

**National Advisory Council for  
Environmental Policy and Technology**

**Federal Advisory Committee**

**Summary of the Title VI Implementation  
Advisory Committee Meeting**

*Washington, DC  
May 18-19, 1998  
(Revised 7/29/98)*

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Committee Members

Attachment A

## CONVENING REPORT

### National Advisory Council for Environmental Policy and Technology Title VI Implementation Advisory Committee

**Convening Phase—Bringing the  
Committee Together  
April 8 to May 16, 1998**

#### OVERVIEW

CDR Associates worked with Greg Kenyon, the EPA Designated Federal Official, other EPA staff, and Elliott Laws, the Chair of the Title VI Implementation Advisory Committee, to prepare for initial telephone calls with Committee Members.

#### PURPOSE OF CONVENING

The overall purpose of these calls between CDR staff (Mary Margaret Golten and Judy Mares-Dixon) was to understand more about individual members' concerns regarding Title VI—and its implication for Federal and State agencies, impacted communities and industry. In addition, these telephone interviews were intended to answer members' questions about operation of the Committee, to discuss process design considerations, and to develop an agenda for the first meeting on May 18 and 19.

#### THE PROCESS USED

Nearly every member of the Committee was contacted, spending up to an hour with CDR facilitators. Some of the issues discussed in these initial calls to Committee members were:

- Are there environmental permitting programs that could serve as models of Title VI compliance? If so, what makes them models?

- From the perspective of Title VI, what are the essential elements of an effective environmental permitting program and what features are most likely to lead to permitting decisions that have discriminatory effects?
- What are the barriers to establishing a permitting program that is in compliance with Title VI? Are there effective ways to manage the potential barriers? What are the incentives to establishing a permitting program that is in compliance with Title VI?
- What is the relationship of community values to environmental permitting decisions? How should the community be engaged? Are there effective techniques that can be used to incorporate community values in decision-making processes? If so, what are they and when should they be applied? Pre-application, pre-construction?
- Is it desirable to have public involvement after a permitting decision has been made? Should post-permitting complaint resolution or on-going good neighbor practices be part of this discussion?
- Are there case studies that would serve to illustrate the practical issues involved in making environmental permitting decisions that are in compliance with Title VI? Would it be valuable to use such studies to help focus discussions in the initial meeting? Should we use real case studies or fictionalized scenarios?

Conversations with members had several common denominators:

- There are no perfect environmental permitting programs in the States at this time, although several States have proposals for significant improvements—

and are eager to present these new models.

- Public involvement that truly reaches and involves the effected communities prior to permitting would be a significant improvement to the current process.
- All sectors (community, States, industry, Federal government) have “values” that are important to address in this process.

## THEMES

Respecting the confidentiality of these telephone interviews, CDR listed “themes,” representing more specific interests or concerns about both substance and process, most of which were raised by a number of people. The themes were made available to participants prior to the meeting.

### THEMES FROM INTERVIEWS

- People are concerned about committee charge—Interim guidance? Pre-permitting process?
- States want to develop their own approach to satisfying Title VI requirements—and to receive EPA support if their processes are successful.
- States’ approaches cannot be generic/identical.
- In order to discuss disparate impact we must discuss race.
- There is concern that we “get some place,” that this process results in a product, a tangible outcome.
- A good outcome would be workable, understandable, predictable, would link with other processes, would provide for meaningful community input with clear time lines and consequences (and state and local government roles would be clear).
- It will be helpful to hear what other groups (others here) are doing to evaluate possible disparate impacts. (People need to really take time to listen and understand one another.)
- Tribes have serious concerns about how their sovereignty will be addressed in this process.
- Definitions are needed.

Also in response to issues regarding the meeting process, CDR proposed the following operating principles or principles of agreement, which were presented at the beginning of the meeting and agreed upon by participants.

#### **PRINCIPLES OF AGREEMENT FOR THE MEETING**

- We will all attempt to be open to proposals, ideas and concerns, avoiding stereotypes or making assumptions about the motives of others.
- We will listen to each other and attempt to understand the interests of others.
- We will not shy away from hard issues or difficult questions.
- We will recognize that negative community impacts exist.
- We will avoid interruptions and will rely on the facilitators to see that everyone is recognized.
- We will attempt to focus on issues and will avoid a focus on individuals.
- We will be sensitive about the length of our comments (and repetition) in order for everyone to be heard.
- We agree to stick to the agenda, once it is agreed on, unless everyone agrees to a change.
- We are interested in open, frank dialogue and will try to create an atmosphere of problem solving cooperation.

