

**NATIONAL ENVIRONMENTAL JUSTICE
ADVISORY COUNCIL
MEETING SUMMARY
PUBLIC TELECONFERENCE
WASHINGTON, DC
November 28, 2018**

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.

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 summary reports of all NEJAC meetings, which are available on the NEJAC web site at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council-meetings>. Copies of materials distributed during NEJAC meetings are also available to the public upon request. Comments or questions can be directed via e-mail to NEJAC@epa.gov.

NEJAC Executive Council – Members in Attendance

Richard Moore, NEJAC Chair, Los Jardines Institute
Jill Witkowski Heaps, Vice-Chair, University at Buffalo School of Law
Sylvia Orduno, Vice-Chair, Michigan Welfare Rights Coalition
April Baptiste, Colgate University
Charles Chase, University of Colorado-Denver
Ellen Drew, Rural Communities Assistance Corporation
Jan Marie Fritz, University of Cincinnati, University of Johannesburg, University of South Florida
Rita Harris, Sierra Club (by telephone)
Cheryl Johnson, People for Community Recovery (PCR)
Virginia King, Marathon Petroleum Company
Rosalyn LaPier, Piegan Institute and Saokio Heritage
Melissa McGee-Collier, Mississippi Department of Environmental Equality
Jeremy Orr, Natural Resources Defense Council
Millicent Piazza, Washington State Department of Ecology
Dennis Randolph, City of Grandview, Missouri
Cynthia Kim Len Rezentes, Mohala I Ka Wai
Jerome Shabazz, JASTECH Development Services and Overbrook Environmental Education Center
Karen Sprayberry, South Carolina Department of Health and Environmental Control
Michael Tilchin, Jacobs Engineering

Hermila “Mily” Trevino-Sauceda, Alianza Nacional de Campesinas
Sandra Whitehead, National Environmental Health Association
Sacoby Wilson, Maryland Institute of Applied Environmental Health
Kelly Wright, Shoshone Bannock Tribes
Dewey Youngerman III, Continental Maritime of San Diego

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
Public Teleconference
November 28, 2018

MEETING SUMMARY

The National Environmental Justice Advisory Council (NEJAC) convened a public teleconference on Wednesday, November 28, 2018. This synopsis covers NEJAC members' deliberations during the teleconference meeting.

1.0 Welcome and Opening Remarks

Matthew Tejada, the NEJAC Designated Federal Officer welcomed everyone to the NEJAC's first public meeting for FY 2019. Mr. Tejada announced and introduced new NEJAC members, Jan Fritz - University of Cincinnati, April Baptiste - Colgate University, Virginia King - Marathon Petroleum LP, and Millicent Piazza - Washington State to the NEJAC. Mr. Tejada also announced that Sylvia Orduno will serve as Vice- Chair on the NEJAC. Mr. Tejada reviewed the agenda for the meeting and reminded participants that they will be in lecture mode and will be able to hear the meeting proceedings only. Mr. Tejada announced that the next public meeting would most likely be the end of February 2019. The Water Infrastructure Report was finalized at the NEJAC Boston meeting and we hope to address the suggested changes and get the report published as soon as possible. Mr. Tejada turned the meeting over to the NEJAC Chair, Richard Moore.

Richard Moore, the NEJAC Chair, introduced himself and welcomed attendees to the public teleconference. Mr. Moore reminded NEJAC Members to identify themselves when speaking and to mute your lines when you are not speaking. Reminded folks that will be giving public comment to be sure to state the problem and offer any solutions and recommendations. He introduced, Vice Chair Jill Heaps.

Jill Heaps, the NEJAC Vice-Chair, introduced herself, welcomed attendees, the new Vice Chair, Sylvia Orduno and turned the call over to Sylvia.

Sylvia Orduno, the NEJAC Vice-Chair, introduced herself and mentioned that she is looking forward to stepping into this new position and turned the call back of to Mr. Tejada.

2.0 U.S. EPA Superfund Task Force Report Recommendation #42 Draft Charge Discussion

Richard Moore, the NEJAC Chair, mentioned that he has received 100s of emails and phone calls about environmental justice concerns and impacts on communities and the decisions that have been made in this Administration. He emphasized the importance of the NEJAC and the need for a stakeholder group like the NEJAC and the opportunity to make recommendations to the EPA. He also mentioned that many of the recommendations by the NEJAC have been implemented. He mentioned the importance of the charge that the NEJAC will receive today to help address some of the issues and concerns raised by communities related to Superfund sites. Mr. Moore turned the call over to Mr. Tejada to introduce the charge.

