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so that we can assure the greatest possible community participation. We are very mindful of the kinds of challenges that EJ communities have in terms of the finances and the travel involved to get to the NEJAC meetings. So, we want to make the greatest opportunity possible for you to interface with the NEJAC and with the EPA leadership.

This is an example, I think, of how we're trying to carry out the Administrator's instructions that we must meet the community on the road that they are traveling.

*Opening Dialogue with EPA Senior Officials*

*by Charles Lee, Moderator*

MR. LEE: With that, I will go right to the next panel which will consist of the political leadership at EPA. I will quickly give their names. They have already introduced themselves in the order that they will speak. Lisa Garcia, Michelle DePass, Cynthia Giles, who I want to also mention is not only the Assistant Administrator for the Enforcement Office but the National Program Manager for Environmental Justice.

Mathy Stanislaus who is unable to be here today but will be speaking tomorrow. Gina McCarthy, who will also be speaking here tomorrow. Peter Silver was taken away on business, but I think he's make it here tomorrow. In his stead, Mike Shapiro, the Deputy Assistant Administrator for

the Office of Water will be speaking for him on his behalf today. Steve Owens, Scott Fulton and then Al Armendariz.

And the Regional Administrator for Region VI, who is also our host region, and he will speak on behalf of all the regions.

I think the fact that we have assembled such a collection of senior leadership for a NEJAC is a statement in and of itself. Each of them will speak for five to seven minutes. Providing their overview on their EJ mission, vision and some new developments. If you are following the agenda, please note that we've moved Michelle DePass to earlier in the speaking order so that she can go catch a plane.

Before we move into these presentations with EPA's senior leadership it would be remiss if we did not recognize a large number of career senior leadership who are also present here. They are seated in the front row, right behind the table. I will ask each of them to stand and introduce themselves.

(Introductions)

MR. LEE: They will be available to answer questions during the discussion part of this session. With that I will turn it over to Lisa Garcia.

*Comments*

*Audio Associates*  
*(301)577-5882*

*by Lisa Garcia, EPA Senior Advisory For Environmental Justice*

MS. GARCIA: Thank you, Charles. I just want to say thank you to the NEJAC council for inviting us and having us. And we're very happy to be here.

I know that I've been speaking for the past few days so I am not going to take up too much time. But folks who may be -- where not here and didn't hear some of the key points that we had mentioned, I'll just go over them quickly.

As everyone has mentioned through the past few days and a memo went out earlier this month, Environmental Justice is a top priority for the Administrator. And so my role as Senior Advisor to the Administrator is making sure that that priority is accomplished, working with the different programs, to help, I guess, promote that and certainly work with communities. To make sure that we're going down the right path and that we are accomplishing things that we need to.

And then, of course, a key part of that is making sure that the Office of Environmental Justice is kind of deployed into all those different areas to help out because they're a huge resource as they have been to the agency for many years. So, thanks to the Office of Environmental Justice.

Basically what we decided in trying to work on this

priority is to create three objectives and frameworks within the agency to how to move Environmental Justice forward. And the first one -- Cynthia and I are going to tag team on this one -- but I'll talk about the first two.

The first one is improving partnerships with community, states and federal agencies. And it essentially provides for EPA to have open doors. And that is to NEJAC to creating or to continuing this relationship but really becoming an advisory committee and advising us on different issues, to working with communities. And I know that over the past two and a half days we've heard a lot about bringing along the states as partners and bringing along the federal agencies into this discussion because the other agencies and states are a huge part of the success of Environmental Justice really becoming a priority.

And so along those lines I just want to announce that the Administrator has spoken to Nancy Sutley from CEQ and discussed ways to begin working together on bringing in federal agencies, figuring out the mechanisms and the procedures, or processes, I guess, to really begin to address some of these concerns that have been raised. And so that is a work in progress but it started and both the Administrator and Nancy Sutley are committed to that.

The second objective and goal is working to build

healthy and sustainable communities. And that is kind of the more proactive work and how we go out and really bring benefits to the communities. Another thing that has been raised a lot is the multimedia -- the need for multimedia attention. To really look at communities holistically. And so there's been a lot of discussion on EPA making sure that the Office of Environmental Justice is working with the Smart Growth Office. And that is something that is going forward.

There's a conference, I believe next week, and there is a whole workshop on how Environmental Justice and Smart Growth really -- there's a lot of synergy there. And they're talking about green infrastructure and greening communities.

And of course we have -- Charles spoke about the ten Showcase communities, another effort by EPA, to begin to look at communities in this holistic way and to address it on a multimedia fashion. And so those are some of the things moving forward.

And then quickly, I know I had mentioned this on Monday, that Title VI has been raised, it's a huge issue. And people want to see Title VI addressed. I had told you that there were things moving along at EPA. We recognize that we, in the past had not really responded. And made --

responding to the Title VI complaints a priority.

Well, I am happy to announce that a memo went out just yesterday asking for EJA and each program and region to designate a person to the Title VI work group that is really going to be addressing Title VI complaints and across the many different programs and regions at EPA. So it is moving as we speak.

And so I guess I'll stop there and once again thank you. And I am around if there's any other questions.

*Comments*

*by Michelle DePass, Office of International Affairs*

MS. DePASS: Okay. Thank you very much for inviting me. I am very honored to be in front of the NEJAC council and honored to be in front of -- thank you, Scott. Tag teaming. See, our senior leadership team works very well together when EPA. And thank you to Elizabeth Yeampierre for being here and getting this meeting started.

My vision for EJ, I am thrilled first of all to be here in this agency at this time working with Administrator Jackson and working with this leadership team, who are all very committed to Environmental Justice. And in my role as Assistant Administrator for International Affairs and soon to be Tribal Affairs there's a myriad of roles that we can actually facilitate Environmental Justice.

First in with the National Program Manager for Boarder 2012. Boarder 2012 is a program where we work bilaterally with Mexico to be able to address risk with some of the most vulnerable populations on the boarder. These are communities that are sometimes living in an unincorporated communities. They have a very high rate of unemployment and they're a very high -- percentage of children who are very vulnerable to environmental health considerations. So we will really be working hard in the next iteration of Boarder 2012 to incorporate Environmental Justice and children's health concerns.

But I want to actually address more deeply an issue as a cross-cutting office with Tribal Affairs, I have the opportunity to talk about that might not be captured as much as with my other colleagues in the media offices today.

So, we know that EJ means meaningful participation. And it means equitable treatment. And we have our work cut out for us. We know in tribal communities. And in the Lower 48, there are hazardous waste dumps and there are open dumps. In Alaska issues of climate change are very, very important. They're impacting tribal communities quite heavily.

And the Administrator, when she came in, reaffirmed our tribal policy. And also she expressed a desire to elevate tribal affairs by putting it under the AA-ship of

International Affairs working with the AA-ship of International Affairs to ensure that the sovereign to sovereign relationship is continued to be working quite smoothly.

We -- I am happy to say we're almost done with that process internally at the EPA and it should be official towards the end of February.

In addition, we're working very closely with the Office of Water to ensure that the consultation process that President Obama put forth in his Executive Order in the October at the Tribal Summit, is actually a realization quite quickly at EPA. The promise -- the plan is to actually put forth a draft action plan by February 3<sup>rd</sup> to OMB and how we will be reconciling the Tribal Consultation Plan with the EPA Executive Order, Executive Policy that already exists.

So, we are -- we are really engaged and we're very excited that we're going to be able to work and that I'll be able -- this I am very engaged and excited that I am going to be able to have a leadership role in terms of tribal policy. And I look forward to engaging in a dialogue about how we can continue this.

*Comments*

*by Cynthia Giles, Office of Enforcement and Compliance Assurance (OECA)*

MS. GILES: Hi, I am Cynthia Giles. And I believe

*Audio Associates*  
*(301)577-5882*

as Charles mentioned earlier I just want to reiterate, that I am actually here wearing two different hats that are relative to this NEJAC meeting. One is as the head of the Enforcement Program at EPA. But as Charles mentioned, I am also the National Program Manager for Environmental Justice, which goes well beyond enforcement to all of the other work that we're doing in the agency to realize the Administrator's goal that we include Environmental Justice in all the work that we do.

Lisa Garcia mentioned that there are three principal areas in which we're working. And she talked about the two, opening the doors of EPA to listen better to what communities are saying and to provide more information for communities to seize control of their own destiny. The second category being working to build green sustainable and healthy communities. And the third that I am just going to spend a minute talking about is using all of our regulatory tools to advance the objectives of Environmental Justice.

So, the regulatory tools that we're talking about here using the existing laws and existing authorities are principally in three areas. One is in rule making. That we need to make sure that we're looking at the impacts of rules that we are developing, both to make sure that we are not creating disparate impacts through the rules that we are

writing. And that we are seizing opportunities to correct existing disparate impacts.

We're going to have, I think, a session with NEJAC later about where we stand on rule making, getting your input on some of the thoughts we have about how to do that.

Another area is permitting. Permitting is a very challenging area for us involving Environmental Justice concerns. Very principally because it often involves land use patterns and local government and state decision making in addition to the environmental program decision making. So, we are looking forward to talking to you about ways that we can advance Environmental Justice through permitting.

And the third is enforcement. A matter near and dear to my own heart. We recognize that we have an obligation to make sure that the law is enforced evenly across the country. And that we use our enforcement tools to protect public health. And we're going to be working hard to achieve that.

I want to give you a little bit of an example, which I talked to some of the folks who were here on Monday, I talked a little bit this. An example of a way that we can use our enforcement tools to advance the cause of Environmental Justice. We need to be targeting our enforcement work towards the pollutants and concerns and

concentrations of facilities that are effecting public health. And we've been doing that by looking at some of the facilities that are the largest emitters of pollutants of concern, to communities.