#### **AGENDA**

Finally, after completion of the telephone interviews, an agenda was drafted by EPA, the Chair, and the facilitators. Although there were some changes during the two days, this agenda provided general direction during the two days, and was sent out to participants prior to the meeting.

#### **MEETING AGENDA May 18-19, 1998 Sheraton National Hotel Arlington, Virginia**

##### **Day I**

- Welcome and Introductions, lead by Elliott Laws and Facilitators
- Review of Agenda for Both Days and Discussion of Meeting Assumptions
  - ◆ Role of Chair and Facilitators
  - ◆ Ground Rules and Guidelines for the Meeting
  - ◆ Committee Charge and links to the Interim Guidance
  - ◆ Common Ground—Principles on Which All Can Agree
- Federal Advisory Committee Act Requirements led by Hale Hawbecker
- Overview of Title VI—Federal Perspective, Agency Expectations and Policy Considerations, lead by Mark Gross, U.S. Department of Justice

##### ***LUNCH***

- Brainstorming on Critical Issues
  - ◆ Review of Case Studies
  - ◆ Identification of Key Elements for Discussion
- Continued Discussion of Critical Issues
- Wrap Up and Preview of Day II
- Public Comment Session

**MEETING AGENDA**  
**May 18-19, 1998**  
**Sheraton National Hotel**  
**Arlington, Virginia**

**Day II**

- Recap of Day I, Agenda Review, Discussion of Themes from Public Comments
- Continued Discussion of Critical Issues
  - ◆ Return to the Committee Charter
  - ◆ Establishment of Committee Priorities
- Administrator's Remarks, Carol M. Browner
- Continued Discussion
  - ◆ Development of a Committee Work Plan
  - ◆ Establishment of Working Groups, Assignments and Timelines
  - ◆ Identification of Technical Support Needs

**LUNCH**

- Continued Discussion—Plans for the Next Meeting
  - ◆ Location Options
  - ◆ Engaging the Public
  - ◆ Process Improvement
- Wrap Up
- Meeting Evaluation

With this preparation, the meeting began on May 18, 1998, at the Sheraton National Hotel in Arlington, Virginia.

**MEETING NOTES**

**Minutes from the May 18-19, 1998 Meeting  
of the National Advisory Council for  
Environmental Policy and Technology  
Title VI Implementation Advisory  
Committee**

**DAY I**

The first meeting of the Title VI Implementation Advisory Committee (IAC) was held in Arlington, Virginia, on May 18-19, 1998. The Title VI IAC is a federal advisory committee that was established to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to implementation and enforcement of Title VI of the Civil Rights Act of 1964. Mr. Elliot Laws, Patton Boggs, serves as the chair of the committee. Mr. Gregory Kenyon, EPA, serves as the Designated Federal Official (DFO) for the Committee.

Mr. Laws opened the meeting by welcoming committee members and the members of the public who were observing. He stated that the task before the Committee was a difficult one and that the Committee might not know the questions to ask. Mr. Laws then introduced the EPA resource staff and the facilitators.

The members of the Committee were asked to identify one hope or concern about the Committee's work. Among the items identified were the following:

- A need for open and respectful dialogue;
- A desire to formulate ideas on how to reduce disparate impacts;
- A need to develop ideas about how to accomplish important business efficiently;
- A focus on developing recommendations for implementation of effective policies so that Title VI is enforced;
- The need to hear from impacted communities;

- The end result should be a process which infuses environmental decision making with environmental justice concerns;
- A process that will support both business efficiency and environmental justice concerns;
- A process that develops reasonable recommendations that recognize all stakeholder concerns and that offers fair, workable solutions;
- A hope that opposition to implementation of Title VI would be dropped;
- A desire for transparent, fair policies that don't discourage help to impacted communities;
- A desire to implement and enforce existing laws;
- A greater appreciation of Committee member differences while working together to seek answers;
- A hope that the Committee will move the Title VI discussion to action to truly protect people and the environment;
- A desire for an implementable process, based on discrete, workable criteria, to implement the Title VI non-discrimination mandate;
- An end result that has EPA recognizing the states' proper implementation of Title IV;
- A process that is effective and brings together civil rights and environmental movements;
- No special treatment, but even-handed enforcement of the law;
- A hope that Committee members would focus on tackling the difficult issues and propose concrete steps for dealing with them.