Matthew Tejada, DFO introduced the new charge to the NEJAC on Superfund Remediation and Development for Environmental Justice Communities. Mr. Tejada acknowledged the role that NEJAC has played over the years and that Superfund is one of the areas where NEJAC has had an impact over the years. He introduced the timeline for the charge and mentioned that a request will go out asking for NEJAC members to join the workgroup and getting a meeting scheduled before the holiday break. Mr. Tejada stated that the EPA is committed to continually improving our ability to achieve clean-ups of Superfund sites more quickly and with better outcomes for local communities while maintaining our focus on protecting human health and the environment. The overall goal of this charge is to provide recommendations to the EPA Administrator that will identify barriers, solutions, and best practices to achieve this above goal in a manner that takes central consideration of the unique burdens and vulnerabilities of environmental justice populations living in and around superfund sites. The recommendations produced should not be overly focused on the immediate activities of the superfund program but instead look out five to ten years into the future and describe a horizon that the Superfund program can aspire to achieve through the adoption of NEJAC's recommendations over time. The recommendations should account for the importance of the intersection between remediation and redevelopment. And the recommendations should also everywhere include consideration of improving EPA's ability to effectively communicate risk to local communities and other stakeholders. As outlined in the SFTF Report recommendations, the EPA reaffirms the Agency's commitment to incorporating advice and recommendations from the NEJAC to determine best approaches to integrating environmental justice considerations and the perspectives of multiple stakeholders into cleanup and redevelopment of sites. The EPA intends to integrate EJ considerations into site cleanup and redevelopment by collaborating with NEJAC to include a diversity of voices in driving the best outcomes for underserved and vulnerable communities.

Mr. Tejada mentioned that the charge has been broken into two phases because the current Administration would like to get some immediate recommendations from the NEAJC while the Superfund Task Force is still in operation and have time to consider the recommendations for implementation.

Phase 1: Completed by June 1, 2019

1. What are specific ways in which the NEJAC, EPA, and other relevant stakeholders can facilitate strong, strategic relationships with stakeholders to facilitate effective cleanups and site reuse, and equitable decision-making throughout the entire SF process? How can NEJAC and EPA most effectively and efficiently identify EJ stakeholders and their interests, capacity and needs (community education, engagement, and capacity building) and ensure that interests and needs are considered in redevelopment planning and implementation processes?
 - a. Who are the impacted populations?
 - b. What are best practices and important considerations to achieve meaningful engagement and fair treatment when there are different impacted communities and disparities exist between those communities?
 - c. What are methods and innovations for community capacity building?
 - d. Are there other essential services and needs providers (e.g. health care, healthy food, recreation)?
 - e. What are specific ways in in which all communities can be encouraged to move from passive stakeholders to active partners?
 - f. Are there additional/unique educational needs related to the technical aspects of clean up and redevelopment?
 - g. What do equitable cleanups of Superfund sites look like to EJ stakeholders?

2. What does NEJAC believe should be done to facilitate effective, efficient, and consistent decision-making regarding remediation and redevelopment of NPL sites? How can EPA better ensure that all parts of the community – especially vulnerable, overburdened, and underserved populations – are able to meaningfully engage in every phase of the Superfund process and have the information they need to understand the data and issues? How can EPA more clearly communicate the risks at sites and ensure that concerns and knowledge from all parts of the community are being heard and considered in remediation and redevelopment decision-making? Please consider these questions relevant to the following major items/areas within the Superfund process:
 - a. Remediation Approaches, especially Institutional and Engineering Controls: assumptions, considering cumulative impacts, community awareness of requirements, etc.;
 - b. Long Term Stewardship: notice of ICs, maintenance of ICs over time, adapting operation and maintenance plans, etc.;
 - c. Risk Communication and Community Engagement: cultural and linguistic differences, learning strategies, access, and availability of current site-related information, etc.;
 - d. Barriers and Opportunities for community participation in the Remedial Process (Discovery to Deletion), and ensuring that EJ stakeholder interests and needs are considered in redevelopment planning and implementation; 4
 - e. How can EPA be more proactive in avoiding the creation of Superfund sites in the first place?

