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National Environmental Justice Advisory Council

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M O R N I N G S E S S I O N

(8:34 a.m.)

Review Day 1 Business*by Charles Lee, DFO*

MR. LEE: Good morning, I hope everybody had a good evening. Do we have a quorum yet?

(A chorus of "yeses")

MR. LEE: Okay, great.

(Pause)

MR. LEE: Well, if you will turn to your agenda, for day two, the first order of business today is to deal with the Executive Council Report on Mechanisms to Enhance Future Stakeholder Involvement and Engagement. I thought maybe what we should do is if there are any kind of thoughts about yesterday, that we should do that, Richard.

I mean, I thought that the discussion around the Unintended Impacts Report was really good, and I want to thank you for doing that. I think the discussion really enhanced the report. David Lloyd told me afterwards he was really glad that he was here because it helped him to understand the context for the report a lot better.

And as I said, I think that that has laid a strong basis for them to be able to respond better. To respond better with a lot more understanding of what the intent of the

recommendations are.

And I thought the public comment period last night was really very productive. And the discussion really began to bring out, particularly, around the New Orleans East landfill, really began to bring out some of the issues that will need to be discussed for the Gulf Coast Hurricanes Report.

So, I think that the meeting is off to a really good start, and I want to keep up the momentum that we built already. Today, we are going to go through the Executive Council's Report, and then at around 3:00, we are going to start a discussion around the Gulf Coast Hurricanes Workgroup Report.

That is going to have a presentation by Wilma and members of the Gulf Coast Hurricane Workgroup who are here. And then also, a presentation and discussion with Larry Starfield, and Stan Meiburg, and Dana Tulis.

So, Richard, I think that that is, basically, what we are seeking to accomplish today. So, I don't know if there are any comments about yesterday, but I think with that, we can really start working on today's agenda.

MR. MOORE: Good morning. Also, what I wanted to do was to say that those that were actually for Dallas, that those --

MS. HENNEKE: Hey, hey!

MR. MOORE: And those of us that were for Miami, you either have seen it or read about it.

MS. HENNEKE: Now, Richard --

(Laughter)

Mechanisms to Enhance Future Stakeholder

Involvement and Engagement to Address Environmental Justice

by Richard Moore, Chairperson

MR. MOORE: So, I think maybe it might just be quickly, as we settle into this, because we spent a lot of time on this particular report. But it might be important just to identify what the charge was again. Because the charge is going into what our Executive Report is. So I just wanted to read this right quick to kind of ground us and put us back in there.

So, one of the charges was:

"What venues and other mechanisms would be most effective for EPA to continue to obtain public policy advice on specific environmental justice issues and concerns?

What mechanisms would be best effective for EPA to receive timely advice on specific environmental justice issues, concerns that require action or decision on a short notice?

What are the best mechanisms to continue to build a collaborative problem-solving capacity to address environmental justice issues and concerns among EPA's regulatory partners and other environmental justice stakeholders?"

So, those were actually the charge, you could say, besides some of the other work that we did yesterday, and the Gulf Coast Report, and several of the other kind of overarching kind of issues that we have been taking on.

So, this morning, as Charles said, we are going to dive right into the mechanisms to enhance future stakeholder involvement and engagement, based around these particular charges. So, I wanted to, Charles, just kind of turn it over. Maybe you could just start us off here for a second and we will dive right into the report.

MR. LEE: Thanks, Richard. I wanted to give a little bit of context around this set of charge questions, and I think that the work that you did in drafting your report touches on a lot of that.

The first is that it is important to keep in mind that the issue of environmental justice is not new any more. And that there has been a lot of work done over a good two decades around the issue. And so in terms of something like the NEJAC, which was an idea that was recommended back, I

guess, first in 1987, and came into fruition in 1993, and had its first meeting in 1994, there has been a lot of history there.

There has also been a lot of history in terms of EPA's efforts to integrate environmental justice. And I think the word we have used is a lot of those have been maturing. It is important to recognize that.

So, in the charge, there were a number of things that were identified to illustrate that as far as the development of analytical tools, the development of policy around assessing potential environmental justice situations, in terms of the use of environmental laws that has put the efforts to address environmental justice on a footing that goes beyond the Executive Order.

That in terms of the memo from Administrator Johnson last year that, not only reaffirms the commitment to environmental justice, but also identifies eight priority areas around environmental justice for incorporation into the EPA's Strategic Plan.

And what that does, as was mentioned, it ties the integration of environmental justice around very clear targets in terms of planning and budgeting. So, these are really, really important things. And this is something that these charge questions are meant to build upon in terms of then how

can EPA best continue its stakeholder involvement and efforts.

The first question has to do with, obviously, the public policy advice. It speaks to the most effective ways to continue to get public policy advice that used to come through the NEJAC. The second one is the one that Grant has been talking about in terms of quick turn around advice.

And the third one is really meant to be more broad ranging, looking at these issues from the perspective, and the capacities of the different stakeholder groups that are engaged around environmental justice. Groups from communities, to industries, to academia, to state and local governments, to tribes, et cetera.