Members of the Committee also observed that the call for environmental justice arises out of the fact that there is environmental injustice, and that the issues being tackled by the Committee are difficult ones. A number of Committee members expressed hope that the Committee would propose specific solutions. Some Committee members also pointed out that enforcement

of Title VI requirements when tribal issues are raised present some unique challenges.

Fred Hansen, Deputy Administrator of EPA, spoke of the importance of the Committee's work to the Administrator, to himself, and to the Agency. He told Committee members that EPA was seeking fundamental advice regarding Title VI, mentioning specifically the desire for the development of a template to resolve Title VI concerns up front in the state permitting process. Mr. Hansen indicated that the ideal outcome for an effective Title VI program would be that no Title VI complaints would be received at EPA; complaints would be resolved at the state level. Mr. Hansen identified three areas as potentially fruitful ones for the Committee: First, EPA's view is that addressing Title VI issues on a case-by-case basis is not viable. A template, or framework, under which the states could operate would provide certainties to states and businesses, and assurances to effected communities. Second, Mr. Hansen requested help in developing a consistent approach for defining disparate impact. Finally, Mr. Hansen requested help for the agency on ways to evaluate Title VI complaints that are filed against a permitting entity that has adopted a template or framework.

During his remarks, Mr. Hansen indicated that EPA would provide copies of the comments received on the Title VI Interim Guidance to any members of the Committee desiring them. The question of tribal sovereignty and the application of Title IV to tribes arose, and Committee members were told that EPA would be responsive to those issues, and that its American Indian Office would be involved in the Committee's work. Mr. Hansen emphasized the Agency's support of government-to-government relationships with tribes.

It was noted that membership on the Committee included commissioners from states in which Title VI petitions had been filed, but that no one from the communities

filing those petitions was on the Committee. It was also noted that local and county officials were not well represented, and that if the Committee became larger it would be important to consider greater industry involvement.

Committee members began consideration of the committee charge with a review of the themes discussed in the facilitators' initial round of telephone calls with Committee members. A discussion of themes follow:

- There was some concern voiced about the Committee's charge;
- There was a concern about the confluence of the Committee's work and the finalization of the Interim guidance;
- The importance of the pre-permitting process;
- Some Committee members indicated that the states want to develop their own approach to satisfying Title VI requirements—and to receive EPA support if their processes are successful;
- Some Committee members indicated that the states' approaches cannot be generic or identical;
- It is not possible to discuss disparate impact without discussing race;
- There was a concern expressed that we "get someplace"—that the Committee process result in a product, a tangible outcome;
- A good outcome would be workable, understandable and predictable. It would link with other processes, would provide for meaningful community input (state and local government roles would be clear)—with clear timelines and consequences;
- Committee members indicated that it would be helpful to hear what other groups (particularly, other members of the Committee) are doing to evaluate possible disparate impacts. (In this regard, some Committee members believe that it is crucial that all Committee members take time to listen and understand one another);

- Tribes have concerns about how their sovereignty will be addressed;
- Definitions, or a common language, are needed.

After a preliminary discussion of the Committee's charge, Mark Gross, Civil Rights Division of the U.S. Department of Justice, spoke to the Committee on legal issues surrounding Title VI. Mr. Gross explained the genesis of Title VI as an effort to prevent subsidized discrimination. Title VI contains language suggesting that determining someone's "intent" to discriminate is critical to successful pursuit of a Title VI claim. Mr. Gross indicated that the government has adopted regulations embodying the "effects" test. Under such a test, the question is one of the impact of the state's activity, not whether the state intended the discrimination. Mr. Gross also indicated that the Supreme Court in the Grove City case limited the reach of Title VI to discrimination within the entity receiving federal aid, a limitation voided by Congress in 1991 [sic 1987] when it passed amendments to the 1964 Civil Rights Act. In those amendments Congress reinstated the rule that any discrimination by the recipient could lead to enforcement activity by the federal government.