Phase 2: Completed by March 30, 2020

3. Can the NEJAC provide examples of case studies and models – Superfund and non-Superfund alike – that illustrate best practices and lessons learned (cleanup, redevelopment, risk communication, federal initiatives) which can inform ways to elevate equity in Superfund cleanup and redevelopment, to ensure all have a voice in EPA decisions? How has the EPA Superfund Task Force’s plan and recommendations advanced contaminated site remediation and redevelopment in vulnerable, overburdened, and underserved communities?
 - a. Are there certain practices and tools (e.g. Health Impact Assessments) that are especially effective in facilitating relationships with all stakeholders?
 - b. How can EPA best implement the Superfund Redevelopment Initiative? Are there certain practices and tools that can be improved as part of this process?
 - c. Are there certain practices and tools from other waste media programs (e.g. wastewater management) that have been effective?
 - d. Are there retrospective and/or prospective case studies that best illustrate the barriers and opportunities?
4. Which additional resources (e.g. water infrastructure investment, job creation) can be realized to support reuse and redevelopment of remediated Superfund sites from other sources? Specifically, resources including but not limited to:

- a. Federal, Tribal, state, and local agencies;
 - b. Private sector/third party investors.
5. Does the NEJAC propose any additional issues related to the clean-up and redevelopment of Superfund sites that are not captured in the questions above? Does the NEJAC identify any issues related to the implementation of the SFTF Plan and Recommendations?

Mr. Tejada asked the NEJAC for any comments before a vote to accept the charge was called.

Melissa McGee Collier mentioned that there are a lot of lessons from the clean-ups of the oil spills on the Gulf of Mexico that would be useful as this charge is reviewed.

Charlie Chase asked if the limitations of the type of sites that will part of the charge as in federal facility sites was still the case and we need to look at Superfund Sites that were not able to succeed in resolving concerns raised by communities be included as part of the case studies along with the sites that were successful.

Matthew Tejada responded that there was a statement in a previous version of the charge that federal facility sites would not be a part of this charge. He said that is was not omitted intentionally, but it is still the intent to not look at federal facility sites, due to the unique nature and complexities associated with those sites. He also mentioned that after the recommendations have been submitted on the charge, the NEJAC can go back and ask to spend additional time to look at federal sites. He also mentioned that the in one of the charge's questions the EPA wants to hear case studies from successful sites as well as the ones that were not successful.

Sylvia Orduno asked if there were any discussions held during the development of the charge in relation to phase two question five about what happens to materials from the cleanup and how it is disposed, and that the danger has been removed from the community. She also mentioned legacy contamination as a concern.

Matthew Tejada mentioned that cleaning up a site and not shifting the burden to another community is at the core of our work. This is something that has to be feathered throughout this process. In response to the legacy contamination concern, Mr. Tejada mentioned that question five is in the charge to help address these sorts of concerns that Sylvia Orduno raised. He asked the NEJAC if they would like to additional detail to question five. **Jan Fritz and Sylvia Orduno** both responded with yes.

Rita Harris mentioned that the charge seems to be through, but she is particularly interested in question two and that in her experience, it has been critical to communicate risk and making sure we have good fact sheets for communities. She also volunteered to be a part of the workgroup.

Suzi Ruhl mentioned that she believed that question one and two addresses the concerns that have been raised, but it would not hurt to expand them and in addition to what has been suggested for question five.

Sylvia Orduno mentioned that to ensure that the information mentioned is covered, it should be reflected in the language of the charge. She also mentioned to make sure we are using terms that

communities are familiar with. She did not understand how legacy sites and disposal of contaminated materials will be captured under question two as it relates to institutional controls **Jan Fritz** asked if we could look at the timeline for phase two and she volunteered to participate on the workgroup.

Matthew Tejada mentioned that the time line can be addressed by the workgroup and can set the schedule in collaboration with EPA staff.

Roslyn LaPier wanted to add to question two linguistic differences. Cultural is there and sometimes they are used interchangeably but they are different. **Mr. Tejada** said the change will be made.

Sacoby Wilson mentioned that the charge makes a lot of good points, but he wanted to point out communicating health risks, cancer clusters and health impacts and that he is not sure where these concerns fit into the charge. We should have some case studies that focus on these concerns, defining the role of other federal agencies in this process and engaging with communities that live around these sites. We should also look to find out the benefits, if any, to these communities, not the city or local government, but actual citizens that live around these sites.

Karen Sprayberry mentioned that ATSDR use to do community interviews during assessments but is not sure if that information was shared with communities. EPA should partner with ATSDR and work to address communicating with communities on risk and how it can be enhanced. It seems to be that in the north if you want to redevelop a landfill and add solar it seems to work, but when you try to implement the same type of redevelopment in the south it does not happen. It seems that there are a lot of opinions involved. She also mentioned that she would like to see site cleanups and redevelopment consistent across the board. We need to institute more formal processes. She also mentioned that there are other things in the Task Force Report that she would like to see NEJAC involvement.

