

Ms. Robinson noted that Ms. Elizabeth Yeampierre, Acting Co-Chair of the NEJAC and Executive Director of UPROSE, Inc., was unable to participate in the teleconference and had sent her regrets and regards to meeting participants. Ms. Robinson then introduced Mr. John Ridgway, Manager of the Information Management and Communications Section at the Washington State Department of Ecology, who would serve as Acting Co-Chair for the meeting.

Mr. Ridgway welcomed everyone in attendance and reviewed the meeting agenda.

Mr. Aaron Bell, Environmental Protection Specialist, OEJ, conducted a roll call. He confirmed that enough members were present to establish a quorum (as required under FACA) and, therefore, the meeting could proceed.

## **2.0 Update on EPA's Response to the NEJAC Goods Movement Report**

Ms. Gay MacGregor, Senior Policy Advisor, EPA Office of Air and Radiation (OAR), Office of Transportation and Air Quality (OTAQ), stated that the Agency's response to the NEJAC's Goods Movement report was an effort jointly led by OTAQ and EPA Regions 9 and 10. She indicated that, since her presentation to the Council about the response process at the NEJAC meeting in January 2010, the EPA response team had expanded to include the Office of Air Quality Planning and Standards (OAQPS), Office of Research and Development (ORD), OEJ, Office of Federal Activities, Office of Federal Enforcement, and Office of Policy.

Ms. MacGregor explained that the response team had grouped the NEJAC's recommendations into subcategories similar to those used in the Council's Goods Movement report, and that a designated lead office was responsible for gathering responses for each subcategory or set of recommendations. She noted that, in some cases, the response effort involved coordination with other agencies. She announced that the Agency was targeting Summer 2010 for completion of the responses and committed to providing a progress update at the next NEJAC meeting in July 2010.

Following Ms. MacGregor's introduction, several EPA representatives provided updates on the Agency's responses to the NEJAC's recommendations. They referred to the Powerpoint presentation, "Update – EPA's Progress in Responding to the NEJAC Goods Movement Report," which had been distributed to the NEJAC members and pre-registered participants prior to the teleconference call. Sections 2.1 through 2.8 highlight EPA's updates on responses to recommendations on Community Facilitated Strategies; Health Research and Data Gaps; Regulatory and Enforcement Mechanisms; Land Use, Planning, and Environmental Review; Environmental Planning, Performance, and Management; Resources, Incentives, and Financing; Communication; and Next Steps, respectively. A summary of the follow-up discussion among NEJAC members is presented in Section 2.9.

**Community Facilitated Strategies.** Mike Bandrowski, Chief of the Air Toxics, Radiation, and Indoor Air Office, EPA Region 9, indicated that the Agency was working with communities on a variety of projects. As an example, he described the Community Action for a Renewed Environment (CARE) program, on which he said the Agency spent more than \$2.5 million over the last 5 years on community-based projects related to goods movement.

Mr. Richard Grow, Project Lead, EPA Region 9, stated that, following the Conference on Environmental Justice, Air Quality, Goods Movement, and Green Jobs; and the NEJAC meeting in New Orleans in January

2010, EPA took an inventory of community projects that were initiated by community-based organizations, involved multiple stakeholders, and included capacity building around the issue of goods movement. He reported that EPA identified 18 such projects around the country, representing each of the 10 EPA Regions. Acknowledging overlaps, he stated that nine projects demonstrated application of community facilitated strategies, eight were examples of collaborative governance, nine were CARE-funded projects, and two were Environmental Justice Showcase Communities. Mr. Grow mentioned the West Oakland Environmental Indicators Project (Oakland California) and the Harembee House Project (Savannah, Georgia) as examples of community facilitated strategies; and the New Haven, Connecticut project, as an example of collaborative governance. He recognized that there were opportunities to develop a more refined matrix but invited feedback from the NEJAC in the meantime.

Mr. Bandrowski echoed Mr. Grow's request for input from the NEJAC, specifically on the matrix of EPA's activities and projects in communities as related to goods movement; and how the Agency can enhance its grant program for communities. He added that EPA was considering ways to leverage other existing community-based grant programs to increase funding for goods movement projects.

Ms. Elizabeth Adams, Environmental Justice Program, EPA Region 9, noted that the NEJAC's recommendation for EPA Regional offices to identify the nexus between goods movement centers in their regions and environmental justice communities closely resembled two goals of EPA's Environmental Justice Executive Steering Committee, namely, (1) to identify disproportionately impacted communities near goods movement centers; and (2) to identify the major goods movement centers in each region. Ms. Adams reported that the majority of EPA Regions had identified, or were in the process of identifying, impacted communities near ports, highways, and goods movement centers and associated transportation corridors. She explained that this information would help the regions identify communities on which to focus.