And an example of that is in the cement and glass industries, as I mentioned briefly on Monday. The cement is the third largest emitter of some of the pollutants of greatest concern for public health and respiratory conditions, including asthma. Which I think as everyone here is aware is a condition that's disproportionately seen in low income and minority communities. So an area of particular interest to us.

We can go in and use EPA's enforcement authorities to get significant reductions in pollutants. In the case of these two settlements that we announced last week, 27 different communities across the country that are going to see substantial reductions in the pollutants that are of concern to public health and to respiratory conditions in particular. This is just an example one way that EPA can use it's enforcement authorities to get things done.

And when we look at problems like this nationally and we get national settlements with these two companies that we announced and all their facilities in the country, what enables us to do and what we did in this settlement was get

reductions over and above what we could have done by individual litigation. And so we've got reductions for these communities particularly focusing on the communities that had disproportionately high burden of air pollution in the past. We focused in on those communities to make sure that we were getting the reductions in the tightest controls in the communities that had the poorest air quality and that had the highest emissions.

And so just to raise that as one example as to how we can bring enforcement focus. It also relates to providing information to communities. Because one of the key parts of these settlements was making sure that these companies installed continuous emissions monitors on these facilities, so that EPA and the communities can know are they complying with those requirements, what are the emissions that we're actually seeing from these facilities. And these are important advances because in the past these industries had not been required to have this type of monitoring.

So, we're going to talk more about enforcement on Friday. And I am very pleased that Ignacia Moreno, who is the Assistant Administrator -- Assistant Attorney General, excuse me, not Assistant Administrator -- for the Environment at the Department of Justice is going to be flying in here to join us, because she wants to be able to talk with the NEJAC

and listen to your questions and talk about how we're going to be working together on enforcement.

So, we're going to be talking about -- particularly focused in on the regulatory side and rule making later, and talking about enforcement but also I am looking forward to hearing the report and having some interaction with you about your recommendations to us about how we can do enforcement screening and the tools that we have looking at that. And I have very thoughtful comments that we've received NEJAC. And I am looking forward to having some discussion on that.

So, I look forward to the conversation and thank you very much.

MR. LEE: Great. I think next is Mike Shapiro.

*Comments*

*by Mike Shapiro, Office of Water*

MR. SHAPIRO: Thank you. It's a pleasure to be here. And as I said Pete Silver will be here tomorrow. And he may have some additional comments at that time. But I think we do have a number of important activities underway within the Office of Water that address Environmental Justice issues. And I thought I would highlight a few of those. A number of which I think you've already, I think, heard about is a previous session.

One is the Urban Waters Initiative, which is

really, I guess, as Lisa framed the three pillars, it's really Water's effort under Administrator Jackson's leadership to address the community and sustainability issues within our Water Program context. And the goal of the Urban Waters Initiative is to focusing on disadvantaged communities, helping communities access, restore and benefit from their urban waters and surrounding lands.

This group heard about some of our initial thinking about Urban Waters Initiative last summer. Since then we've had some time to do some developmental work, think about the comments we got from NEJAC and others and begin to build out a program which we're very excited about and looking forward to kind of beginning to get more visibility.

So, do as a way of jump starting the program plan to announce a very small grant program later this year that will provide for capacity building, for our urban building groups engaged in education and information and good ability development in accessing their waters.

One of the recommendations of this group was to look beyond EPA and solicit assistance from other federal agencies with water related components. And so in addition to I think building what I think right now is a great partnership within the EPA with the Office of Environmental Justice and with OECA, and with the Office of Solid Waste and

Emergency Response, and especially their Brownfield's program, we're convening a federal partnership for them in February to meet with the Department of Interior, Department of Agriculture, Corp of Engineers, several other agencies that have interest similar to our and look to kind of integrate our efforts and leverage our resources in a more effective way.

We are also working with some of our outside partnership groups like the River Network, which plans to have a major urban waters component of their next River rally and worked with us in the last major meeting to kind of coordinate activities.

We're also developing an overall program strategy which we hope to have available to you for comment some time in the next month or two and look forward to your feedback from that.

In addition to Urban Waters, we've been spending a lot of time on mountain top mining. This is a high priority for the Administrator. Really from the very beginning from her tenor at EPA. We an another offices within the agency have focused on reexamining and pay new attention to the impacts of mountain top removal mining and looking at ways we can improve our structure to improve the protection to our waters and to public health associated with these practices

and our permitting.

This is again where there is multiple agency jurisdictions, there's the Office of Surface Mining, the Army Corp of Engineers which actually issues the dredge and fill permits. An EPA who has overall responsibility for water quality as well as joint permitting with the Corp.

We have really gone through a fairly thorough examination of our efforts, which is on going. We signed an agreement with the other federal partners to develop a number of short-term and long-term actions and coordination that would improve our approaches including examining in detail a number of permits that were kind of in queue for issuance. And we've really begun to work through that backlog of permits and in a couple of cases making some decisions that I think have significant improved.

In one case a permit that was about ready to issue and in another case a major permit has been sent back for some rework. And much more work to be done in that area.

In the meantime, of course, last October we received an Environmental Justice petition under Executive Order 12-898 and the Office of Water is working with OECA and the Office of Environmental Justice to evaluate that petition and make sure that as we move forward we're addressing Environmental Justice issues comprehensively both in the

context of the petition but also in the water context of the reexamination of our approach to the oversight of mountain top mining operations. So that's been a major thrust for our program.

A couple of other things. For the first time now in the Office of Water we've been able to bring together some of our data on the location of impaired waters and join that data with the work that OECA has done on EJ's seat. So that we now have a seat at that table and we can use the EJ data that has been developed in EJSEAT and identify where -- disadvantaged communities are being subjected to impaired waters. And determining patterns using those analysis to help in our evaluation of a national regulations, but also in setting priorities for developing plans to improve impaired waters and water quality monitoring and permitting efforts. So, I think that will be a tool that will really be broadly helpful to the water program.

We've continued to expand our work on fish advisories, recognizing that there are important populations that depend heavily on fish for their subsistence. Many of those are communities that have been a challenge for us to communicate with because they don't speak English as a native language so we've had -- for example our mercury fish advisories translated into many languages. We're piloting a

project to do special emphasis outreach to the Chinese community in order to -- to enhance our communication and improve the transmission of the information.

We're also doing an interesting study in the Mississippi Delta area where we're trying to -- where we're randomly sampling and interviewing populations of fishermen, to see whether they're aware of our mercury advisories and taking them into account even as they continue to fish and consume fish. It will be very important feedback for us to evaluate the effectiveness of our programs.

I think, finally I just want to touch again on something that is still an ongoing process. We discussed this at a previous NEJAC meeting as well. The whole issue of drinking water variances as they relate to -- especially smaller communities who are challenged in trying to meet the demands on increasingly stringent water, drinking water standards, while faced with the cost of meeting those standards.

And we got some important feedback from NEJAC, which the basic message was, don't focus on a dual standard approach, focus on ways to make sure that everyone in this country has access to safe drinking water. And we're continuing to -- and we got similar comments from the water advisory group, the National Drinking Water Advisory

Committee.

We've been spending a lot of time trying to kind of assess the implications of what we can do next and develop a strategy that broadly addresses the needs of rural -- especially under served rural communities. I think we -- we certainly appreciate the feedback and are factoring that very heavily in developing a strategy that we hope will move us forward in this area since we very much feel that the, you know, whatever paths we use, the ultimate goal has to be to provide everyone with safe drinking water. And I'll stop there.

*Comments*

*by Steve Owens, Office of Prevention, Pesticides and Toxic Substances*

MR. OWENS: I want to thank you, Charles, and thanks to the members of this committee for inviting me to participate. And my apologies to the audience and the folks behind me for not being able to see them when I am talking but hopefully we'll be able to have some interaction -- that may be my best side, I don't know, but we'll see how this goes.

As everyone has said, Environmental Justice is a top priority for Administrator Jackson and like all the other offices at EPA, the Office of Prevention, Pesticides and Toxic Substances, which I head, is working to integration

Environmental Justice concerns in both our decision making processes as well as our rule making processes.

And just as an advertisement, this goes across the board, our offices has helped and is in the leadership of developing the guidance for all the EPA offices in incorporating Environmental Justice concerns in the rule making. And my Deputy Assistant Administrator, Jim Jones, will be participating on the panel tomorrow morning to talk more about what we're specifically doing and what the other offices in EPA are doing to incorporate EJ concerns into rule making.

So, I hope that will be a good panel and I hope everyone can be here for that because there's a lot of good working being done in that regard and in the work that and the work that Jim is doing on that effort.

But before I talk about the specific things that we're doing in OPPTS, just a little bit of background on the office itself. As the name implies we really have two major functions. We have the function of overseeing and regulating pesticide use in the country, which is the predominate work that goes out of the office, two thirds of the staff in our office are dedicated to that mission.

But what has become an increasingly important side of that office, especially under Administrator Jackson is the

work that we do on toxic substances, specifically under the Toxic Substances Control Act, which for the people who are familiar with the Toxic Substances Control Act know it ain't that great.

And we are working very hard under the Administrator Jackson's leadership to not only get Toxic Substances Control Act reformed, but we're working with NGOs, industry groups, members of Congress, the states and other interested parties to try to build momentum toward getting Congress to update, reform and improve the Toxic Substances Control Act, so that we at EPA can actually regulate chemicals the way that we believe the way that they need to be regulated.