Mr. Tejada mentioned that Karen Sprayberry and Sacoby Wilson have raised several concerns that he thinks the charge will cover and will be explored during workgroup discussions and will be reflected in the final recommendations.

Mike Tilchin mentioned that in the overall charge we talk a lot about barriers, but he thinks it is lacking in the opportunities side of the equation and that we should add some language to questions one after the parenthesis that states and to ensure that interests and needs are considered in redevelopment planning and implementation processes. In addition, in question two we should add this text – considered in remediation and redevelopment decision making. Also add in (d) and ensuring that EJ stakeholder interests and needs are considered in redevelopment planning and implementation.

Richard Moore mentioned that all the points made are important. He mentioned that communities are going to need technical resources to balance the table. He says that the Brownfields program has worked hard to provide resources and he would like to see that continue.

Richard Moore called for a vote on accepting the charge. All members voted to accept the charge.

Mr. Tejada asked for volunteers for the workgroup – Jan Frits, Rita Harris, Mike Tilchin, Dewey Youngerman, Charlie Chase, Sandra Whitehead, Kelly Wright, Karen Sprayberry and Sacoby Wilson. Karen L. Martin will send out one more request by email.

3.0 Agriculture Worker Protection Standard and Certification of Pesticide Applicators Rule Discussion

Jill Heaps welcomed new members that joined the call, Millicent Piazza and Virginia King and provided some context for the letter. She mentioned that Mily Trevion-Sauceda has been a big part of developing this letter and has the lead the charge on the NEJAC as it relates to farmworker protection. The NEJAC has weighed in several times on this issue over the years and felt it was important to submit this letter in response to the EPA's intent to role back parts of this regulation in January 2019 Jill Heaps also stated that it is very timely that the NEJAC is discussing this issue right now. Jill Heaps provided an overview of the letter and invited the NEJAC members to provide comments.

Richard Moore thanked the workgroup for their work on this letter and called for a vote on the letter. Before the, Jerome Shabazz had a question.

Jerome Shabazz mentioned that the terminology should be revised at the beginning of the letter to say American farmworker to humanize the farmworkers. **Jill Heaps** mentioned that the word American may be misconstrued and associated with citizenship status. **Jerome Shabazz** mentioned that he did consider that but thinks that we need to make this language stronger. **Cynthia Rezendes** agreed with the comments Jill Heaps shared and offered that the language read farmworkers working in the United States. She does not want the statement to read as it is only targeted at Americans. **Kelly Wright** weighed in on the conversation and mentioned that he disagreed with using United States, since he is from a sovereign nation. This language only covers persons outside of the reservation boundaries. **Millicent Piazza** mentioned to humanize this term we could include their families or inserting people back into the phrase. It was agreed to change the language to farmworkers and their families are vulnerable groups of people that need strong EPA rules to protect them from pesticide exposure.

Richard Moore called for a vote on the letter. The NEJAC voted to move the letter forward.

4.0 Public Comment Period

The public comment period was opened to allow members of the public to discuss environmental justice concerns in their communities. A total of 17 registered to provided comments and 4 people submitted comments in writing. Each speaker was allotted three minutes to speak.

4.1 Deyadira Arellano – T.E.X.A.S

Deyadira Arellano started by pointing out the that they would like to share what has worked and what has not worked in Houston with the Superfund Task Force Workgroup. She mentioned that her organization is concerned about NEJAC funding, the release of NATA data, preparation and post disaster concerns and environmental education. She mentioned that they also are having issues with the Superfund Site Repository. They are also concerned that the EPA will decrease funding to support the NEJAC members, youth workgroup on climate justice, other workgroups and other efforts to adequately advise EPA. T.E.X.A.S supports the continuation of NEJAC and all NEJAC working groups. She would like the NEJAC to continue to provide advice to the EPA and for the EPA to continue providing funding to the NEJAC. She is also concerned about NATA data not being updated often enough. After hurricane Harvey EPA officials did not hold public meetings in the Houston area to address concerns. They are also concerned that environmental education is not accessible due to the high cost of education. EPA should be able to provide basic training to the

community around the clean water act, clean air act and Texas regulations. She mentioned that if she took a course on the clean water act at University of Texas at Arlington it would cost around \$700 and she believes these types of training should be free and accessible to NEJAC and the communities the EPA serves.