Ms. Robinson described EJView, a Web-based Geographic Information System (GIS) that upgrades EPA's former Environmental Justice Geographic Assessment Tool, which she said had been online and available to the public since 2003 or 2004. She stated that EJView overlays socio-demographic layers with environmental data taken from various public EPA databases related to enforcement, permitting, and Toxics Release Inventory (TRI)-reporting. She reported that the new interface was in the final stages of development and would be available to the public some time in May 2010. She noted that this timeframe coincided with upgrades to EPA's Web site.

**Health Research and Data Gaps.** Ms. MacGregor noted that, although the representative from EPA's Office of Research and Development (ORD) was not present at the meeting, she would forward any questions related to EPA's response to health and research data gaps to the appropriate ORD staff. She referred to 40 community monitors that EPA was deploying as part of its efforts to regulate nitrogen dioxide (NO<sub>2</sub>) and noted that ORD was engaged in several studies on the impacts of goods movement on neighborhoods.

Ms. MacGregor mentioned a few examples of such studies, including one involving the effects of roadway and urban pollution on children's health. She also reported that ORD was working with EPA Region 5 on air monitoring near a rail yard center in Chicago, Illinois. That project, she explained, involved a car that can measure pollution. She also described a Memphis Barge Emissions Study that was being conducted in EPA Region 4 using a community-scale toxics monitoring grant.

Ms. MacGregor stated that the Agency was coordinating across offices to develop a consolidated Air Toxics Strategy that would bring together air toxics work that is currently "scattered" throughout the Agency. She

also noted that ORD was evaluating data generated by other Agencies to fill data gaps.

**Regulatory and Enforcement Mechanisms.** Ms. MacGregor provided the following update on EPA's efforts to address the NEJAC's recommendations on regulatory and enforcement mechanisms:

- The International Maritime Organization approved EPA's proposal for an Emission Control Area (ECA) to lower sulfur in fuel within 200 miles of U.S. and Canadian coastal waters in March 2010. She reported that it would go into effect in July 2010. She reported the positive impact of the ECA and PM reductions on inland areas.
- The International Civil Aviation Organization adopted more stringent standards for jet aircraft in February 2010.
- EPA is working with the Federal Aviation Administration (FAA) and the International Civil Aviation Organization (ICAO) to develop certification requirements for PM standards by 2013.
- The Office of Enforcement and Compliance Assurance (OECA) is continuing to explore the use of Supplemental Environmental Projects (SEPs) to reduce emissions in communities.
- OECA is also continuing to address emissions from major sources, including goods movement centers. As an example, she described a recent project in Houston that involved a fly-over and fence-line monitoring to identify benzene "hot spots," followed by enforcement actions against several industrial facilities.

**Land Use, Planning, and Environmental Review.** Ms. MacGregor stated that, as recommended by the Goods Movement Work Group, the Agency was committed to developing a letter to the Department of Transportation requesting a revision to the Interim Guidance on Air Toxics Analysis in National Environmental Protection Act (NEPA) documents. She reported that EPA had issued internal guidance for NEPA reviewers on dealing with impacts associated with diesel emissions. Finally, she said that EPA was developing guidance for completing quantitative PM hot spot analyses for highway and transit projects receiving federal funds.

**Environmental Planning, Performance, and Management.** Ms. MacGregor referred to EPA's Ports Air Quality Plan which, she said, was recently updated in March 2010 and includes the following three themes:

1. Climate and improving air quality.
2. Environmental justice and healthy communities.
3. Global environment.

She explained that EPA was also engaged in creating an Agency-wide awareness of NEJAC's Goods Movement report and the impact of goods movement on communities. She referred to a recent briefing with EPA's Air Division Directors and the Office of Air Enforcement to discuss the report and said that the new group of Regional Administrators would also be briefed in July 2010. She added that efforts were underway to ensure that other EPA offices understand the NEJAC's recommendations and take steps to incorporate them into their program planning.

**Resources, Incentives, and Financing.** Ms. MacGregor noted that EPA had been engaged in diesel reduction projects for several years, through the Agency's Diesel Emissions Reduction Grants. She presented the following three examples of projects that have generated positive results in affected communities:

- Houston-Galveston Area Council for a bridge loan program to support clean drayage transportation (\$9 million grant).

- Louisville/Jefferson County Metro Government project to establish a revolving loan program for non-road diesel equipment to replace, re-power or retrofit older diesel equipment (\$2 million grant).
- Cascade Sierra Solutions revolving load fund designed to help facility owners and operators lease-to-own new, clean, SmartWay-certified tractors and trailers with idling reduction technologies and top-notch aerodynamics (\$9 million grant).