A meeting that they should be subjected to a risk based safety standard to ensure that a chemical is being produced and used in the marketplace, that consumers are buying it and children are being exposed to it, that it is in fact safe. Because right now we don't determine whether a chemical is safe in any form, shape or fashion. That will go into all the notches of how toxic works, but the bottom line is that we really can't tell you sitting here today whether chemicals that are out there are indeed safe, because we don't subject them to that kind of analysis. And hopefully Congress will give us the authority to do that.

But while we're waiting on authority from Congress, increase authority and reform the Toxic Substances Control Act, Administrator Jackson has made very clear to me and the other people in our office that we need to do as much as we can, as fast as we can using the authority that we do have under the Toxic Substances Control Act to take the kinds of actions that may be necessary to protect the American people and children and families in this country from exposure from potentially harmful chemicals.

And that has manifested itself in a variety of ways. One of which was just at the end of December. We announced what we call action plans on four groups of chemicals, on phthalates\*, on flame retardants, on proflorinated\* chemicals, the so-called PFlors, and on my favorite named chemical, short chain chlorinated paraffins, which sounds like something out of a Harry Potter movie, but also is a pretty significant chemical with some potentially harmful results.

But the Administrator made a commitment that we would announce our first set of four action plans at the of December and before the end of last year. And we did that. We barely made it, they came out on December 30<sup>th</sup>, but we made that commitment. We also have a couple of other actions plans in the works on Benzedrine dyes. And then on a

substances which is of great attention to many people, and a concern to many people lately, Thisphenol-A or BP-A as it's called. We have an action plan in the works on that. Those are not yet ready for a release. They're still undergoing an internal and interagency review, but hopefully they're be ready for public disclosure and release in the not too distant future.

And in addition to working on our enhanced chemicals management approach using the authorities that we have the Administrator has also made clear to us that a very important aspect of insuring that the American people are protected from the potentially harmful effects of chemicals is that they have the kind of information that they need to protect themselves and their families to exposure to these chemicals and that is a key aspect of Environmental Justice as well. Which is having the information to empower yourselves to take the actions that you need to protect yourselves as well as to consider all the risks that may be out there.

I was very startled to learn when I became the Assistant Administrator of OPPTS that while there are 84,000 -- nearly 84,000 chemicals on what's called the TSCA inventory, which is the list that we keep of all the chemicals that we believe to be in commerce in this country,

the identify of over 16,000 of those 84,000 chemicals is considered confidential. So, roughly 20 percent of the chemicals on the TSCA inventory are not available to the public.

And what had been happening over the years when companies had been -- manufacturers of chemicals had been submitting information to us indicating that some chemicals may be potentially harmful or may have adverse health or environmental effects, they were declaring the identify of the chemical confidential and EPA was respecting that confidentiality claim.

So, you could go to our office, get a report that tells you that a chemical is bad for you but you wouldn't know what that chemical is. And so literally the name of the chemical would be blacked out in the report to the information that was being provided to the public. We know what it was internally but it wasn't being disclosed to the public.

So, we've embarked on a very significant effort to try to reduce the amount of confidentiality claims that are being submitted by industry and to address the overwhelming number of confidentiality claims that are currently in place on the chemical that are on the TSCA inventory.

And just a couple of weeks ago we announced for the

first time that we'll begin denying claims of confidentiality when industry submits information to us indicating that there are potential adverse health or environmental effects for substances that are already listed on the TSCA inventory, which was one of the more bazaar aspects of this whole system that a chemical could already be publically listed on the TSCA inventory, but that when they told us that it had a potential adverse health or environmental impact, we were blacking out -- EPA was blacking out the name and considering it confidential so the general public did not have that information.

It's a small and I consider a modest step but it's certainly a step forward and over the coming months we'll be announcing additional steps to reduce the level of confidentiality that exists among that chemical information that we have. And make sure that the public has greater access to information generally regarding chemicals and the potential risks they posed.

Having said that, let me just talk very quickly about some of the more specific things that we're doing with regard to particular substances that are regulating within my office.

In the toxic side of our house, one of the more significant substances that have Environmental Justice

implications that we deal with, is lead. We have a very aggressive program. Have had it for a number of years. To do outreach both on the information perspectives as well as providing some resources for education and lead removal programs to state's tribes in communities, to try to reduce childhood lead exposure.

The good news is that childhood blood level lead rates have been decreasing steadily over the years. The bad news is that among some populations, especially among African-American children aged one to five, we still see much higher levels of lead in their blood than we do in other children in this country including other minority children. And that's a significant concern to us.

In addition to the efforts that we have with outreach and other activities that will be going into effect, in April, on April 22<sup>nd</sup>, of this year, the new Lead Renovation, Repair and Painting Rule, the RRP Rule as it's referred to, which would require that contractors who do renovations, repair and other activities in homes, that were built and renovated prior to 1978 which have the high prospects of having lead based paint in them, have to be certified as lead -- have to have lead certification so that when they're conducting those renovations or repairing activities, painting activities, in those homes, that they

will know how to deal with potential lead dust that might be generated when they're doing those renovations and repair activities in those homes. That rule, as I said, goes into effect on April 22<sup>nd</sup>.

We're ensuring that there is more than adequate training out there for those contractors. But while we're doing that as well, we're working very feverishly to close a major loophole that was created in that rule by the previous administration. That excludes a large number of homes based on whether or not there are children under the age of six there.

The law does not provide for that exclusion. The previous administration did. We settled a lawsuit when Administrator Jackson came into office to close that loophole. And assuming we get it all done through the interagency and regulatory process, that loophole will be closed as well when the RRP Rules goes into effect on April 22<sup>nd</sup>. So it will be a very effective rule going forward to help reduce exposure to lead dust when repair and renovation activities are taking place in these homes.

We've also got a lot of work, just moving quickly to the -- another issue that we're dealing with. Is the issue of formaldehyde in pressed wood products. I know that's something that's a great concern in this part of the

country especially because of the issues that were raised with the exposure to formaldehyde emissions and the trailers during Hurricane Katrina and the aftermath of that had citizens were living.

Back in December of 2008 my office issued a notice, what's called an Advance Notice Proposed Rule Making, indicating that we're going to be taking a look at the question of formaldehyde in pressed wood products and what we can do to address the levels that we were seeing, because there were issues that were coming up.

During the early part of 2009. There were a series of six public meeting held around the country, including one here in New Orleans, where testimony was taken and comments were received from the public on that issue. We are working -- through the risk assessment process to try and develop appropriate levels. It is unfortunately a long a tedious process to make sure we get it done. But we're trying to move it forward as quickly as we can. And we're hopeful that during the course of the next year or so we'll be able to come out with a proposed rule that will begin to identify the steps that can be taken and standards that would be set for addressing levels of formaldehyde in pressed wood products. So stay tuned for that.

And last but not least in the area of pesticides,

there is an awful lot of going on in our office. I could probably spend a long time talking about both toxics and pesticides. But I'll save that for another conversation.

One of the biggest issues we're trying to address in the pesticides arena is the issue of farm worker exposure to pesticides in the fields. We're coming at that from a number of directions. One, looking not only at the overall issue of all workers being exposed to pesticides. And what levels that are acceptable. And what are the time frames that should be utilized before workers can go back into the fields after they've been sprayed with pesticides.

But looking especially at children who work in the fields, either on their own or along side their parents, you know, what are the levels and the time frames that they can be exposed to.

But in addition to that, as we work through what's called our Worker Protection Rules, which we're helpful will get out the door in the not too distant future, I was told that those rules have been in the works for ten years now in the office. And one of the many things that I've learned about since I've been in this office, I will say there's a lot of activity apparently about -- nine to ten years ago then not so much activity for a period of about eight years. And now there's a little more activity now since

Administrator Jackson has become Administrator. But we're working aggressively to try and get those rules done as well.

But in addition to that we are looking at the overall way that we address and evaluate what are safe levels of exposures for pesticides overall. We're required to do that for children specifically with regard to pesticides being used on food products. But the more experience we've had under the Food Quality Protection Act, which requires us to do that, the less sense it made to us to do something different in other arenas for non-food pesticides, and for adults and everyone else.

So, we've proposed a process which is now out for public comment to say we're going to do the same thing for all pesticides that we have been doing for those food use pesticides looking at children's exposure, so we would tighten up the exposure levels which we believe would have pretty significant EJ implications as well as protect overall -- reduce overall exposure to potentially harmful levels of pesticides.

And then finally, in the pesticides arena, a big issue for us as well as we're addressing is the issue of spray drift. We're trying to -- we not only have been in the process of developing a new way of doing risk assessment for spray drift, we've also issued some new labeling requirements

to try to reduce exposure to spray drift. We're working on new certification and training requirements for applicators of pesticides so that only reduce their exposure and other's exposure but reduce the issue of spray drift as well.

And we have a petition pending before us by a number of environmental groups and other advocacy groups to take a look at setting up buffer zones and other issues to reduce exposure for homes and schools and areas that happen to be near fields that are being sprayed and how to ensure that some kind of standard process can be set, so we can reduce potential exposure from the spray that is drifting off of these fields after applications have occurred.

That's kind of world wind walkthrough of some of the things we have ongoing in our office. Needless to say under Administrator Jackson things have been ramped up a bit, but there's been a lot of good working going on and we're looking forward to continuing to work with this committee as well as interested members of the public and ways that we can ensure that children and families in disadvantaged communities in this country are protected from potential harmful exposure to both pesticides and industrial chemicals. So thank you.

MR. LEE: Thank you, Steen. Scott is next.

*Comments*

*Audio Associates  
(301)577-5882*

*by Scott Fulton, EPA General Counsel*

MR. FULTON: Thank you, teammate. Good greetings to you all. It's a -- nice to be here with you today. There was an earlier phase in my work at EPA when I was the Deputy Assistant Administrator for Enforcement during the Clinton Administration, when I spent a fair amount of time with this advisory committee. And I saw some familiar faces in the room as I came in. Familiar faces from that earlier time. Folks who have been working away on these issues, trying to keep them in the agency's focus through thick and thin.