4.2 Antoinette Stein – Environmental Health Trust

Antoinette Stein provided comments around community composting and the use of Brownfield materials that is organic in composting. She also stated that she would like to see veteran representation on sites. She mentioned the site in Fort Ord as a model, where veterans are working. **Sacoby Wilson** mentioned that composting is a benefit to communities, but we do need to look at the potential odor concerns for the host community. This should be discussed as we talk about equity and benefits with the charge we just received.

4.3 Omega Wilson – West End Revitalization Association

Omega Wilson mentioned the training effort the Charles Lee, Office of Environmental Justice, is working on pertaining to sites that have not been listed on the national priorities list. These sites are a hazard. Contractors, Superfund officials in the region and at headquarters, and state government officials have been remised in accessing a Superfund site in his community. It has taken several years to get the site cleaned up to this point and there needs to be a training where local communities can educate federal and state government on what is happening in their communities. Federal and state government has failed this community and failed to provide oversight as it relates to civil rights, people of color and environmental hazards under NEPA. In order to get traction, they have filed federal legal complaints to get any redress and that stills falls short. There needs to be some options in your policies for communities that are not satisfied with the outcomes to file formal legal complaints to look at a process that is not working on the local level.

4.4 Maria Perales – Centro De los Derechos del Migrante, Inc and Alianza Nacional de Campesinas, Inc

Marie Perales stated that she is speaking on behalf of Centro de los Derechos del Migrante, Inc (CDM) and as for our affiliate, Alianza Nacional de Campesinas, Inc. wanted to thank you for the opportunity to provide public comment during yesterday's call. As encouraged, attached below are our comments in writing.

Centro de los Derechos del Migrante, Inc. (CDM), is a member of Alianza Nacional de Campesinas. We are a binational migrant workers' rights center based in Mexico and in the U.S. dedicated to advancing justice for migrant workers in the United States through legal representation, outreach and education in migrant worker communities, and policy advocacy. Due to the nature of our work, we are in constant contact with agricultural workers facing workplace rights violations across the United States.

CDM is fully aware of the threats that pesticides pose to the health and safety of farmworkers, their families, and their communities. We receive reports from workers with concerns about pesticide use in their workplaces and who are suffering from acute and long-term pesticide impact. Workers and family members often suspect pesticide poisoning - in some cases, in connection with workplace death - but do not know what chemicals were used. Many workers never report

exposure to pesticides due to fear of retaliation, lack of information, language barriers, and lack of resources.

Every minute that the EPA stalls in fully implementing the WPS, the agency puts more workers at further risk for pesticide exposure, illness, and even death. Workers deserve improved training and access to materials about the toxic chemicals they handle every day. Over the past couple months, we had the unfortunate task of responding to pesticide issues in cases of workplace illnesses and even death.

The Agricultural Worker Protection Standard provides critical protections to millions of farmworkers around the country. They should be fully implemented. In particular, we want to draw focus to the following:

- Farmworkers deserve the right to access non-confidential, non-proprietary information about pesticides themselves or through a designated representative. Being able to **designate a representative** is critical to helping farmworkers overcome language barriers, fears of retaliation, or other obstacles that currently put them at risk.
- Farmworkers should never be exposed to pesticides without their knowledge and without proper protection. The **Application Exclusion Zone (AEZ)** is a common-sense measure for reducing workplace accidents and protecting farmworker health.

The WPS contains common sense measures that the EPA should not hesitate to implement in full. They contain critical measures that align health and safety protections for farmworkers with that of other industries.

5.0 Adjournment

Richard Moore made several comments before the meeting was adjourned. Mr. Moore mentioned that he hopes the NEJAC old and new members take very seriously the work that we do as it relates to the charge that was just received and the comments that were provided on the call today. We have a great staff that we are working with in the Office of Environmental Justice. With federalism, sometimes there is a tendency to work with states, business and industry more so than with grassroot organizations. Grassroot organizations are the most highly impacted but are often the least represented at the table when it comes to Superfund sites or other issues. We have some great state agencies on the NEJAC, but not all communities have great relationships with their states. He wants the NEJAC to pay close attention to state relationships as we begin to work on the Superfund Task Force Charge. Sometimes things move quick within this Administrations, but often time things do not move until there is a crisis. The NEJAC wants to be proactive and come with solutions, recommendations, and sincerity. The Superfund Task Force Workgroup needs to be sure to look at ATSDR and the role it has played in the Superfund process historically and we need to look at these health agencies very closely as we work on this charge. He also noted that he understands the timeframe, but decisions will continue to be made as we work to provide recommendations. He reminded everyone that NEJAC members are not payed and they all have other jobs and wanted to thank them for their hard work. He also wanted to make sure that Alaska has representation on the Superfund Task Force Workgroup. He mentioned that we are all in a challenging time, but we need to continue to work. We have a lot of work to do and we need to finish the recommendation letters that we have in process. Mr. Moore adjourned the call.