Ms. MacGregor informed NEJAC members of EPA's plans to coordinate with the Federal Deposit Insurance Corporation (FDIC) to evaluate how SmartWay-type loans can help banks qualify for Community Reinvestment, and to conduct targeted community outreach to solicit Diesel Emissions Reduction Program Grants for fiscal year (FY) 2011. She noted that, while the President's FY 2011 budget had not yet been passed, his budget currently sets aside \$60 million for the Diesel Emissions Reduction Program.

**Communication.** Ms. MacGregor noted that communication was a common theme throughout the NEJAC's Goods Movement report. She articulated EPA's desire to work with NEJAC to better communicate community needs, Agency actions, available tools, best practices and case studies, and available funding opportunities. She referred to case studies on diesel reduction and the availability of diesel emission reduction fact sheets as examples of such efforts.

Ms. MacGregor reported that EPA Administrator Ms. Lisa Jackson had called for more community representatives on the Agency's federal advisory committees and subcommittees. She echoed the Administrator's desire to include community perspectives in decision-making processes and to increase community input on a wider range of policy issues.

**Next Steps.** Ms. MacGregor listed the following "next steps" identified by the Agency in relation to goods movement:

1. Continue to catalogue EPA's actions and develop responses to the NEJAC's Goods Movement report.
2. Continue assessing resources and authorities available to address recommendations.
3. Create opportunities to solicit more information on specific NEJAC recommendations (for example, in terms of Community Facilitated Strategies and Communications).
4. Continue Agency-wide awareness of the NEJAC report (for example, brief the new Regional Administrators in July 2010).

**Follow-up Discussion.** Highlights of the follow-up discussion among NEJAC members are presented below.

- Ms. Sue Briggum, Vice President, Waste Management, Inc., expressed her appreciation to EPA and commended the Agency on its response efforts on the Goods Movement Report. Mr. Shankar Prasad, Executive Fellow, Coalition for Clean Air; and Mr. J. Langdon Marsh, Fellow, National Policy Consensus Center at Portland State University, echoed Ms. Briggum's sentiment.
- Mr. Prasad requested that EPA provide feedback at the July 2010 meeting on the recommendation for establishing a cancer risk potency factor for diesel, noting its value in characterizing risk. He also referred to EPA's community monitoring of NO<sub>2</sub> and asked for further examination of whether NO<sub>2</sub> was a good marker for diesel. Ms. MacGregor stated that EPA would discuss this issue as part of developing its air toxics strategy.
- Mr. Marsh asked for more details about the specific examples of collaborative governance and community facilitated strategies mentioned by Mr. Bandrowski in his presentation. He expressed interest in lessons learned from those case studies that may be applied in other EPA Regions, states,

and localities; and opportunities for additional work.

- At Mr. Marsh's request, Mr. Bandrowski committed to sending the draft matrix of EPA activities to the NEJAC members – and also to Mr. Omega Wilson, President, West End Revitalization Association, former member of the NEJAC and its Goods Movement Work Group – and engaging in follow-up discussions before the July 2010 meeting. Mr. Robinson agreed to coordinate these activities.
- Mr. Ridgway referred to Ms. MacGregor's statement that EPA had issued internal guidance for NEPA reviewers on dealing with impacts associated with diesel emissions. He asked whether this was "passive guidance" that reviewers would implement at their convenience. Ms. MacGregor explained that consideration of diesel and goods movement impacts as part of the NEPA review was at the request of the Office of Federal Activities and currently internal to the Agency.

### **3.0 Presentation on EPA's Office of Water School and Child Care Facilities Initiative**

Ms. Francine St. Denis, Environmental Scientist, EPA Office of Ground Water and Drinking Water (OGWDW), introduced Ms. Cynthia Dougherty, Director, EPA OGWDW, who delivered a presentation on EPA's Safe Drinking Water in Schools and Child Care Facilities Initiative. Ms. Dougherty referred to the similarly titled Powerpoint presentation, which had been distributed to the NEJAC members and pre-registered participants prior to the teleconference call.

Ms. Dougherty acknowledged that public health professionals, school administrators, parents, and others were looking at tap water as a healthy and inexpensive alternative to bottled water and sweet beverages. As a result, she said, EPA is looking more closely at the quality of tap water at schools and child care facilities, some of which serve as public water systems (PWS).

Ms. Dougherty described schools and child care facilities in the U.S. using the following statistics:

- 99,000 public schools receive water from public supplier.
- 325,000 licensed child care facilities exist.
- 7,700 schools and child care centers are regulated by EPA as PWS.

She explained that schools designated as PWS are not hooked up to a town's PWS and instead provide water to students using their own water wells. She pointed out that EPA was interested in the challenges of such schools and child care facilities in meeting water quality standards, especially in terms of the microbial, lead, copper, and nitrate rules. She said that EPA's Offices of Drinking Water and Enforcement were coordinating to identify school and child care facility PWS, and those offices were working with EPA regions and states to ensure that violations are addressed. She added that EPA had prepared fact sheets and provided technical assistance tailored to such schools and child care facilities.