And though I think it's fair to say that we're not yet close to the goal line for this issue. It would be far shorter of it, but for the investment of some of the folks in this room and those who came before them.

When Administrator Jackson asked me to consider leaving my career job at EPA to join her team, I didn't have a difficult time saying yes. I saw and continue to see this Administration as one of those rare moments in time when the realm of the possible expands before our eyes, and hope becomes manifest. And I very much wanted to be part of that and am honored to be part of that.

And it's with that sense of possibility and hope that I approach the issue of Environmental Justice in this new capacity. Because I regard this issue as one of the

agency's most challenging questions in terms of our really getting our arms around it and wrestling it to the ground and doing it right.

My hope is that this Administration will be able to turn a corner on this issue and find some significant breakthroughs that have eluded the agency in the past. And my sense is that this is possible.

I am fairly newly in the General Counsel's job, having spent the first year of the Administration in the front office, as the Acting Deputy Administrator. But now I am in the General Counsel's role, I'll of course be coming at this question from the vantage point of the agency's lawyer endeavoring to ensure that EPA decision makers are fully apprised of the range of legal options available to them, as they consider how to integrate and advance the cause of Environmental Justice in their programs areas.

And as a predicate for the advice that I hope to offer, I've asked my folks in the Office of General Counsel, to do a through review of how existing authorities might be more effectively aimed in the direction of Environmental Justice. Building on some of the good work done by the NEJAC in the past. By Professor Richie Lazarus, ELI, and others. The goal really being to see the law and find the mechanisms in the law that allow it to serve as an important enabling

vehicle for Environmental Justice.

Now, having been around this issue for a while, I approach it with the sense of humility and determination. The humility lies in the fact that Environmental Justice issues often emerge as part of a much bigger and broader dynamic disparity that is rooted in our history and embedded in our society. And I think we all know that we still have a long ways to go in addressing these broader disparities.

But my determination is not to be paralyzed by these complexities, but rather to engage in the struggle to push towards the end state where we seek. Where environmental benefits and burdens are distributed evenly across society without regard to race, income level or other demographic factors.

So for my part, I look forward to the engagement with this group. I welcome your advice and thoughts on how I can orient myself to the law and by doing that better advise my clients in the agency on how to do this work right. Thank you.

*Comments*

*by Al Armendariz, U.S. EPA Region VI*

MR. ARMENDARIZ: Good afternoon, everybody. Again, I am Al Armendariz, I am the new Regional Administrator for Region VI, and I am honored to be here today, speaking to the

NEJAC.

I thought I would start letting you know that from the regional perspective I really see Environmental Justice as an integral component of what I do every day. You know, there are a lot of people here from EPA leadership who have very specific programmatic focus like Steve and Cynthia, Mike over in the Office of Water. But for those of us who do cross-program work which happens a lot at the regional level, we can -- I think very clearly see how to engage in Environmental Justice activities in everything we do.

And I know in Region VI, I've been the RA for seven weeks now. We have an office of Environmental Justice and Tribal Affairs. And the Director of that office reports directly to me. She's not a part of one of the other programs, but she is an integral member of my inner team who participates with me on Environmental Justice issues.

Another thing that was set up prior to me being RA which I really want to thank our Deputy, Larry Starfield, for setting up, was he made the deputies of all our different programs, the Air Program, Water and Superfund, and so on, he made those deputies as steering committee for Environmental Justice. To make sure that we incorporate Environmental Justice. Throughout everything that we do.

And because I do see Environmental Justice for a

way for us to prioritize. We don't have -- let me say it this way, we can do an even better job of serving the American people with more resources and have inspectors and permit reviewers at every facility every day, but we obviously can't. So we have to make decisions and we have to prioritize. And I see Environmental Justice as a very effective tool for us to prioritize where we spend our time and where we spend our resources, looking at those communities who are most likely going to be impacted the most by the pollution that is emitted by facilities in their area.

I was making a list here myself of the four issues where I've spent the most of my time the last seven weeks. And you know it's going to be a different list for each regional administrator, but as I look at this list I've been working a lot on trying to fix the air permitting program for one of the bit states here in Region VI. Also been spending a lot of time on Louisiana coastal issue, gulf hypoxia, nutrients, and how that ties into coal fired power plants and climate change and sea level rise.

Spending a lot of time also talking to our Superfund teams on huge, massive, multimillion dollar projects on tribal lands in rural areas of Oklahoma and New Mexico, to clean out some of the legacy of mining waste that has happened in the region.

And also been engaged very intensely with a lot of our senior staff on looking at what we've done in the past, what we're doing now, and what we can do in the future for a community over in Calcasieu Parish here in Louisiana, in Mossville and in the Lake Charles area. And it's communities I am sure that a lot of you know is next to a -- an impressive array of industrial facilities and they have a lot of concerns about the pollution in their communities.

I want to thank this team that we have in Region VI. Of the deputies of all of our programs who worked together to select our Showcase community. I believe most of the regions have selected a Showcase community where we're going to put some additional focus and perhaps learn ourselves how to better address community level issues. And it's in the community of Port Arthur here for Region VI. In fact we had a listening session last night from -- and at that listening session I heard from a lot of the people in our region who represent community groups in multiple states and -- heard a lot of very interesting stories, a lot of very touching ones.

And heard one from Hilton about his own personal activities the last few days, moving people away from the toxic fumes, from the barge and tanker collision out on the waterway in Port Arthur. It was an other reminder to me of

the important role that community groups play in environmental protection and Environmental Justice, which is something that I saw prior to being RA when I was working with community groups and working with environmental groups in Texas and in other states. I think it's an unbelievably valuable role that gets done by people like Hilton and others for very little pay. And I wanted to thank Hilton for what he's been doing the last few days in his home town.

I also want to let you know how much I certainly fully support and value the NEJAC and it's advisory role to the Administrator and to EPA. One of the things that I've been trying to do myself in the region is think of tools that we can provide our communities so that they can better engage with us. Things like ways that we can communicate with the communities early. Ways that perhaps we can help them partner with universities or non-profits. With technical expertise. Ways that we can either provide data or train people in the community to be able to access data. So that when we engage with them, we engage with them in a sophisticated level so that they can truly provide us with information about what's happening in their communities and they can fully understand what we do and what we don't do. So that we have a more productive dialogue back and forth.

Elizabeth earlier brought up the idea of

interagency collaboration. And already in my short time as RA I've had several meetings about communities who we're concerned about, who obviously have environmental problems, and are hearing -- and getting one kind of message from EPA. And then perhaps are getting different messages from other federal agencies. People have already talked about the need for us to engage with HUD and Department of Labors and others.

And we have this desire to have one EPA and I think at some level it would be nice to have one federal government. And so I certainly think we as EPA, we're happy to engage with NEJAC on how can we better engage with the other federal agencies so that when we go into a community where we have some concerns there isn't perhaps another federal agency telling the community something that seems in conflict with what we're saying and what we're doing.

I also want to -- kind of highlight something that Steve brought up, and I'll end with this, that what I think is going to be unbelievably value work on TSCA reform, on taking a look at the chemicals that are in commerce in this country, so that we can provide the American people with a level of safety about what are often low levels of exposures that they get to that might be harmful in everything from water they drink to the products they buy at the store.

I think as that work goes forward and it's probably going to go forward for a number of years, I think it's going to highlight and perhaps bring a very high level of concern amongst those people, many of whom are in this region, who work at the facilities that make those chemicals, or that process those chemicals or the families of those workers and the communities of those workers. Where those chemicals are made or processed or disposed of or incinerated, it's very likely that they're going to be exposed to levels many times higher than what the general public is exposed to.

And so I think there's likely to be a very high level of concern from the communities in our region where these chemicals because of commerce are so abundant and so ubiquitous. And so a -- with that I'll conclude my remarks. And again just thank NEJAC for the ability to meet here today.

MS. YEAMPIERRE: Thank you. Your comments I think were really heartwarming. I think that all of what you do is really complex. And while we're often in a position of being critical and pushing the envelope, and that's our job, that's what we do, we also recognize how hard you work and that it's all very complicated and resource and sensitive.

Before we switch to questions and answers, I just want NEJAC members who just joined, Wynecta Fisher to

introduce herself. Wynecta, you have to push down and keep your finger down on the green button.

MS. FISHER: Good afternoon. My name is Wynecta Fisher, I am the Director of the Mayor's Office of Environmental Affairs with the City of New Orleans.

MS. YEAMPIERRE: Thank you.

MS. FISHER: Thank you for coming to our city.

### *Questions and Comments*

MS. YEAMPIERRE: Thank you. So, I am going to urge the members to take a moment so that you can ask questions of. I would actually just like to take a moment to make a comment about some of the presentations that were made. I feel Richard Moore's absence deeply. And so when Michelle mentioned that she would be addressing issues of the global South, I can almost, you know, feel his energy in the room. And I can't think of anybody better to be addressing those issues which are so near and dear to a lot of our folks in the Southwest, particularly.

In terms of interagency coordination and working with states, for example, because that was an issue that was raised, you also need to ask how the states are addressing Environmental Justice before you reach out and collaborate with them.

In the State of New York, for example, where there

is an interagency task force set up to deal with Environmental Justice, that task force really has not engaged Environmental Justice communities in a meaningful and respectful way. It really served to diminish the EJ voice and really was used for personal aspirations and agendas. In fact when we had cases like trying to recycle -- to try to fight a recycling facility that we wanted to get permitted, that facility was not permitted because of the role that the interagency task force played in preventing that in a Environmental Justice community.