APPENDIX A

AGENDA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL JUSTICE
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
PUBLIC TELECONFERENCE MEETING
WEDNESDAY, November 28, 2018
3:00 PM – 5:00 PM EASTERN TIME
AGENDA

3:00 pm – 3:10 pm	WELCOME & OPENING REMARKS <ul style="list-style-type: none">○ Matthew Tejada – <i>U.S. EPA Designated Federal Official</i>○ Richard Moore – <i>National Environmental Justice Council Chair</i>○ Jill Witkowski Heaps – <i>National Environmental Justice Council Vice-Chair</i>
3:10 pm – 4:00 pm	U.S. EPA Superfund Task Force Report Recommendation #42 Draft Charge Discussion <ul style="list-style-type: none">○ NEJAC Discussion and Deliberation
4:00 pm – 4:30 pm	NEJAC August 14, 2018 Public Meeting Follow-up <ul style="list-style-type: none">○ NEJAC Discussion and Deliberation of Issue Letters
4:30 pm – 5:00 pm	PUBLIC COMMENT PERIOD - Members of the public will be given three (3) minutes to present comments on their issue or concern to the NEJAC. Members of the public who pre-registered to give public comment will be given priority. <ul style="list-style-type: none">○ Matthew Tejada – <i>U.S. EPA Designated Federal Official</i>○ Richard Moore – <i>National Environmental Justice Council Chair</i>○ Jill Witkowski Heaps – <i>National Environmental Justice Council Vice-Chair</i>
5:00 pm	CLOSING REMARKS & ADJOURN

APPENDIX B

MEETING ATTENDEES

First Name Last Name	Organization
Allison Acevedo	PA Department of Environmental Protection
Nora Alwine	PA DEP
Jerri Anderson	Community Awareness Services, Inc.
Deyadira Arellano	Texas Environmental Justice Advocacy Services
Pia Ariano	Texas Environmental Justice Advocacy Services
April Baptiste	Colgate University
Patrick Barnes	BFA Environmental
John Beard	PA-CAN
Paola Betchart	Worker Justice Center of New York
John Brakeall	PADEP
Sue Briggum	Waste Management
James Burke	JPBurke & Associates
Carla Burns	EWG
Stephanie Caldera	Oregon Dept. of Environmental Quality
Sylvia Carignan	Bloomberg Environment
Mary Carnegie	MDEQ
Charlie Chase	NEJAC
Emma Cheuse	Earthjustice
Julia Coburn	Centro de los Derechos del Migrante, Inc.
Julie Congdon	US EPA R10
Aaron Copado	City of Tacoma
Colin Cox	Lone Star Legal Aid
Hannah Daly	The City Project
Josh Dansdill	NE IA RC&D
Andrea Delgado	
Ellen Drew	Rural Community Assistance Corporation
Hailey Duncan	Texas A&M University
Helen DuTeau	EPA
A. Edwards	EPA
David Farrer	Oregon Health Authority
Cynthia Ferguson	UD Dept of Justice / ENRD
Jan Marie Fritz	U. Cincinnati/U. Johannesburg
Mysti Frost	Beyond Toxics
Sandy Germann	US EPA
Claudia Gonzalez	The Farmworker Association of Florida
Running Grass	USEPA R10
Rita Harris	Sierra Club
Declan Hayes	U.S. EPA
Jill Heaps	Vermont Law School
Stephanie Herron	Delaware Concerned Residents for Environmental Justice
Barry Hersh	NYU SPS Schack Institute of Real Estate
Ernesto Hidalgo	Neighborhood Council Sustainability Alliance
Adrienne Hollis	Hollis Environmental Consulting Services, LLC
James Holt	Confluence Environmental Center
Chandra Jackson	National Institute of Environmental Health Science
Cheryl Johnson	People for Community Recovery