Mr. Gross indicated that there are two enforcement tracks possible for Title VI complaints. The first is an administrative route through which the federal agency awarding the funds takes formal action to withhold any future funds. The second avenue is referral by the agency to the Department of Justice (DOJ). If litigation is pursued DOJ is able to request remedies other than a straight cessation of the grant of funds. Mr. Gross also mentioned that the Third Circuit Court of Appeals had held that a private person has the right to enforce an "effects" test on a recipient of federal funds.

Mr. Gross indicated that the DOJ's Civil Rights Division's Coordination and Review

Section works directly with 29 federal agencies which award funds. In addition to providing training for agency staff, Mr. Gross indicated that some agencies had requested that the Section also provide training for state officials.

Luke Cole, Center of Race, Poverty and the Environment, provided the Committee with a brief history of Title VI administrative complaints filed with EPA. (A short article expanding on Mr. Cole's remarks at the meeting are attached as Attachment A.) He noted that Committee Member Richard Moore pointed out that the reason the NACEPT Title VI Implementation Committee was convened was due to community action. Community action through the Civil Rights Movement created political pressure on Congress to pass Title VI in 1964. Community action through the filing of Title VI complaints with EPA, followed up by pressure from those complainants, created the pressure on EPA to promulgate the Interim Guidance on Title VI.

Mr. Cole noted that the first complaints were filed in September 1993, on behalf of community groups in Louisiana and Mississippi. This was five months before President Clinton signed the Executive Order on Environmental Justice. EPA began to receive a stream of complaints, and by the following September, 17 had been filed. As more complaints were filed, it became clear that EPA's Office of Civil Rights did not have the capacity to handle them. Many of the complaints filed (8 of the first 17, for example) were rejected outright. The accepted complaints, however, appear to be languishing without attention at the Office of Civil Rights (OCR).

EPA's Title VI regulations (codified at 40 CFR Sec. 7) require EPA to determine whether to accept or reject a Title VI complaint within 20 days—40 CFR Sec. 7.120(d)(1)(i). The regulations further require EPA to make a preliminary

determination on each complaint within 180 days—40 CFR Sec. 7.115(c)(1).

According to Mr. Cole, by the fall of 1996, it was clear to all concerned that EPA was long overdue in meeting its requirements for processing Title VI complaints. EPA had not prepared preliminary determinations for the complaints filed in September 1993—three years earlier—nor in any of the other 20 complaints then pending. Some cases had languished more than a year without being accepted or rejected—far longer than the 20-day regulatory deadline. So, in October 1996, community groups involved in 16 of the 20 then-pending complaints sent a letter to Administrator Browner outlining the violations of the regulations, which had occurred in every single case, and threatening to sue if EPA did not effectively deal with this situation.

Mr. Cole indicated that several things happened as a result of the letter from the complainant groups. Deputy Administrator Fred Hansen, in December 1996, issued a communication to the complainant groups and to the National Environmental Justice Advisory Council (NEJAC), that said EPA would set up a Title VI Task Force. The Task Force would have two mandates: to devise a Title VI policy for EPA, and to resolve at least five of the outstanding complaints. The Task Force was to accomplish its work by the end of February 1997.

Mr. Cole stated that the Task Force took on six cases to resolve, and when the Shintech case was filed in July 1997, took it on as well. The Task Force developed the Interim Guidance, which was finally issued in February 1998. The Task Force has yet to resolve any of the complaints. The controversy surrounding the Interim Guidance led the EPA to create this Federal Advisory Committee Act (FACA).

Mr. Cole noted that as of March 1998, 48 Title VI complaints had been filed with EPA.

Of these, 25 were rejected outright, mostly failing because of either 1) no federal financial assistance; or 2) not being filed within 180 days of the discriminatory action. (This is a subject of some dispute between EPA and the complainants whose complaints were rejected).

Mr. Cole stated that of the remaining complaints, 17 have been accepted for investigation. Of those, two have been dismissed: one was dismissed after the project proponent withdrew the application to build the incinerator in question, the other was dismissed because the permit application had been inactive for more than three years. In addition to the 15 cases currently under investigation, there are six cases pending decisions on acceptance or rejection; one of those cases was filed in August 1995.

Most of the cases filed thus far are in the permitting context, but not all. None of the 48 complaints thus far filed has been raised in the context of a Brownfields redevelopment.