So, there are some inconsistencies and a lot of folks are using EJ collaborations and task forces as window dressing because they have to address Environmental Justice and they're required to do it. But you really need to work with community partners to find out what's real and what isn't. So I would urge you to do that.

In the issue of urban waters, I was reminded by the sister, Marsha Gordon, from the Bay Area, that there is port redeveloping all over our communities, communities of color all over the United States. And that we need to think about redevelopment and what that means. Not just within the context of Environmental Justice but within the context of climate adaptation and community resilience. And so there is a tremendous potential for interagency collaboration, but

also really engaging community stakeholders in a way that's meaningful so that we can start developing community resilience plans that work.

So, I am sure that the members will have questions regarding some of the presentations. So, I'll start taking them. I am sorry. Peter.

MR. CAPTAIN: Thank you to the presenters for their wonderful comments.

I am the indigenous representative from the State of Alaska. And a little history about the State of Alaska is that, you know, it's a high resource state. And also the State of Alaska does not recognize tribal sovereignty up there. And as a result we get bypassed with a lot of regulations, you know, that we should have been consulted about on. Since a lot of our resources are on our lands.

A concern with the natives of the State of Alaska is that, you know, they do not turn over regulatory authority to the State of Alaska. We would like to see EPA keep that authority because we do have a government to government consultation with EPA. And I am proud to say, you know, I am one of them that from way back when, you know, I've always trusted EPA and have consulted them on a lot of issues. However, you turn over the regulatory permitting to the State of Alaska then they will just circumvent our effects

and this we don't want to see.

As you know, one of the largest, world's largest open pit mining is being looked at now in the State of Alaska. And that's the pebble mine. Right below the pebble mine are streams with fisheries in there that, you know, should something happen and the discharge of the mining that would effect the fishing.

I am not per se anti-development, a lot of the tribes are not anti-development because we do depend on the monetary sources that these developments bring in. But we do want to see -- we want to see, you know -- how would you say it -- we want to see, you know -- I am lost for words. Good solid foundation of these, you know, steps put in place for anti-pollution and what not. And I just, you know, I just ask each and every one of the regulatory people to look at that aspect. Thank you.

MS. YEAMPIERRE: Wynecta.

MS. FISHER: I actually want to thank everyone for coming, the panel. And sorry, Michelle, but I missed your portion. But I've a got a question for Steven, I am actually very excited that you guys are looking at different toxic substances as well as lead.

And I recently saw two e-mails. One was from Health and -- I guess it's called Health and Human Services. And

they talk about the dangers of BPAs. And then I saw something else that said that the level of cardiac arrests when people have this exposure. And I just wonder how these two federal agencies will work together to help the people in the Environmental Justice community to understand the importance of being concerned about that.

And then the other question I have was about the lead program. And you had mentioned that, you know, there's a lot of outreach going on and the outreach that EPA does for lead is really phenomenal. And I was wondering since those materials are so -- there are already good materials out there for lead. Had you considered possibly taking some of the funding that you use for outreach and maybe offering competitive grants to local governments for enforcement. That's a huge problem that we have locally.

I get calls all the times about people, they are doing dry sanding. And yes, the city has an ordinance that prevents it. But I don't have enough inspectors to go out and cite them, but then the damage is done.

You know, I had a woman who called and she actually -- her child is two and she got the child tested and every week the lead levels in the child's blood was going up. She's now living with her family in Tennessee so I don't know if that could be something that could be possible. A

competitive grant program because we know how to prevent it.

And then how will you address renovations done by unlicensed contractors? Because given the economy a lot of people do not necessarily hire a licensed contractor, you go by Home Depot or Lowes or any -- I shouldn't say Home Depot or Lowes but you go by a store and you get someone that can do the work and --

MR. OWENS: Those are all great questions. Let me start with the BPA one and then we can talk a little bit about the lead.

We work very closely with the Food and Drug Administration, FDA, when they made their announcement. And it wasn't an announcement by the Department of Health and Human Services overall. Because they not only have FDA working on this issue but they also have the CDC and they have the National Institution of Environmental Sciences, which is putting \$30 million dollars into research on BPA and the health effects on that.

So, we've been in very close communication with them as we have been working on our action plans as I mentioned and looking at the strategies that we might adopt for addressing that issue.

There are some limitations in the Toxic Substances Control Act about who has what jurisdiction over what

products. For example, if it's food products and things like that. That's FDA and not us. But that's why our cooperation and interagency coordination is extremely important. And so we're going to be working very closely with HHS and other agencies as well, not just in BPA but on some of these other chemicals as well as we go forward.

And I will say there's been a lot of talk about the creation of an interagency technical work group that would focus specifically on children's environmental health issues, but it would take these considerations, Environmental Justice considerations into concern.

There was actually such a work group that was created by Executive Order when President Clinton was in office but it never really got put together and now this administration, Nancy Sutley, and others were looking at how to sort of activate that work group. And in fact the announcement that HHA submitted on -- on BPA I think made some reference to that work group. But I have to go back and look specifically to see if what they said about it. But that's in the works and so hopefully there will be some activity on that front to start with.

On lead, the questions you've asked are very much in the forefront of our minds. The questions of enforcement. We have been having a lot of conversations with states and

local communities about the enforcement issue. The rule or -- is HHS certification rule that requires, as I said, contractors to be lead certified. They have to follow certain practices. And, you know, in a literal sense, if you're a licensed contractor and you're conducting activity in a pre-1978 home and you're generating dust, or you're not following, that you're in violation of the rule and then you can be penalized under the Toxic Substance Control Act. There are some sizable penalties that can be levied in that regard.

But the question is how do you catch them. And then what do you do, you know, because many of these activities do depend on people reporting to either us or to the local enforcement offices. And it's going to be a difficult thing because we know that there are a lot of activities taking place, especially in this economy that people are going to be looking to cut corners. We're trying to make sure that as this rule goes into place that the responsible contractors are trained and informed. And, you know, in some respects you have to count on them to rat out the competitors, to be crude about it, because if they know that there are people out there who are conducting these activities, who aren't certified, who aren't even licensed in the first place, that they let the appropriate authorities

know that.

And then on your specific question -- and then you do inspections, periodically, things like that. And random -- random checks and things of that nature to let people know that folks are watching.

But on your question about the grants, it's something that I think we ought to take a look at because we have been putting a lot of activity and a lot resources into outreach. My office and Cynthia's office, and Cynthia and I personally have had a lot of conversations about -- enforcement activities, and lead enforcement in general is considered one of the core TSCA programs that WECA has done a great job over the years. And our office, I think it's fair to say, have been working more closely then they ever have before on addressing a whole range of enforcement issues related to toxic substances and pesticides. And that's something that we ought to look at, how to put more resources into enforcement.

Some of that we have to take a look at how the grant monies are allocated. If it's allocated for outreach then there are some restrictions on it. But if they're generally available fundings then it may be a place where we ought to look in shifting resources going forward. So that's a great suggestion that we'll look at. Thank you.

MS. YEAMPIERRE: Thank you. We have about 45 minutes left. So next is John.

MR. RIDGWAY: Thank you. First of all, thank you for your time to come and explain, and to you new appointees, good luck to you. I think you got your work cut out for you.

I have two questions. One is very brief and it's for Mike. And you made a reference to a meeting in February working with interagencies. Maybe you can give us a little more detail about that. But I also want to add that it's these kinds of meetings where I hope that you and your counterparts will think about how to bring Environmental Justice considerations into those interagency meetings and keep us advised on those so that we can also track it. This is something that Elizabeth mentioned, I too am also very interested in seeing how we can improve the coordination and communication.

We certainly heard from Administrator Jackson of her priorities for Environmental Justice. But I really don't know where the other federal agency leaders are on this. And so maybe we can hear about that down the road.

But specifically to you, Mike, what is that meeting about?

MR. SHAPIRO: The meeting and again this is what -- I think one of the -- although a number of groups have

recommended that we do this, it really is about following up on the Urban Waters Initiative, which is focused on Environmental Justice issues from our prospective. But bringing together a number of federal agencies. Some of whom we partner with already on a number of water issues. Others of whom, because of the bent of this administration, the policy, the direction they're given, are very interested in working with us on issues of sustainable development, community involvement and how those especially can be used in situations where you have disadvantaged communities that haven't had access to the information, to the planning tools, to the assistance as well as to some of the other resources, that we can bring to the table to help them envision and get involved in the planning for sustainable use of their water resources from a variety of perspectives.

And it is, certainly from EPA's prospective, we're all about water quality, but it's all about access to water, it's also about achieving water quality goals in the context of water community development objectives as well. And so depending on the issues and problems that a community confronts, the biggest water challenge may be something that our friends in OSWER or the Corp of Engineers have to deal with in terms of cleaning up contaminated sediments because you can actually reuse or restore a particular waterfront

area.

In other cases, the National Parks Service has an interest. The National Forest Service has an urban forestry program, which ties in very well with some of our notions about green infrastructure and the use of green infrastructure to create sustainable environments and communities.

So there is no kind of one game plan. It's more what each agency can bring to help kind of -- help communities solve their common problems and to try to -- kind of allow a more efficient use and integration of resources across EPA as well as other federal agency resources.

MR. RIDGWAY: Thank you. I do hope that you can -- make it clear when such meetings are open to the public so that they can help provide that prospective as well, as well as your internal conversation.

My second question is to Steven and this is regarding the comments that you made and looking for EPA to maybe have some more authority on proving safety in chemicals and maybe you can comment to us and the audience about, industry's role in helping that happen. I presume EPA cannot do that by themselves.