So, what can EPA do to enhance the capacity for collaborative problem-solving for integration of environmental justice among those groups. That is recognizing too that efforts to address environmental justice in all those areas have been maturing, and it will be really important for there to be a lot more cohesion in terms of the ways that all these groups can work together to address environmental justice. So that is the background to this.

It is important to recognize that we are asking the NEJAC to think broadly about these sets of questions. Recognizing that a lot has transpired, we have learned a lot from the experience of the NEJAC, but that it is really

important to look at what are the things necessary as we move forward and find the right mechanisms and venues.

I want to just conclude by just noting John Ridgway's point last night; which, basically, speaks to the importance of the NEJAC. And he made a comment to the effect that the NEJAC is important because it is the only game in town. But the problem that we have identified over many years is that you can't be the only game in town. That as the issues of environmental justice and efforts to address environmental justice mature and expand, there needs to be many, many different types of mechanisms and venues.

That the NEJAC cannot be the mechanism that helps to address all the issues and meet all the different needs. So, Richard, I think that gives a beginnings of a perspective, what the underlying motivation for what these charge questions are.

MR. MOORE: And I just wanted to just add, and then open it up for a little bit of discussion before we go dive into the report. For many of us that are on the present NEJAC Council, and the many, many folks that have participated on the Executive Council, and also on the subcommittees, the NEJAC has done an incredible piece of work throughout these years, and I think it is to be highly respected in terms of its work, and so on.

I think sometimes in terms of measuring -- and I will just say this from my own perspective, not necessarily from a government perspective, but from my own perspective, that just seeing the kind of results and recommendations, in some cases, that have come out of the subcommittees that really have driven environmental justice back home. And that is really, really important.

I think the other piece is, quite frankly, people didn't have a place to go. You need to be able to go some place. And in some places, grassroots groups, and others were attempting to try to work with the regions. In some areas, that was being productive, and in many cases, it was not being productive.

And even myself, just as a reminder of our first interaction with Region VI -- not to go into a long history of that -- I can't remember what year it was, but was being locked in the elevator of the bank building where the regional office was located because we were attempting to have a meeting with the regional administrator, and they were refusing to leave us, not only in the office, but in the building.

So some of us went up the steps, our little strategic -- you take the steps, you take the elevator, and the ones of us that went up the steps, got locked in the step

area. And they called the police on us and escorted us out of the office. All we were trying to do, quite frankly, was to have a meeting with the Administrator and explain to him at that point, some of the problems that we were having in our communities, and so on.

And we could go on and on with that. And that is very important to note, and others have different kind of experiences here.

What I wanted to say was that, hand-in-hand with that, one of the recommendations that the NEJAC Council made was having those listening sessions throughout the regions.

There was several of them and I don't want to spend hours on it, but I just want to -- you know, Region VI was given the lead, I guess, based on the way the EPA works -- maybe other government agencies do too -- when the EPA takes on an initiative, then a region is kind of given the lead in that initiative.

And Region VI was given the lead on environmental justice. And I just want to say, and I will say it when Larry is here too, that the region has done an absolutely incredible job. We don't agree on everything, nor to be expected, but I can guarantee you that we are working in partnerships with Region VI. And in some cases, some of the other regions.

The Region VI, in terms of taking the lead, and also

in terms of the listening sessions, was one of first regions in the country to conduct the listening sessions. Now, we could go on and put papers up on the wall, and list all the successes, but I will just tell you in a short version, I think it was an incredible process; not only for the region itself, not only for the staff and the leadership of the region, but for grass-roots groups, for state agencies, for the business community, for industry and others.

Because we truly did in the region develop, based upon the leadership of Region VI, given both the moral and political authority to move forward on this, we set up a committee. The Planning Committee. I think, Jody, you were on that Planning Committee. There were many others of us from state agencies, and also from industry, business, grass-roots groups, and whatever.

And I think pulled off in Houston, Texas, and Juan's neck of the woods, a pretty incredible two or three days. And I will just will lastly say to you that one of the things -- and one of the things, because obviously Region VI covers Louisiana, Arkansas, Oklahoma, New Mexico, and Texas -- and one of the things -- one of the many things that came out of that listening session, was the listening sessions that were conducted in New Mexico, using the model that we used in the region.

And, quite frankly, when I mentioned yesterday around the signing of the Executive Order, and so on, in New Mexico as one example, that was one of the recommendations. One of the many recommendations that came out of the New Mexico listening sessions that the New Mexico Environmental Department had had upon our recommendations.

So we could go on, and on, and on, and as I said, put papers on the wall. We can talk about things that we disagreed with. But what I want to say is that we have had an incredible history here, and I want to commend and congratulate our folks -- and I say our folks, I am talking about in its broadest context -- that have participated on subcommittees and participated in the NEJAC Council.