For schools that are served by a community or city PWS, Ms. Dougherty reported that the Agency was focusing its efforts on lead. She stated that lead was of particular interest to EPA because of known health effects of lead on children, including the potential for impaired mental development, Intelligence Quotient (IQ) deficits, shorter attention spans, and lower birth rates. She noted that these health effects may not be reversible or completely reversible.

Ms. Dougherty commented that lead in drinking water generally results from leeching from underground service lines or plumbing. She stated that EPA's lead rule now requires monitoring at homes to determine whether corrosion control is required and to gauge the effectiveness of corrosion control in systems that have demonstrated elevated levels of lead. She noted, however, that information is lacking on the presence of lead in tap water at schools.

Ms. Dougherty introduced EPA's "Three T's (3T's)" for reducing lead in drinking water in schools and child care facilities:

- **Training** school and child care officials to raise awareness of the potential occurrences, causes, and health effects of lead in drinking water; assisting officials in identifying potential areas where elevated lead may occur; and establishing a testing plan to identify and prioritize testing sites.
- **Testing** drinking water in child care centers to identify problems and take corrective actions as necessary.
- **Telling** students, parents, staff, and the larger community about monitoring programs, potential risks, the results of testing, and remediation actions.

She reported that much work had been done to spread the word about the 3T's approach, including the distribution of information packets to schools and child care facilities. She noted that several states had already adopted the approach. She described the proposed "Adopt a School District" pilot project, which involves the following components:

- Provide funding for testing at the elementary schools in the adopted school district.
- Provide the school district the 3T's Toolkit.
- Develop a lesson plan for science classes on the proper procedure for testing school drinking water.
- Develop "plain English" fact sheets targeting facilities maintenance staff and including simple procedures for collecting water samples, cleaning aerators, replacing faucets with low lead options, and flushing after a school sits vacant (e.g., over summer).

According to Ms. Dougherty, the criteria for selecting a school district for the "Adopt a School" project include working with EPA regions to identify public water systems that serve schools and exceed the federal lead action level; reviewing blood lead level data from the Centers for Disease Control (CDC) to identify communities experiencing high blood lead levels relative to other parts of the country; looking more closely at low-income, minority, tribal, or otherwise vulnerable communities (such as OEJ's Showcase Communities); or a combination of these criteria.

In terms of EPA's efforts to provide training and guidance on this issue, Ms. Dougherty explained EPA's plans to do the following:

- Develop a Drinking Water Best Management Practices Guide for schools and child care facilities.
- Update EPA's drinking water school Web site, [www.epa.gov/safewater/schools](http://www.epa.gov/safewater/schools), with new fact sheets, remediation decision trees, case studies, and a list of other resources.
- Develop on-line tutorials on how to implement the 3T's strategy and perform remediation, as necessary.

Based on the outcome of the Adopt-A-School pilot project, she described the National Lead Testing Challenge as a potential follow-up project that would involve the following activities:

- Partnering with educational associations to promote the implementation of the 3T's strategy.
- Partnering with drinking water utility organizations and state and federal agencies.
- Developing additional tools and outreach materials at schools (for example, in science programs).

Ms. Dougherty concluded her presentation by posing the following two questions to the NEJAC and requesting the Council's input:

- How can EPA enhance its proposed strategy for voluntary testing and monitoring of drinking water in schools and child care facilities?
- How should EPA engage communities, particularly minority and low-income communities, around this effort?

She also asked the NEJAC for feedback on the draft charge for a Work Group that would be formed to address these questions.

Highlights of the follow-up discussion among NEJAC members included the following:

- Ms. Patricia Salkin, Associate Dean and Director, Government Law Center, Albany Law School, mentioned that the Albany Law School had hosted a “Lead Roundtable” that gathered educators and others to discuss the psycho-educational effects and neurological damage related to lead exposure in a school district in Rochester, New York. Ms. Dougherty stated that EPA would partner with states on this Initiative and referred to EPA's Memoranda of Understanding (MOUs) with States to implement the 3T's. She added that federal and state regulations focus on water systems themselves and not schools.
- Ms. Salkin asked for clarification regarding EPA's interaction with state agencies that have jurisdictions over drinking water issues; and the difference between urban and rural drinking water systems that may not be considered PWS. Ms. Robinson acknowledged the role of state and tribal governments in this issue.
- Mr. Don Aragon, Executive Director, Wind River Environmental Quality Commission, stated that there are many Indian reservations in the west and midwest and that they are all located in rural areas. He reported that many tribal reservation schools obtain their drinking water from wells that are not regulated by EPA. Ms. Dougherty clarified that EPA regulates wells that serve at least 25 people for more than 60 days a year. She added that wells serving schools with more than 25 people would be regulated as PWS.
- Mr. Aragon acknowledged the Navajo Nation in Arizona as the only tribe in the U.S. that has full primacy over its safe drinking water program and noted that the reservation had many rural schools. Ms. Dougherty stated that Mr. Pete Silva, Assistant Administrator, EPA Office of Water, had recently toured the Navajo reservation to assess its drinking water situation, with particular focus on drinking water systems that serve schools.
- Ms. Robinson indicated that a NEJAC Work Group would be formed on this issue, and the work group would be comprised of several members, including two co-chairs who are current members of the Council. She said that purpose of the work group would be to respond to OGWDW's charge with a draft report that would be presented by the NEJAC during its November 2010 meeting in Kansas City. She asked anyone interested in serving on the work group to contact her or Mr. Bell within 2 weeks following the teleconference call. She added that EPA would seek candidates from the National Drinking Water Advisory Committee (NDWAC), Children's Health Protection Advisory Committee (CHPAC), and the states.
- Ms. Robinson and Ms. Dougherty requested that the NEJAC advise EPA on other issues that should be considered.

#### **4.0 Updates from NEJAC Liaisons to Other Federal Advisory Committees**

Ms. Yeampierre and Mr. Aragon serve as NEJAC liaisons to the CHPAC School Siting Guideline Task Group and the Tribal Operations Committee, respectively.



#### 4.1 CHPAC School Siting Guideline Task Group

On Ms. Yeampierre's behalf, Ms. Robinson announced that the CHPAC School Siting Guideline Task Group had recently finalized and forwarded its report of recommendations to EPA Administrator Ms. Lisa Jackson. She said that feedback was expected within a few weeks. She added that Ms. Yeampierre would provide further updates at the next NEJAC meeting.

#### 4.2 Tribal Operations Committee

Mr. Aragon reported that, on March 29, 2010, EPA named Ms. Sadie Hoskie, Director of EPA Region 8's Water Program, as interim Acting Director of the American Indian Environmental Office. He noted that Ms. Hoskie had already held a meeting with the Tribal Caucus, during which the tribes identified the following five priority areas related to environmental issues on Indian reservations:

1. Clean air and global climate change. Mr. Aragon stated that this issue was prompted by the impact of rising sea levels on native shoreline villages in Alaska and drought conditions that are drying water wells on reservations in the lower 48 States.
2. Clean and safe drinking water. Mr. Aragon indicated that the Tribal Caucus had participated in the development of EPA's Strategic Plan and set goals for 2015 that included reducing the number of Indian homes without safe drinking water by 15 to 20 percent.
3. Land preservation and restoration. Mr. Aragon referred to illegal dumping as a serious solid waste problem in rural areas. He said that the tribes require EPA assistance in curbing illegal dumping and developing solid waste management plans that would give Tribes the authority to regulate this activity.
4. Healthy ecosystems and communities. Mr. Aragon cited population expansion as a challenging issue for most Indian reservations throughout the U.S. due to its affects on the ecosystem and old public utilities infrastructure, such as water and sewer lines. He reported that EPA Region 8 was assessing private home septic tanks throughout Indian country and noted that most Indian reservations do not have sewage lagoon treatment facilities. He added that there is a problem with squatters who park trailers in open areas and drill their own water wells and septic systems. He said that the increasing amount of septic sewage was affecting the quality of ground water, rivers, and streams. Mr. Aragon announced that EPA Region 8 – which serves Wyoming, Montana, North Dakota, South Dakota, Utah, Colorado, and 27 Tribal Nations – would be holding community meetings with state, tribal, and environmental representatives throughout the region in June 2010.
5. Compliance and Environmental Stewardship. Mr. Aragon projected that this issue would become increasingly important on Indian reservations in the next 20 years. He noted that, due to Tribal Sovereignty, Indian Tribes would soon operate their own environmental programs, similar to the Navajo Nation assuming primacy of their drinking water program. He added that Tribes would be increasingly engaged in issuing permits and other tasks that currently fall under the purview of EPA. Mr. Aragon reported that there was a push for the development of Direct Implementation Cooperation Agreements (DICAs), which involves the help of EPA in the Tribes' management of the ecosystems, as well as enforcement and regulatory activities on reservation lands.

Mr. Aragon noted the Network Exchange Program as another important area for the Tribes. He explained that this program involves the transfer of real-time environmental data from the Tribes to the Agency's Office of Environmental Information, which allows EPA to evaluate the living conditions on Indian reservations. He urged EPA to continue funding the Network Exchange Program to facilitate identification of areas where efforts and resources should be concentrated.

Ms. Robinson thanked Mr. Aragon for his thorough report and added that the NEJAC should discuss how to reflect these issues in the Council's work.