Lena Kim	EPA
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First Name	Last Name	Organization
Marva	King	Citizen
Virginia	King	Marathon Petroleum LP
Michele	Knorr	US EPA
Kim	Lambert	U.S. Fish and Wildlife Service
Rosalyn	LaPier	Saokio Heritage
Sarah	Lashley	Centre College
Leslie	Leahy	US EPA
Doreen	Lehner	State of Michigan
Daisy	Letendre	USEPA
Ellen	Manges	US EPA
Amelia	Marchand	Colville Confederated Tribes
Karen	Martin	U.S. EPA
Laurie	Matthews	Morgan Lewis & Bockius
Melissa	McCullough	US EPA/ORD
Melissa	McGee-Collier	MS Department of Environmental Quality
Rosa	Mendez	DEC
Marsha	Minter	US EPA
Richard	Moore	Los Jardines Institute
Erin	Murphy	Environmental Defense Fund
Daria	Neal	U.S. Department of Justice
Pamela	Nixon	People Concerned About Chemical Safety
Leanne	Nurse	US EPA
Sylvia	Orduño	Michigan Welfare Rights Organization
Jeremy	Orr	Michigan NAACP
Michele	Paul	City of New Bedford, MA
Maria	Perales	Centro De los Derechos del Migrante, Inc and Alianza Nacional de Campesinas, Inc
Devina	Phillips	
Millie	Piazza	WA State Dept. of Ecology
james	potter	HUD
Thomas	Potter	Massachusetts Department of Environmental Protection
Dennis	Randolph	City of Grandview
Myra	Reece	SC DHEC
Brian	Reed	State of Idaho
David	Reynolds	Inside EPA Newsletter
Lovinia	Reynolds	Environmental Law Institute
Cynthia	Rezentes	Mohala I Ka Wai
Alexis	Rourk	US EPA
Virginia	Ruiz	Farmworker Justice
Marisol	Saucedo	Alianza Nacional de Campesinas
Oral	Saulters	KSU TAB
Isabel	Segarra	Earthjustice
Jerome	Shabazz	Overbrook Environmental

Paul	Shoemaker	Boston Public Health Commission
Elise	Simons	EPA
Rhonda	Smith	EPA
Gevon	Solomon	EPA
Karen	Sprayberry	SC DHEC

First Name	Last Name	Organization
Antoinette	Stein	Environmental Health Trust
Elyse	Sutkus	US EPA
Lyndsay	Tarus	The Alliance for Appalachia
Steven	Taylor	Coming Clean
Michael	Tilchin	Jacobs
Tressa	Tillman	US EPA Region 6
john	tolos	waterprosper, inc
Gloria	Vaughn	EPA
Clifford	Villa	University of New Mexico School of Law
Brett	Walton	Circle of Blue
Kenneth	Warren	Warren Environmental Counsel LLC
Audrie	Washington	EPA/OP/OEJ
Kimi	Wei	The Wei
Sandra	Whitehead	National Environmental Health Association
Omari	Wilson	Land Loss Prevention Project
Omega	Wilson	West Revitalization Association
Sacoby	Wilson	UMD-College Park
Kelly	Wright	Shoshone-Bannock Tribes
Dewey	Youngerman	Huntington Ingalls Industries San Diego Shipyard

APPENDIX C

WRITTEN COMMENTS

Kristin Beatty

I was not able to attend the NEJAC meeting. I would like to point out something though.

NEPA rules are being proposed to be changed, and I can barely keep up with all the changes proposed but I think they want to get rid of NEPA and interagency work for NEPA.

Right now, I think NEPA means that an environmental review would be required for the FCC. I would like NEJAC to consider pushing for such a thing. The FCC is ignoring warnings of scientists about the risks of continuing to allow wireless facilities to increase and use new frequencies. There is so much information online you can fall on it. Dr. Joel Moskowitz has a site called SaferEMR.com with some information, for example.

But the FCC has sold off new spectrum, or new frequencies, and is proposing to strip all rules to prohibit cell towers for any reason. Because the FCC is so crazy, I propose requiring a NEPA review.

I don't know how much it would help with this administration, but maybe it would serve to delay.

Clifford Villa

Dear NEJAC:

On the NEJAC conference call today, there was a request from a community member for basic training on environmental law. Specifically, a woman suggested that a course on fundamentals of the Clean Water Act would cost \$700. In response to this request, I am certain the NEJAC could find professors of environmental law professors in every major city who would be willing to provide such training for free. I know, because I'm one of them. I also specifically taught the EPA course on Superfund fundamentals for many years and would be happy to donate my time if asked in order to provide community training.