Mr. Cole stated that geographically, the complaints come from 18 states in almost every region of the country. Alabama has been the subject of nine complaints, all of which were rejected. California (or agencies within California) has been the subject of nine complaints, three of which are under investigation and two of which are pending acceptance/rejection decisions. Texas currently has five complaints under investigation and one pending acceptance. Louisiana has two complaints under investigation and one pending. Connecticut, Florida, Georgia, Michigan, and New York have one complaint each under investigation, while Illinois and Pennsylvania each has one complaint pending.

More complaints are being filed on a regular basis; in fact, one was filed on the Friday before the Committee meeting.

In the question period following Mr. Cole's remarks and Mr. Gross' presentation, Mr. Gross stated that he was unprepared to answer questions regarding tribal sovereignty and Title IV issues.

Hale Hawbecker, EPA, provided Committee members with a primer on the Federal Advisory Committee Act. He stated that FACA Committees are chartered through a process requiring the Office of Management and Budget (OMB) and the Government Services Administration (GSA) approvals. He stated that the National Advisory Council for Environmental Policy and Technology (NACEPT) charter is a broad one, and that the Committee should be prepared to provide advice to EPA regarding the scope of Committee work. Regarding the issue of Committee composition, Mr. Hawbecker indicated that while "balance" is required of FACA committees, he is unaware of any committees struck by a court due to lack of balance. Further, Mr. Hawbecker said that while EPA was prepared to listen to Committee members' suggestions regarding the composition of the Committee, he noted the importance of balancing a desire for inclusiveness and having too large a committee.

Finally, Mr. Hawbecker noted the following FACA Committee characteristics:

- A designated federal official or DFO (the DFO must be in attendance at all Committee meetings, and can close the meeting, if necessary);
- Minutes are to be kept, and the meetings are open to the public
- Meetings are noticed in the Federal Register;
- If the Committee is to use workgroups, Mr. Hawbecker suggested that they be open to the public, but he stated that there was no Federal Register notice requirement. The workgroups should make no recommendations directly to EPA, rather they should be passed

through (and considered) by the Committee;

- Appointments to the Committee are at the pleasure of the Administrator and Deputy Administrator;
- EPA can support travel for Committee members if there is a direct benefit to the agency;
- Committee members should not go to Congress representing themselves as a member of the Committee.

### DAY I—Afternoon

In the afternoon, Committee members, divided into three workgroups, discussed the Title VI implications of two hypothetical case studies. A synopsis of the thoughts reflected in those workgroups follows:

- Compliance with environmental laws/regulations is not enough to ensure compliance with Title VI;
- Facilities may not have legal responsibility, but have neighbors and are responsible for nurturing the relationship with its neighbors;
  - ♦ Should provide periodic understandable information to community.
- Does sharing of information increase compliance?
- Good community relationships equal reduced opportunity costs and costs of future modifications and renewal.
  - ♦ Predictability increased for all.
- Early, pro-active, pre-permit dialogue enhances relationship and connections.
  - ♦ Some businesses have participated in good community advisory panels (with attendance of facility staff) as part of a plant business plan.
- Predictable, timely process is important for all stakeholders.
- Can EPA require continuous (pre- and post-permit) public input as condition of permit? Can the NEJAC model be used? Would this same model work for federal facilities?
- State/local structure (zoning boards, etc.) are crucial in initiation of dialogue.
  - ♦ EPA template may be to require states to develop their own processes for Public Participation.
- Can states require this level of Public Participation?
- Many believe that communities want to solve their own problems.
  - ♦ Models for collaborative decision making exist.
- Consider looking at current and new state processes to develop the ideal model/template.
- Consider whether there should be any differences in the framework between renewals and new permits.
- The trigger for a Title VI complaint should not only be the filing of a permit.
- Looking at harm/cumulative impacts:
  - ♦ Facility may not be in control of all impacts.
  - ♦ How broadly do you look [at whom and for what?]
  - ♦ Models: TMDL, SIP planning for ozone.
- Role of EIS
- Look at multimedia approach in evaluation of impacts.
- Is additional authority or are additional standards needed?
  - ♦ Impact may not be subject of this application. Agency may not have jurisdiction over the impact causing the harm.
- Consider mitigation based on reduction of morbidity and mortality.
- Consider red flagging special communities or special pollutants.
- Is a new health-based standard necessary for successful completion of this work?
  - ♦ What is required relationship between mitigation and impact? Does the mitigation contemplated have to reduce the impact of the complained-about problem, or can the mitigation effort take a broader view?