## **5.0 Update on the July 2010 NEJAC Meeting**

Ms. Robinson announced that the next face-to-face meeting of the NEJAC would take place in Washington, D.C., at The Fairfax Embassy Row during the last week in July 2010. She stated that the exact dates had not yet been determined, but NEJAC members should plan for a minimum of three days, including two full days of meetings and an evening public comment session. She added that there would be an orientation period for current and new members of the NEJAC, during which Council members would discuss roles and expectations of the NEJAC and EPA; consensus-driven deliberation; and the Council's Bylaws, among other topics.

On Ms. Yeampierre's behalf, Mr. Ridgway expressed the desire to bring youth-oriented activities to the meeting as well.

## **6.0 Public Comment Period**

Ms. Robinson began the public comment period by explaining the process and asking public commenters to limit their statements to five minutes to allow adequate time for others to speak. Mr. Ridgway expressed his apologies in advance for mispronouncing anyone's name.

Sections 6.1 through 6.7 summarize the verbal comments presented. Section 6.8 lists the individuals who did not speak but submitted written comments. Written comments are included in Attachment A. Exhibit 2 lists the individuals who provided verbal and written public comments.

### **6.1 Mr. Carl Wassilie, Alaska's Big Village Network**

Mr Carl Wassilie, Biologist, Alaska's Big Village Network, introduced himself as representing the Yup'ik people in western Alaska and currently living in Anchorage. He stated that Alaska's Big Village Network was creating "communities of inclusion" for those who are disproportionately affected by industrial pollution and global fallout in the Arctic. He stated that significant environmental issues were facing coastal communities and reported that over 20 tribal communities were "sinking into the permafrost and being impacted by massive changes" in the river systems. He made a distinction between village-based tribal communities and city-based for-profit tribal corporations.

Mr. Wassilie noted a lack of understanding among industry and EPA about living, tribal cultural resources; and a lack of communication between tribal villages and industries that affect them. He said that migratory birds, salmon, and marine mammals such as whales pass through various regions and jurisdictions on the West Coast, North Pacific, Bering Sea, Chukchi Sea, and Beaufort Sea. He reported that river systems were being affected by the construction of pipelines and roads, mining activities, and the increase in barge traffic. He expressed concern that, combined with climate change impacts, the environmental impacts experienced by Alaskan Tribes were significant. Mr. Wassilie expressed further concern about the "lack of translation protocols for indigenous-speaking rural communities;" the "manipulation of industry data"; the "lack of transparency on industrial technical processes;" and the "lack of funding for community groups such as indigenous peoples."

Mr. Wassilie also expressed concern about the the State of Alaska's "inability" to manage industrial permits. He referred to EPA's transfer of regulatory authority to the state for the National Pollutant Discharge

Elimination System (NPDES) and predicted that the state would not engage in adequate consultation with tribal governments.

Mr. Wassilie said he hoped NEJAC would help in increasing communication with, and obtaining funding for, tribes in terms of addressing industrial permitting. He also submitted written comments that are provided in Attachment A.

Mr. Ridgway thanked Mr. Wassilie for his time and the information he shared. He committed to following up with EPA regarding Mr. Wassilie's statements.

## **6.2 Mr. Omega Wilson, West End Revitalization Association**

Mr. Omega Wilson, President, West End Revitalization Association, began by expressing his concern for Ms. Yeampierre and hope that she would rejoin the group soon. He introduced himself as a "recently retired community perspective" of the NEJAC and a member of the Council's Goods Movement Work Group. He stated, on behalf of community and tribal members, that he was pleased with the efforts of Ms. MacGregor and her colleagues on their progress in addressing the recommendations presented in the Goods Movement report.

Mr. Wilson acknowledged the support of community, tribal, and veteran leaders dealing with goods movement issues and community supporters from various parts of the country that participated in the Conference on Environmental Justice, Air Quality, Goods Movement, and Green Jobs; and the NEJAC meeting in New Orleans, Louisiana, in January 2010. He noted that many were expected to also be present at the NEJAC meeting in Washington, D.C., in July 2010.

He asked the following two questions of the EPA presenters:

1. "Where is the multimedia inclusion in the goods movement policy recommendation?" He acknowledged that, while air quality was the original intent of the Work Group's recommendations, other media such as water and soil were also affected by goods movement activities.
2. "What is going to be the administrative trigger to the operationalization of the goods movement policy relative to a timetable, funding of activities, and ground-level interaction with community members?"

Mr. Ridgway deferred to Ms. Robinson to confirm that Mr. Wilson's questions would be directed to Ms. MacGregor and her colleagues to address. Ms. Robinson confirmed that Mr. Wilson's questions would be forwarded to Ms. MacGregor and Mr. Bandrowski for their response.