Sincerely,

Cliff Villa

Teresa de Lima

Affected Citizen, formerly of Fairbanks, Alaska & successful petitioner to EPA Region X in May of 2011.

Re: investigation of Aurora Energy's coal fired power plant at 1206 First Avenue in Fairbanks, Alaska in May of 2011. Investigation results, State of Alaska's pitiful response, and lack of follow up and follow through from state and federal entities direct my request for National Environmental Justice Authority to address my concerns.

The Aurora Energy Power plant on First Avenue in Fairbanks, Alaska is a source point for coal emissions and particulate fallout in a residential neighborhood. There are oftentimes fires and explosions at the power plant. The power plant is owned by Usibelli the same folks who own the coal mine that the power plant burns. The coal mine sells the coal to the power plant who in turn sells the power to the electric cooperative. The electric cooperative is made up of former Usibelli people that have absolutely no regard for the environment nor the people for which are being poisoned. The power plant produces waste which has to be disposed of and so because nobody is looking at what they do in Alaska, the power plant fellas hire a sole proprietor to come grab the hot ash and go dump it on property owned by the fellas at the electric cooperative in order to improve the land by building it up. All the while, parading hot coal ash through the city to go dump it on unlined permafrost to dispose of it under the guise of beneficial land use. It is utter insanity. I can show you medical records of my parents who lived in a house not 450 feet away. It is my firm belief that their lives were dramatically shortened and made less qualitative due to the actions of the Usibelli Aurora Energy coal fired power plant in Fairbanks, Alaska. The State of Alaska wrote a 7-page draft letter regards to the lead results that showed up in the testing which was laughable. I believe the State of Alaska is complicit in this travesty. I believe the EPA should get their poop in a group and open their eyes and do something that makes sense for the people of Fairbanks. Implement cutting edge cold weather testing for heat and electric production from other countries. There is a fantastic opportunity to improve lives and stop polluting both the water table and the air being breathed in Fairbanks. Thank you for the work that you are doing.



Fairbanks resident Teresa de Lima holds a poster showing where samples were taken as part of an E.P.A. coal ash investigation.

CREDIT DAN BROSS / KUAC

Maria Perales Sanchez

Dear National Environmental Justice Advisory Council Members,

My name is Maria Perales Sanchez, and I'm writing on behalf of Centro de los Derechos del Migrante, Inc (CDM). The organization, as well as our affiliate, Alianza Nacional de Campesinas, Inc. wanted to thank you for the opportunity to provide public comment during yesterday's call. As encouraged, attached below are our comments in writing.

Centro de los Derechos del Migrante, Inc. (CDM), is a member of Alianza Nacional de Campesinas. We are a binational migrant workers' rights center based in Mexico and in the U.S. dedicated to advancing justice for migrant workers in the United States through legal representation, outreach and education in migrant worker communities, and policy advocacy. Due to the nature of our work, we are in constant contact with agricultural workers facing workplace rights violations across the United States.

CDM is fully aware of the threats that pesticides pose to the health and safety of farmworkers, their families, and their communities. We receive reports from workers with concerns about pesticide use in their workplaces and who are suffering from acute and long-term pesticide impact. Workers and family members often suspect pesticide poisoning - in some cases, in connection with workplace death - but do not know what chemicals were used. Many workers never report exposure to pesticides due to fear of retaliation, lack of information, language barriers, and lack of resources.

Every minute that the EPA stalls in fully implementing the WPS, the agency puts more workers at further risk for pesticide exposure, illness, and even death. Workers deserve improved training and access to materials about the toxic chemicals they handle every day. Over the past couple months, we had the unfortunate task of responding to pesticide issues in cases of workplace illnesses and even death.

The Agricultural Worker Protection Standard provides critical protections to millions of farmworkers around the country. They should be fully implemented. In particular, we want to draw focus to the following:

- Farmworkers deserve the right to access non-confidential, non-proprietary information about pesticides themselves or through a designated representative. Being able to **designate a representative** is critical to helping farmworkers overcome language barriers, fears of retaliation, or other obstacles that currently put them at risk.
- Farmworkers should never be exposed to pesticides without their knowledge and without proper protection. The **Application Exclusion Zone (AEZ)** is a common-sense measure for reducing workplace accidents and protecting farmworker health.

The WPS contains common sense measures that the EPA should not hesitate to implement in full. They contain critical measures that align health and safety protections for farmworkers with that of other industries.

Best regards,

Mari Perales Sánchez, *Policy Fellow*

Centro de los Derechos del Migrante, Inc.