- Disparate Impacts
  - ◆ How can the analysis be bounded?
  - ◆ How can a baseline be established?
  - ◆ What methodologies are used or could be used to measure impacts?
  - ◆ What type of analysis can be done?
- Tribal sovereignty is a serious issue. Government-to-government relationship between the tribes and federal and state governments needs work. In the Title VI world, there is the issue that these questions affect both recognized tribes (governments) and individual tribal members.
- Definitions Needed
  - ◆ Affected community
  - ◆ Harm

The Committee ended the day with a Public Comment period. Sixteen members of the public addressed the Committee during this time.

The recurring themes were:

- The importance of the Committee's work;
- The fact that entire communities are suffering due to a lack of an adequate Title VI complaint process;
- A concern that the voice of the affected communities will not be heard by the Committee as strongly as that of the states, as some state commissioners are members of the Committee, but there are no members of the communities who have filed Title VI complaints.

Following the Public Comment Period (from 5-7:30), the Committee adjourned for the day.

## PUBLIC SPEAKERS

**May 18**

**5:00-7:30**

In order of speaking:

- Raul Alvarez, People in Defense of Earth and her Resources (PODER), Austin, Texas
- Verniece Mills, NRDC
- Alex Varela, Former EPA employee
- Reverend Curry, Mothers Organized to Stop Environmental Sins (MOSES)
- Nathan Phillips, Native Youth Alliance, Omaha, Nebraska
- Doug Weinfield, Environmental Director, Manufacturer's Alliance for Productivity and Innovation
- Larry Charles, Sr., Executive Director, ONE/CHANCE, Inc., Hartford, Connecticut
- Shoshana Konstant, US Ecology
- Phyllis Glazer, Mothers Organized to Stop Environmental Sins, Winona, Texas
- Jim Fiouloux, LA Department of Environmental Quality, Ombudsman
- Damu Smith, Southern Regional Coordinator for Green Peace
- Edith Pestana, Connecticut Department of Environmental Protection
- Jerry Balter, Mayfield, PA
- Ross Richard Crow, Mothers Organized to Stop Environmental Sins
- Richard Gregg, Florida A&M University, Environmental Sciences
- Rodney Livingston

**DAY II—Morning**

On May 19, 1998 the Committee began with a discussion of Committee membership. Committee members remarked on the points that had been made in the Public Comment Period the previous evening, and discussed whether there should be representatives on the Committee from communities that had filed Title VI petitions, additional local government officials and/or additional industry representatives. Mr. Laws, Chairman of the Committee, indicated that he would discuss the matter further with EPA.

Carol Browner, EPA Administrator, joined the Committee. In her remarks, Ms. Browner indicated the importance of the issues being wrestled with by the Committee. She urged Committee members to be honest and open with each other through the Committee's work. She indicated that EPA would not finalize its Title VI Interim Guidance before the Committee completed its work. She stated that EPA's work could be influenced by the work of the Committee. Ms. Browner indicated that the more tightly the Committee was able to focus its work, the greater the likelihood that it would be useful to EPA. Ms. Browner said that the Title VI program would, almost by necessity, have to avoid a case-by-case approach in favor of one designed around a framework or template to address Title IV related concerns up front in the permitting process. She also noted that the agency would benefit from Committee recommendations reached by consensus regarding issues such as how to develop a consistent approach to identify communities suffering from disparate impacts. Ms. Browner also asked the members to consider recommending the appropriate role for a permitting agency once a Title VI petition is filed with EPA. Finally, Ms. Browner asked Committee members to consider what guidance could be given, if any, to businesses and local governments

so that the process of seeking a permit remains timely.