## **6.3 Ms. Andrea Hricko, University of Southern California**

Ms. Andrea Hricko, Associate Professor, University of Southern California, said that she served as a member of the NEJAC's Goods Movement Work Group. She urged for EPA and the Federal Highway Administration (FHA) to address the near-highway exposure issues of transportation projects. She reported that there were several ongoing goods movement projects in Los Angeles, California, that were directly related to expansion of the ports. She stated that FHA had delegated its authority to the California Department of Transportation (CalTrans), which she described as having "sat idly by as projects are approved that will impact people living in close proximity." She recommended revision of the FHA's interim guidance to include a rule that requires evaluation of near-roadway impacts of new infrastructure projects.

Ms. Hricko added that, in reference to the community monitors for NO<sub>2</sub>, that 16 percent of U.S. housing units are located within 300 feet of a major roadway or railroad or airport. She commented that this population of about 48 million people likely includes a much higher percentage of non-white and economically disadvantaged people. She urged EPA to take “aggressive action” to protect such communities from potential health risks associated with new roadway developments and road widening projects, especially with respect to diesel exposure. She also recommended monitoring of other pollutants, in addition to NO<sub>2</sub>, at port and rail areas.

Ms. Hricko acknowledged a large media campaign underway by the American Association of Railroads and others to promote freight rail and urged EPA to closely monitor rail yard activities and their affects on the surrounding neighborhoods.

Ms. Hricko expressed the following additional sentiments and recommendations in her comments:

1. Each EPA region should develop a goods movement team and identify a contact person to whom members of the public can turn to discuss goods movement issues.
2. The partnership between EPA and HUD should address near-roadway affects in addition to walkability issues.
3. EPA should address the clearinghouse for best alternative technologies for reducing emissions when moving cargo containers, which was recommended in the NEJAC Goods Movement Report.

#### **6.4 Mr. Angelo Logan, East Yard Communities for Environmental Justice**

Mr. Angelo Logan, Co-Director, East Yard Communities for Environmental Justice, stated that his organization was located in the City of Commerce area of East Los Angeles. He added that he was also a member of the NEJAC’s Goods Movement Work Group. He expressed the following sentiments and recommendations in his comments:

1. Urgent action is needed to reduce exposure to air emissions in affected communities. Mr. Logan acknowledged that EPA was working hard to address the Work Group’s recommendations, but he stressed the urgency of dealing with the health consequences of exposure from air emissions from goods movement activities. He noted the Ports of Los Angeles and Newark as having “enormous amounts of activity.”
2. Support is needed for a community-facilitated strategy and multi-agency collaboration in projects involving goods movement activities, and the sharing of resources from stakeholder agencies such as the Department of Transportation.
3. EPA should list diesel exhaust as a hazardous air pollutant. He suggested that the Science Advisory Board and EPA's National Center for Environmental Assessment coordinate on whether there was sufficient scientific evidence to generate a cancer risk factor.

#### **6.5 Dr. Christine Chaisson, The LifeLine Group**

Dr. Christine Chaisson, Director, The LifeLine Group, introduced her group as a 501(c)3 organization providing technical assistance and free software tools for exposure and risk assessment. She indicated that, over the past 10 years, the LifeLine Group had supported risk assessment initiatives by EPA's Office of Prevention, Pesticides, and Toxic Substances; Health Canada; Centers for Disease Control; State of Alaska; World Health Organization; and similar government groups.

According to Dr. Chaisson, the purpose of her public comment was to make the public aware of such resources. She emphasized that risk assessments offer a linkage between contamination in, and exposure to, the medium relevant to the community. She noted that the absence of such a linkage minimizes the impact of stakeholder groups in the decision making process. She added that a good exposure assessment and risk assessment “optimize their ability to...have attention brought and also to optimize the idea that the risk mitigation strategies do indeed address the relevant issues within that community.”

Dr. Chaisson asserted that environmental justice communities, including tribes, do not live a “general U.S. typical lifestyle.” She noted that, until recently, risk assessment tools had incorporated assumptions that reflect “nice, suburban lifestyle but are not appropriate for...what we’ll call ‘atypical communities.’” She identified the following free resources available to the public:

- Exposure and risk assessment community-based models that consider potential health impacts from chemicals in “personal spaces,” including diet, drinking water, and other media relevant to the communities of concern.
- Databases and tutorials that deal with many tribal groups or communities in Alaska, the Arctic, and the Southwest; and Mexican-influenced communities. Dr. Chaisson noted that these tools could be useful in augmenting the GIS-based models or decision tree systems that help interpret monitoring results and potential health effects.

She concluded by directing inquiries to the Web site, [www.thelifelinegroup.org](http://www.thelifelinegroup.org); or to her directly at [cfchaisson@thelifelinegroup](mailto:cfchaisson@thelifelinegroup) or 703-978-8496.