MR. OWENS: Thank you for the question. Actually, first of all let me say that in addition to the work that

we've been trying to do with the states, been really doing terrific work including Washington State, it's really been out front on this. Jim --- who was the former Ecology Direction, now the governor's Chief of Staff and now Ted does sort of it -- have really been among the leaders in the states -- to step out of the issue addressing toxic substances at the state level.

And that is in part one of the reasons why this momentum is building as I mentioned and why a consensus is developing. And in part one of the reasons why industry is interested in seeing something happen at the federal level because there are a number of states that are beginning to take activity to either actually band certain substances. I think, was it -- Wisconsin just came out a band of EPA the other day, maybe Minnesota I think it was. But a number of states are taking those kinds of actions, either band or to restrict the use or sale of certain products. And that contain different types of chemicals in their jurisdictions.

But the industry has been -- it depends on which groups you're talking to but certain of the trade associations have been very active on this issue, have been very supportive of toxic reform, for example the American Council Association, ACC, developed the state of -- the statement of principals that agreed with the statement of

principals that -- that the Administration put out, that Administrator Jackson articulated last September in called for a risk based safety standard for chemicals and saying that EPA needed to have more authority, not only to regulate chemicals but to retain and require companies to generate health and safety data on their chemicals. Because right now they're not required to do that at all under TSCA. Except in very limited circumstances where the burden of proof is on EPA to demonstrate why that data needs to be generated.

So, some of the industry groups aren't there yet. But others are. And we've been working very closely with them. And there are a number of individual companies who have been very outspoken on the need for toxic reform as well as the need for safer products, whether they're retailers or actual manufacturers of those products, so --

So, you know, we're keeping our fingers crossed that as we move forward with this process we can continue to have the kind of consensus we've had and in that everyone including states and other folks should be at the table to talk about these issues as we see what the legislation will look like.

MS. YEAMPIERRE: Thank you, John. Steve, right. Omega.

MR. WILSON: I would like to thank you for being

here, too. And I feel a little bit different then I did six months ago about where we may be going with everything. Been very encouraged by a lot of the input we've been getting that last three days from the Goods Movement activity and the National EJ Air Quality.

Quite a few community people and attorneys and even EPA staffers raise a question that has been raised by community people quite extensively in our discussions and it has to do with two things. Is fact sheet information and clarification on water or Title VI triggers are, specifically related to Environmental Justice issues. Because it seems to be unclear with everybody.

And where the triggers and where there are not triggers and where it should be strengthened. I am not sure if this is something that everybody needs to deal with.

The other question had to do with -- and these were twins, they were put together -- an attorney stopped me for a few moments just before I came in here because he wanted me to help clarify and I couldn't clarify all the details based on what EPA is doing and Office of Environmental Justice. And it has to do with relocation assistance. The Uniform Relocation Assistance Act. And I can't remember exactly what year, 1973/1972, something like that, quite a while ago. But so many people in EPA, and attorneys don't even know how it

works, and haven't been using it in assist people Environmental Justice impact situations.

We already know and briefly discussed at our last NEJAC meeting where communities and some of them, a lot of them in New Orleans were, compliance with major chemical factories and other kinds of organizations, other kinds of factories, they're not going to move. Billion dollar, billion dollar corporations. So what needs to be done to create the trigger to relocate residents who have been suffering for 35 years.

And I know that that might be a pretty big question but it applies to I think every branch, everybody, the front of this table and this end of this table, too. So I think that that needs to be put down on the fact sheet. I don't know what group, where it's going to come from, but there's been a lot questions raised about it prior to the Air Quality Conference, during the Air Quality Conference, and my walking in the door.

So, I am not sure what your responses might be but help us out on that.

MR. FULTON: Well, I can get it started that -- and just to take them in reverse order, so others around the room can realize where I am going to come up short here. The Uniform Relocation Assistance Act, I don't know the answer to

that. Maybe Charles or you might have a fix on that. I do know that EPA does have certain authorities in certain circumstances to consider this kind of thing. But by and large our engagement has been limited to the Superfund arena. We're dealing with Superfund sites. But maybe Charles can comment on, or someone else can comment on the extent to which other kind of generic federal laws are potentially in play and the kind of circumstance that you're talking about.

On the -- your interest in a fact sheet on Title VI and what the triggers are for Title VI. That's something that I think we can readily take back home and work on. You know, we've got just recently established by the Administrator a new and hopefully quite significant thrust to deal with Title VI complaints within the agency. And the objective is to both deal with the older compliance that have been around for a while, as a backlog problem, but also to try and ensure that the Title VI program is a robust and sustainable program going forward.

So, to the extent that there's a confusion about where those triggers are and how you activate those authorities, I think we can and should provide some assistance in that regard. And I would agree to take that back home with that as an objective.

MR. LEE: Yes, I can give some background on the

relocation issue and the Uniform Relocation Assistance Act. I mean the -- one needs to first say that the relocation issue that has been a huge ongoing issue, going back many decades. And actually the NEJAC going back into the nineties, and I was part of that at that time, started to address this issue. And as result of a NEJAC recommendation, Elliott Laws, who was the former Assistant Administrator for Solid Waste and Emergency Response issued a memo around relocation, particular with respect to Superfund sites.

And then there was a very significant case having to do with the Pensacola, the Escambia Superfund site, that actually did lead to relocation.

So, since then -- I mean the Pensacola issue played itself out, I think, in large measure successfully. But the relocation issue and the things that you're talking about, Omega, I think we need to talk to OSWER and get back to you on that.

I think, you know, the point is made, you made. This is still a big issue. And a lot of work still needs to be done on it.

MR. RIDGWAY: Lang.

MR. MARSH: I am really gratified and excited by all of the progress that has been announced by all of you today and I felt very pleased with the directors that you

were taking at the last NEJAC meeting and now I see that things are actually starting to happen. I am going to get back to a question I have about that in a minute.

But I wanted to comment and ask a question about a broad theme on the desire of the agency, under Administrator Jackson's leadership, to address communities in holistic way. Kind of a -- making a nod to the sustainability movement and Smart Growth and so on. And at the same time to work Environmental Justice issues very much into that.

And another theme that you mentioned was the need to work more closely with other agencies, other federal agencies.

And one thing that you didn't mention but I think is extremely an important opportunity is the sustainable communities partnership, which is -- for those of you who don't know, is an agreement among EPA, the Housing and Urban Development folks, and the Department of Transportation to work on policies related to sustainable communities, to integrate some of the things that go on there in terms of policy.

But the Administrator was very careful to insert into the agreement that it also needs to address Environmental Justice. And so what I was hoping to hear, either now or some other time, is how those three agencies,

with the potential addition of others, are working on actually not just agreeing on policies, but bringing that down to the level of communities through maybe partnerships at the state or regional level so that assistance can be given to -- from those three agencies to those communities working on, you know, that difficult marriage between sustainability and Environmental Justice.

I think that, my sense is that there is a growing recognition that the two have to be, you know, tightly joined together. That has not always been the case. And I think that there's an opportunity here for more to be done. The reason that I think that this partnership is so important is that DOT has a lot more money than EPA. There are some opportunities there. HUD is a little trickier but -- there are some opportunities to assist those local projects, community projects, through that partnership that both push environmental sustainability and Environmental Justice goals.

And I guess my question, coming from the last NEJAC, is one of the most exciting things that you outlined to us, it was mostly from the regional administrators last time, was these Showcase communities. And I would like to hear, either now or some time during this meeting, or later, what the progress has been on those, I guess there' ten Showcase community projects around the -- in each of the

regions. And to think about are there some opportunities for investment from that, you know, federal partnership of multiple agencies to help those move along.

MR. ARMENDARIZ: Well, I might be able to highlight a little bit or provide a little bit of insight on the Showcase communities. Although I am somewhat knew. We selected our Showcase community of Port Arthur and had a meeting in Port Arthur on the Region VI Showcase community. And I wouldn't be surprised if the other regions are at or about that place too, where communities have been identified and initial meetings have already been held.

It's my -- and at our meeting we had not only people from the community but also the Mayor, people from industry and so there were a group of people that were brought together as part of that.

And I don't yet have the list of action items or bullet points that have come out of that meeting, because it just happened, but I'll certain, when I get back, be looking to be briefed on that.

And the other issue that was brought up, if I could talk about for just one second, is about this idea of federal partnerships and sustainable communities. I had a meeting with my counterparts from HUD and DOT on this issue just last week in terms of ways that we can work together. One of the

requests that we had from HUD was -- apparently they do some kind of environmental analysis when they're trying to site new public housing communities. And sometimes I've been hearing in our region, sometimes those new facilities, those new housing units will be placed in places where EPA has got some serious concerns about levels of pollutants.

And so one of the things that they brought to us was is there a way that we can assess them in terms of the environmental analysis piece that they already do in terms of trying to find out where to put new housing units. And that seems like a very appropriate role for our regional office, is to work with our HUD counterparts.

And if they're going to do an environmental analysis, is there some way that we can provide our expertise to make sure that Environmental Justice concerns and pollution concerns are all rolled into those decision making processes. They often all have been happening down at the public housing level, you know, down at the community level.

MR. LEE: I just want to say quickly, I mean the two things, Lang, the first is that Partnership for Sustainable Communities and the Office of Environmental Justice and many other offices including Smart Growth have been working very closely in this. And I think the best way to respond to you is we need to do a comprehensive

presentation to the NEJAC about that. Because it really, really is important.

With respect to the Environmental Justice Showcase communities, Lisa Garcia had indicated and made strong statements about how the Administrator has taken a real personal interest in this. There are a lot of really exciting things happening. There's a lot of engagement with, as Al says, inter-regions, really bring all the staff up to speed and we're starting to really have a lot of external partnerships, including with foundations.

So, you know, I think again we need to come back to you with a much more comprehensive kind of report and a discussion.

MS. YEAMPIERRE: Jolene.