In the discussion following her remarks, Ms. Browner reiterated her willingness to delay issuance of final Title VI guidance until after the Committee makes its recommendations. After urging the Committee members to have a Public Comment Period as a component of all meetings, Ms. Browner made the point that a number of states (and EPA) are experimenting with a variety of public participation processes. A Committee member raised a question regarding EPA's abilities to develop a policy aimed at cumulative effects given the focus of most US environmental laws. Ms. Browner's response was to charge the Committee with developing recommendations based on common sense and to challenge the Committee members to think "outside the box" as they develop their recommendations. When a question was raised about the Interim Guidance dealing only with permitting issues, Ms. Browner reiterated the point that the guidance is an interim one, and asked for the Committee's thinking on that issue. She concluded by noting that any consensus reached would be useful to EPA.

The Committee members began a discussion about next steps. They agreed to form three workgroups, and that each workgroup would consider the following three issues: Assessment, Operation and Mitigation. The workgroups intend to identify clear points of agreement, points on which more discussion is needed, and points of clear disagreement. The composition of the three workgroups is as follows:

**GROUP I, Facilitated by Judy Mares-Dixon**

Luke Cole  
 Alexandra Dunn  
 Russell Harding  
 Charles Lee  
 Richard Monette  
 Jane Nishida  
 Haywood Turrentine

**GROUP II, Facilitated by Michael Lewis**

John Chambers  
 Lillian Kawasaki  
 Richard Lazarus  
 Richard Moore  
 Peggy Shepard  
 Bob Shinn  
 Gerald Torres

**GROUP III, Facilitated by Mary Margaret Golten**

Cherae Bishop  
 Sue Briggum  
 Bob Bullard  
 Eileen Gauna  
 Tom Goldtooth  
 Walter Handy  
 Langdon Marsh  
 Barry McBee

Committee members discussed the resources necessary for their work. Such resources included:

- GIS/hazard mapping
- Panels of communities experiencing problems
- Analysis done by EPA on existing complaint (Shintech?)
- Existing practical models of cooperative decision making
- EIS or other examples of helpful tools - how state NEPAs are working—(Peggy: minimum to maximum)
- Work done by industry in dealing with community concerns
- Alternative forms of risk assessment - non-federal (EJ focus)
- Others
  - ◆ Association of state health officials
  - ◆ ATSDR (segment of CDC)

## ◆ HHS

- EJ Analysis of EIS
- Planning/zoning

The Committee recommended a meeting in Philadelphia on July 27-28, 1998 and in New Orleans on October 19-20, 1998. The Committee members also made known their strong view that EPA should add a fourth meeting to the Committee's charge. That meeting would most likely be held in the west or southwest. The EPA officials at the meeting could not make a commitment to a fourth meeting, but indicated that they would take seriously the Committee's input on that question.

**SUGGESTED SITES FOR NEXT MEETINGS****July 27-28, 1998**

St. Louis, Missouri  
 Washington, DC  
 Minneapolis, Minnesota  
 Seattle, Washington  
 Philadelphia, Pennsylvania  
 New Orleans, Louisiana  
 Saginaw, Michigan (Chippewa Tribe)  
 California  
 Texas  
 Detroit, Michigan  
 Fort Mojave Tribe, California

**September 30 - October 1, 1998**

Madison, Wisconsin  
 St. Louis, Missouri  
 Washington, DC  
 Austin, Texas  
 Portland, Oregon  
 New Orleans, Louisiana  
 Philadelphia, Pennsylvania  
 Winona, Texas (Title VI Community)  
 California  
 Texas  
 Detroit, Michigan

**Recommended Dates and Sites:**

July 27-28, 1998: Philadelphia  
 October 19-20, 1998: New Orleans

**MEMBERS PRESENT  
AT MAY 18-19 MEETING**

Mr. Elliott Laws, Chair  
Ms. Sue Briggum  
Dr. Robert Bullard  
Ms. Cherae Bishop  
Mr. John Chambers  
Mr. Luke W. Cole  
Ms. Alexandra Dunn  
Ms. Eileen Gauna  
Mr. Tom Goldtooth  
Dr. Walter Handy, Jr.  
Mr. Russell Harding  
Ms. Lillian Kawasaki  
Mr. Richard Lazarus  
Mr. Charles Lee  
Mr. Langdon Marsh  
Mr. Richard Monette  
Mr. Richard Moore  
Ms. Jane T. Nishida  
Ms. Peggy M. Shepard  
Mr. Robert Shinn  
Mr. Gerald Torres  
Mr. Haywood Turrentine

*Represented by Observer:*  
Mr. Barry McBee