Dr. Chaisson also submitted written comments that are provided in Attachment A.

## **6.6 Ms. Debra Ramirez, Mossville Environmental Action Now; Citizens Against Contamination**

Ms. Debra Ramirez, Mossville Environmental Action Now and Citizens Against Contamination, introduced herself as the founder of both organizations. She provided her address, 1313 6th Avenue, in Lake Charles, Louisiana; her phone number, 337-656-5719; and her e-mail address, [smokerabbit331@yahoo.com](mailto:smokerabbit331@yahoo.com). She expressed concern about the burden of toxic chemicals on the body and the effects of toxic pollutions in communities located next to polluting industries.

Ms. Ramirez stated that she, like her parents, was born from “toxic parents” in Mossville. She described the Mossville community as being “in the belly of the womb of a mother who is surrounded by toxic polluting industrial polluters.” She stated that continuous exposure to chemicals like dioxin, lead, and mercury had created a consistent body burden for over 80 years for the residents of Mossville. She noted that these chemicals were stored in fat tissue, bones, muscle, semen, brain tissue, and organs.

Ms. Ramirez said that body burden testing could help reveal individual, unique chemical loads. She reported that 28 people from Mossville who were tested demonstrated unique dioxins in their blood three or four times higher than the national average. She added that at least 700 contaminants were detected, most of which had been well-studied, and known to harm human health, trees, water sources, soil, automobiles, and houses. She added that there are no longer gardens, schools, banks, or other businesses in Mossville.

Ms. Ramirez stated that toxic chemical explosions and releases from industry and waste sites were destroying her community’s homes, making residents and their children sick. She added that the “double

burden of spills and releases” contribute to higher cancer rates, heart disease, developmental disorders, and toxic trespass in Mossville.

She provided the following recommendations:

1. Create a classification system that eliminates exposures to known toxic chemicals in umbilical cord blood.
2. Require manufacturers to review new chemicals and their effects before release into the market.
3. Designate funds to research safer alternatives.
4. Identify less toxic and non-toxic options for pregnant women, women, children, elderly, and low-income communities of color, with community participation and consultation.

Ms. Ramirez concluded by stating that she appreciated the “marriage” between government and community, adding that communities around the world “only have one water, one air and one land.”

Mr. Ridgway requested that Ms. Ramirez submit her comments electronically. Her written comments are provided in Attachment A.

#### **6.7 Ms. Robina Suwol, California Safe Schools**

Ms. Robina Suwol, Executive Director, California Safe Schools, described Central 13 Elementary School, a Title 1 school in an environmental justice community, as an example of lingering challenges and environmental problems despite strict regulatory oversight and close coordination with the school district. She reported that the Central 13 School was being built above ground water contaminated with solvents (such as tetrachloroethylene) and gasoline compounds (such as methyl tertiary-butyl ether). She noted the complex nature of the 3-acre site and its vicinity, with an adjacent gas station that had been leaking gasoline, active oil drilling with injection wells, an operating oil pipeline, and other sources of contamination that include, but are not limited to, furniture repair, auto repair, and degreasing operations.

Ms. Suwol expressed concern that construction of the school was taking place without a full understanding or removal of the original source of the contamination. She said that any new soil brought in [during construction] could become contaminated as ground water rises and falls. She stated that, from her understanding, no vapor intrusion control was in place nor was there a continued monitoring plan. She expressed hope for more protective measures in the process of selecting school sites.

With respect to EPA’s charge to the NEJAC on the Safe Drinking Water in Schools and Child Care Facilities Initiative, Ms. Suwol stressed that lead poisoning is irreversible and urged EPA to take precautionary measures and impose mandatory (instead of voluntary) procedures on school districts to ensure safe drinking water at schools.

#### **6.8 Written Comments**

The following individuals submitted written statements for the public comment period, but they were not present to speak during the meeting:

- Mr. Michael Duenas, Associate Director, Health Sciences and Policy, American Optometric Association
- Mr. John G. Buddy Andrade, Executive Director, Old Bedford Village Development, Inc.
- Mr. Colin Miller, Green Assets Fellow, Green Assets Program, Greenlining Institute

Attachment A contains written comments from these individuals. Attachment A also contains written statements from Mr. Wassilie, Dr. Chaisson, and Ms. Ramirez, who spoke during the Public Comment period.

## **7.0 Closing Statements**

Mr. Ridgway thanked everyone who registered and participated in the meeting. He offered a “standing invitation” to participants to send their comments to the Council via Ms. Robinson, including suggestions on how to conduct NEJAC meetings better. He stated that he looked forward to the meeting in July 2010 and encouraged everyone to track the NEJAC Web site for details.

Ms. Robinson asked NEJAC members to send her any questions about the upcoming meeting.