MS. CATRON: I would to thank this opportunity to thank everybody for their updates and comments.

Just to kind of give you a little information, I represent tribal grassroots communities and organizations and not tribal agencies. And so my prospective that I bring to the NEJAC is somewhat unique in that. I operate under two jurisdictions. That under tribes and that under the federal government. And sometimes even under states. And so I guess that makes it three, just depending.

But the level of complexity and especially around

jurisdictional issues is just extreme, especially in the community that I work on the Wind River Indian Reservation in Wyoming. There are two tribes, so that even adds to the level of complexity.

Just a couple of comments and not necessarily any questions. But I am really glad to hear about the -- looking at the TSCA and the trade secrets or the confidentiality. One of the things that we're really concerned about especially in the Rocky Mountain West is the issues of hydraulic fracturing and the fluids that are injected into the underground. Those are trade secrets. And how that is effecting drinking water in our area or has the potential to effect drinking water in our area. That's a major impact.

And how that activity, hydraulic fracturing is exempt under the Safe Drinking Water Act. That's another issue that we are really concerned about.

Another thing that I am really interested in -- Mr. Armendariz commented about there's one federal government, well, there is also one environment. And if we're looking at that holistically a lot of times the EPA structures that are in place are linear. And when we should really be thinking in a more circular manner.

And so I would really like to recommend that, you know in nature, we don't go from one thing to another. This

linear fashion is really something that we imposed on ourselves. And to really start thinking in a cyclic and a circle kind of manner.

And then the other, let's see, there was one more thing that I wanted to mention. Just that I am really interested in hearing about these Showcase communities. And how this process is going along. You know, we're thinking about EJ issues and EPA tools and how do you get the tools down to the community, how do you -- just kind of give you a prospective, I work with a lot of tribal elders, how do I get these tools into my community so that my tribal elders understand the work that the environmental issues and the tools available to help them understand a lot of the issues that they face for generations. That's really a test of how effective that -- the -- getting the resource to the community is. And so with that, would like to say thank you.

MS. YEAMPIERRE: Hilton.

MS. DePASS: I just wanted to -- I am sorry.

MS. YEAMPIERRE: Go on.

MS. DePASS: I just wanted to quickly respond to Jolene. And, you know, one of the important relationships is with the tribes is the regional relationship. And they're really working from day to day with the community. And so I

invite you to have more of a dialogue with us about how we can work with the regions to be able to get those tools to the regions.

And I also wanted to -- I didn't have an opportunity to respond to Peter. And the important issue you brought up about pebble mines. And I wanted to tell you I have actually been to pebble mines. I've actually been with the communities, the Coalition of Business and community people near the mines to discuss some of the issues. This was in a prior life, but I do have some familiarity with the issues that you're raising and I look forward to continue this dialogue with Region 10 and your communities.

MS. YEAMPIERRE: Peter, do you have a followup?

MR. CAPTAIN: (Nodding no.)

MS. YEAMPIERRE: Okay. Hilton.

MR. KELLEY: Yes, good evening to everyone. I would like to thank everybody for being here today. And taking this precious time out of your day.

My question goes out to Mr. Armendariz. First of all I would like to say congratulations to your appointment. The question is, TCQ Enforcement or enforcement of the state's within Region VI, what are the some of the plans of Region VI EPA to ensure that the states are stepping up to the plate and doing their job when it comes to enforcement.

I am pretty sure you've heard a lot of testimony concerning the lack of enforcement by regulatory agencies, like the Texas Commission on Environmental Quality. We think that it's important that the Region VI EPA do everything it can to get the states to step up to the plate because I know there's a lot of environmental groups in the State of Texas that would just like to see the Texas Commission on Environmental Quality totally revamped or sunset. We have some serious issues there.

Also, it's an understanding that there are a large number of violation notices that have not been served to various big polluters in the State of Texas and other states within Region VI. What are the plans to get those violation notices moving along. And also what are the plans to get the rubber stamps stopped by these -- by some of these state regulatory agencies when it comes to air permitting and water permitting.

Many times what we found is that many of the state regulatory agencies don't even look at the permits fully, do not even go through it to read exactly what's going to be released and how much. And they're just rubber stamping it because it's a way of just business and it's something that they've always done.

It's time to really get serious and in the State of

Texas, New Mexico, all over this country when it comes to eliminating this rubber stamp process. What are the some of the things you all have in place or what are you planning to do to kind of buckle down on this.

MR. ARMENDARIZ: Yes, thank you, Hilton. And yes, I'll address this. I do want to thank you and Jody for serving as the Region VI representative to NEJAC. I think it's great that both a state official and a community organizer as our representatives.

What I think as you know -- when it comes to enforcement often the first piece, the first tool is having good permits, because at least in those permits you can establish what's legal and what's not. And I've been spending a tremendous amount of my time and a lot of our staff as well, on ensuring that we fix the permitting issues that we've identified already at TCQ. And making sure that the TCQ issues permits that meet minimal federal standards. While at the same time, also, continue to work with our states in the region to make sure that the permits that they're issuing also meet these federal standards. It's a big issue and I can -- I hope you're -- have some confidence -- that it's a huge priority for me. And for this agency, not only at the regional level, but the national level.

Because in order to do good enforcement, these

permits that are issued are often the first tool that you need and they're often the first opportunity to reduce emissions before the facilities are built. And so we want to make sure that we have permitting processes in this region and nationwide that meet these federal requirements.

Now, to get to your question about enforcement, we certainly have an enforcement program that both works independently, we have our own enforcement staff. And we also work sometimes in collaboration with the state enforcement agencies. And one of the things that I intend to do is make sure that our state partners understand what our priorities are. So do they clearly understand what EPA's enforcement priorities are, what the Administrator's enforcement priorities are, so that they know where we're coming from and where we intend to spend a fair amount of our time. I think that's really the first step is to make sure that there's an understanding of where we're coming from as an agency.

And when it comes to -- I think you are asking maybe DOJ referrals and maybe the backlog of those referrals and getting those processed. I'll have to admit that I know probably not enough about that process. Although Cynthia and Scott can probably know a lot more and can answer this and I certainly invite their input.

I do know that it sometimes is a long process to go from a permit to an inspection to a potential violation to some kind of action that benefits communities. And I think it would probably be very frustrated for people who live some of these facilities where we might be on record that we've got concerns and yet it takes a while for that legal process to play itself out. And if Cynthia or Catherine or Scott want to jump in.

MS. GILES: Yes, I just want to respond just briefly. I think the point that you're raising is a really important one. And the Administrator has talked about the importance and the value to her to have enforcement consistently across the country. And that while it is certainly true that we work with states as partners in achieving environmental results, we also have a federal oversight responsibility and state performance. And that we need to be clear in setting the bar for what that performance is. And for -- to take federal action when the states are not achieving that.

So one of the things that we've done already to follow through on that is that we posted this year the reviews that we had done of all the state environment programs. We've posted those on the web, which was the first time we had done that, which is putting forward the data that

we had collected about how is this state -- what is the compliance status that we know about in states. And what are they doing about the noncompliance that they're finding. So, look to see more action on that from EPA in the future.

I do want to reiterate the point that Al made which is very important that enforcement is only as good as the permits that you're enforcing. So it's really important and we intend to work closely with the programs to make sure that we start with the protective program and then that we follow through and have consistent enforcement, so that people are protected and so that there's a level playing field across the country.

MS. YEAMPIERRE: Scott, do you want to add anything?

MR. FULTON: (Nodding no.)

MS. YEAMPIERRE: Okay. Jody.

MS. HENNEKE: Thank you all very much for being here. While I understand this work is -- I believe to the bottom of my heart that this work is incredibly gratifying and needs to be done and has to be done. As those of us around the table know, it can be grueling and you will be worn out by the end of the day and on your plane ride home you will go, oh, my God, what all did I just do over the last couple of days. So thank you very much for being here.

I want to make a comment and then I want to ask a question. As some of you know I have one of those strange and varied backgrounds, including growing up in a Superfund area with mining in Tar Creek in Northeast Oklahoma. So I have a very bazaar kind of background, including enforcement and -- public participation and permitting.

One of the things that I wanted to talk about a little bit -- Doctor Armendariz and was referring to Hilton's comment last night. I am sorry I was not there, but I was pretty sure it would come up somewhere about an oil spill that happened this last weekend in the Port Arthur ship channel. For those of you don't know, that's been the largest oil spill off the Texas coast in the last 15 years.

Unfortunately it happened. However, we do believe that the response based upon the -- I currently work for the General Land Office, that agency has responsibility for oil spills in the marine environment. Between the work, between the GLO, the Coast Guard, EPA on the regional level as well as TCQ on the regional level, water was monitored, air was monitored, there were -- was 11 miles of containment boom put out, 27 individual skimmers. More than two thirds of the oil spill has already been recovered.

There was only two oil slicked birds that were found. Not of which is to make light of the concerns that

Hilton has raised about the intense odors associated with high sulphur crude. That particular ship channel feeds several large refineries there in the Port Arthur area. As in other areas in this country, including Brazoria County, the Houston Ship Channel, in Texas, not to make light of Louisiana and some areas in California. Those are very large refineries that are in very close proximity to communities.

My agency, I can speak for the agency that I represent, we were very mindful of the proximity of those communities and worked very quickly, we believe, to at a minimum help contain that spill. There was no spill through the cut that goes into a lake that sits in the middle of one of the largest natural estuarine -- pristine estuarine areas in Texas and along the Gulf Coast.

But the response that the community helped us give, a lot of which goes to Hilton's credit, and the awareness that everybody had, of what everybody had, helped make that response, I think the best that has been, at least along the Texas coast, ever. Much less in the last 20 years or so.

The question that I wanted to ask goes to again one of those former lives of having to work through several Title VI complaints, and I heard a couple of you mention a memo that has gone out internally to EPA on how to respond or how

to deal or think about or, I am not sure exactly what words were used, those Title VI complaints.

My question is followed by my urging, my question is, if that has not yet been shared with your states, that have responsibilities for those programs, please do so. And that is going along the lines of what was referenced with Hilton's comment about how are you going to begin to respond to enforcement issues differently, that sort of that. If your state partners don't know what to expect coming from you, it's very difficult to interact effectively with both the federal agencies as well as the communities.

And again, thank you very much for being here.

MR. FULTON: Thank you, Jody. I'll try to answer the question. I think the -- the correspondence to date within the agency relating to Title VI has been process oriented rather than guidance in character. And basically the Administrator has commissioned a process for trying to deal with the Title VI backlog and we're assembling some resources and capacity around that in order to enable that to occur. And part of the charge is also to look at how things should look going forward with Title VI compliance.

But at this point, we don't have any guidance that it's been generated by that that is ready for sharing that will be meaningful. My guess is we will find our way to that

and certainly take your point that the states need to have those views and focus -- I am sure we would be interested in hearing what the states have to say about some of those question, goo.

MS. YEAMPIERRE: Thank you. On October 23<sup>rd</sup> there was an explosion and fire in Catano, Puerto Rico. And at a refinery. And I wonder if anyone can give us an update about the status of the cleanup, air monitoring, whether it's continued and what the status of that is.

MR. PAVLOU: Thank you. Thank you, Scott. Essentially, you know, we're continuing to work with the facility there to clean up a whole lot of the tanks that were not touched by the fire. And at the same time we extended, you know, into the wetlands that have been impacted by the release of the oil. And we're trying to clean up the wetlands adjacent to the facility.

We have conducted extensive air monitoring. Not only the site but also in areas where we believe the greatest impact of the plume is going to be. And we didn't find anything either onsite or offsite in terms of violations of air monitoring.

We worked with Agency For Toxic Substances and Disease Registry. We came up with action levels, you know. And if those action levels were exceeded, you know, it was a

cause for essentially moving and relocating the community from there.

So, overall, you know, the release has been contained. We are working in the wetlands and some of the creeks surrounding the area. And that's about it. You know, it's under control at this point in time.

MS. YEAMPIERRE: There are numerous complaints from the Environmental Justice groups in Catano, specifically about the Air Toxic Substance and Disease Registry.

MR. PAVLOU: Right.

MS. YEAMPIERRE: And so I was just wondering what your relationship is with the community groups that do Environmental Justice in Puerto Rico and how they've been involved in the cleanup process.

MR. PAVLOU: Well, actually we've had, you know, an excellent working relationship with Rosa Hilda Romas, you know, who is an activist in the area. And in the Catano community specifically where she lives. And she was highly complementary of the agency in terms of, you know, how we work with her, and you know, the level of information that we provided with her, for her.

One of the complaints that she registered with us is that there was no, you know, phone number to call, you know, in terms -- of you know, following up in the release

of the oil. And the oil and the explosion in general. And, you know, we committed in the future that we're going to do that.

At the same time, you know, we praised the efforts of the government of Puerto Rico down there because the Governor, you know, took over the control of the explosion. He activated the National Guard and the Army so that he could have full control and utility of all the local governments in terms of their response activities.

And at the same time he had, you know, press events, three times a day. We had joint command with all the other, you know, federal agencies, you know, including the Coast Guard, including the Army Corp of Engineers, including you know, ATSDR, the health agencies, to -- and we participated at these press events to answer any questions that anybody had.

I believe over all, you know, on the basis of using again, you know, Ms. Rosa Hilda Romas\*, you know, feedback that she was very pleased with the way that we responded.

MS. YEAMPIERRE: Thank you. We have five minutes to break. Charles.

MR. LEE: There were two things. The first is that there were a lot of issues that were raised, so we're going to catalog them and fold them into the discussion on Friday

in terms of future directions. I think it's worthwhile to think about it in a holistic -- in a holistic way so that we're really able to address them properly.

And then secondly, you know, there -- I think it's really important that we asked deputy -- assistant administrators and the deputy regional administrators if you have a comment or something that you want to say, that we give you an opportunity to do that.

MR. PAVLOU: I am back. Actually, I want not address the comments, one made by Lang Marsh and another one made by, you know, Jolene. You know, to the status of the Showcase communities.

You know, I am glad to say that we reached out to the community, you know, in addition to the work that we've been doing with that community, you know, to meet with them, to understand their concerns, you know, we had a long meeting in our offices, in terms of how we're going to be spending the money, to address their concerns. At the same time we're in the middle of planning another meeting in the community itself to make sure that all the community members and groups do participate so that we can understand their concerns to enable us, you know, to plan accordingly in terms of, you know, managing the money.

They want \$100,000.00, you know, that we're very

thankful to Charles Lee that, you know, he provided to us. And the rest of the country, of course.

At the same time we did reach out to HUD and DOT, you know, to enable us to work with them. You know, we are applying under the pilot program for some more funding to leverage the \$100,000.00, you know, that Charles gave to us. Or OECA in general gave to us.

Also we reached out to New York State and New York City, keeping in mind that there is a lead, you know, paint -- lead based paint, you know, threat in that community. But they way HUD, you know, manages the money, the provide to the city and the city has an ongoing policy that any housing of, you know, composed of single and two family units are exempt from getting money to deal with lead based paint from houses. Something that we have documented as part of our Superfund response activity, you know, in that community, from one of the sources of contamination, you know, facing that community.

And, you know, we're also trying to act as a convener of influence with the city and state to address a whole lot of, you know, of issues surrounding that community as well, you know, including doing some of the inspections of some of the areas that they asked us to consider.

In terms of, you know, hydraulic fracturing, we

meet with our tribal, you know, elders, you know, once every year to understand their concern on their level, you know, in addition to the day to day interaction we have with the seven nationally -- federally recognized tribes. Hydraulic fracturing was one of the main concerns. If you don't know, the State of New York came out with a generic environmental impact statement on how to extract natural gas from, you know, New York State. And the federal -- and the seven federally recognized tribes, this is a major concern to them in terms of the possible contamination that may occur not only in terms of the surface water but also in terms of the ground water.

We incorporated totally the air concerns into our cover letter to the State of New York to, you know, remind the State of New York that, you know, the federally recognized tribes have serious concerns, you know, regarding hydraulic fracturing including, you know, banning this practice.

So, we acted as a -- as a transfer agent, if I can say that, of their concerns in our official comments.

MS. YEAMPIERRE: Any one else.

MR. GAYDOSH: I do want to talk to you about our Showcase community and in particular our --

MS. YEAMPIERRE: I am sorry to interrupt you.

Could you please introduce yourself.

MR. GAYDOSH: Sure. It's Mike Gaydosh, EPA Regional Agent in Denver.

MS. YEAMPIERRE: Thank you.

MR. GAYDOSH: Lang, I just want to talk with you about our work with DOT and what our pilot projects in the City of Denver and the Environmental Justice community to effectuate the partnership and the strong Environmental Justice focus. Jolene, I wanted to speak with you when we get a chance about some of the work we're doing with Pathilian\*, Wyoming with regard to oil and gas.

MS. CATRON: I go to all the public meetings.

MS. BANISTER: My name is Beverly Banister with Region IV. We have a Showcase community in Jacksonville, Florida. We're taking a multimedia approach. We have a number of Superfund Brownsville sites there, air quality issues as well as other issues. We will be working with other federal agencies. We have a kickoff meeting scheduled for February the tenth.

What we want to do is make sure with the community is that we're addressing what they feel are the most important issues. We know some of the environmental issues they're faced with but we want to make sure that we have that conversation and dialogue, to hear from them directly before

we embark on some things on our -- the action plan. We will be working and moving forward on that.

We regard to the sustainable work that we're doing, DOT and HUD and EPA, we are looking at how we can engage EJ as a part of that. And most recently we had a dialogue and visited some of the disadvantaged communities in Atlanta as a part of that conversation.

MS. YEAMPIERRE: Hi, can you introduce yourself, please.

MR. VERCHICK: I would like to -- my name is Rob Verchick. I am the Deputy Associate Administrator at the Policy Office at EPA representing Lisa Hines Earling's office. I just wanted to make a quick point about Smart Growth and Sustainable Communities Partnerships.

The Smart Growth office is within the Policy Office and we've just gone through a reorganization. And we have a proposed new office within our office called Sustainable Communities and Smart Growth and Green Buildings are a part of that.

And two things I just wanted to point out. One is, as it has already been stated there, going to be heavily active in the Smart Growth Conference in Seattle, Washington, next week, the Administrator, Lisa Jackson, will be there. Along with Secretary Slahood\* and Donovan. And they will,

among other things, be talking about the importance of Environmental Justice in that partnership. That's about what I can say on that subject so far.

The other thing I can say is that now that our office is newly reorganized I am having briefings with the Office of Sustainable Communities within the Police Office. And we are specifically talking about how to incorporate Environmental Justice issues into the work they do, which includes, as you know issuing grants, technical assistance, and helping real communities on the ground develop Smart Growth and environmentally sustainable communities.

MS. YEAMPIERRE: Thank you. We look forward to seeing you next week in Seattle. We're going to stop here and take a 15 minute break. And we will see you for the public comments -- at ten to four, thank you.

(Break)

*Public Comments*

MS. YEAMPIERRE: Of folks that are going to be doing a public comment, talk to you a little bit about the NEJAC.

We're a federal advisory committee that was established in 1993 to provide independent advice, consultation and recommendations to the Administrator. And we represent a number of walks of life, from industry,

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