The Public Participation Document. Being used all over the country, being used all over the country. In California, the Public Participation Document was one of the documents that grass-roots groups and others were moving forward that came out of this NEJAC Council. We are doing it in different places. So you could go down, and up, and down, or whatever the list of many, many of the accomplishments that we have had. So, I think that is crucial, and Charles was touching on some of those.

And, again, just the inter-agency working group and some of the successes of that. So I wanted to open it up just

right quickly amongst Council members. I know Connie had her card up. Just take a few minutes before we dive into our report, and just anything else, comments or whatever, on the table before we move forward in this process. Connie.

MS. TUCKER: Well, actually, what we are doing now is making it possible for some of us who have been assigned certain of the charge questions. But, Charles said something that was very significant, because there is some misinformation out there about when the NEJAC was first -- when the FACA was first recommended. And in my research, I found that that was in the toxic waste and race study.

Is that what you were referring to for 1987? There are some people who think that the first recommendation for environmental justice FACA came through the Clinton transition team. And there is one person who likes to take credit for that, and it is just so good to get at least some historical accurate information. And I will reserve my other comments for the charge questions.

MR. MOORE: Well, I don't know if, Charles, if you would -- go ahead, and then I would like to also respond to that.

MR. LEE: Just be reflective about that, right. You know, in my other capacity before I came to the EPA, working for the United Church of Christ Commission for Racial Justice,

we released that report, and that being one of the -- an advisory committee being one of the recommendations -- that was April 15th, 1987.

So, come April 15th, 2007, it is going to be 20 years. And to put all this into perspective, 20 years, a lot has been done in 20 years. And a lot of very significant things have happened in 20 years. I would tell you that I never expected no more than maybe 70 years after that that there will be an Executive Order. In fact, I told someone that I thought that 50 years from now, it will have a real impact. So, this is quite amazing.

And it is quite amazing because of a lot of different reasons, one of which has to do with the fact that it deals with a very significant issue out there. And that just was a catalyst for all the groups that Richard is talking about, kind of putting a lot of dots together, and really being catalyzed.

But I think the point to be made about that is that we can't -- this is not 1987, this is 2006, and we need to take stock and see what the future looks like. The kind of things that motivated in the recommendation for an advisory committee, and is coming together in the way that it began to operate, it was very much a function of the kind of time, place, and circumstances.

And at that point, there was no mechanism for, not only the EPA, but the Federal Government to hear about the issues of these multiple communities. And one of the things that I think should not be under estimated is the incredible educational value that the NEJAC has for, not only for EPA -- I mean, I think the abiding -- there is an abiding commitment to EPA, to environmental justice at EPA, that is related to all the work that the NEJAC has done, and the kind of impact that it has had.

It has also had -- and this is not something that is recognized very much -- there was no multi-stakeholder process around environmental justice. I mean, when the NEJAC first came together, the idea of having the kind of consensus, discourse around very difficult issues was not there. So these are the kind of things that are very important for laying foundations.

But, it is important to recognize that we have to -- 20 years out, there is a whole new set of issues, there is a whole new set of people. The kinds of institutional capacity and policy foundations for addressing environmental justice in 2006 is very different. So you have got to think, we have to think, we are asking you to think looking into the future.

MR. MOORE: Just lastly, and we will move on, I just wanted to mention this as we do that, and to follow-up on

that. But I just have to remind us of some of the documents. And we had some discussions about this yesterday, that have been produced by this NEJAC.

And Tom Goldtooth that informed us earlier this morning that he was going to be unable to make the meeting, for those of you that know they are in the process of having their annual gathering. And, unfortunately, all the complications and things that go along with that is not going to make it possible for Tom to be here.

But the document, the meaningful involvement for fair treatment of tribal and environmental regulatory programs, I just want to say as we move on here, the major significance -- and if you come from where we come from with the struggles, and the difficulties, and the challenges, and all those things that go along with it, then some would say, even about these reports sometimes -- because we have seen reports be done and then put on the shelves, or put in somebody's closet, or whatever -- but these are live working documents that this Council throughout this period of time has produced.

And in terms of the Native American community, you all know that the primary relationship with the U.S. Government is more particularly, many a times with Tribal Councils. We work very close, many of us, work very close

with Tribal Councils. But there are grass-roots organizations that are on those sovereign nations that, in some cases, need and should their voices be heard.

Now, these documents that we produced, and we heard some yesterday on the one on the transfer stations, and being reference made to, and different ones, are real working kind of documents. I just wanted to just quickly say to what Charles is at, it has been an honor on my part. I will say it today, and not tomorrow, to be a part of this Council. To be a part of the Council -- when I was on the Enforcement Subcommittee, then at that moment in history, the first elected Chair of the NEJAC Council.

And with that, it is time now, as Charles said, to reconstruct some things. And all of our lives, our family's lives, our business lives, organization of lives, we do an assessment of our history. So where we come from, we look at in some cases, where are we at.

So that is why we are speaking a little bit to the history of the NEJAC Council, where did it come from. Where were we at in some of our assessments, document that history so that nobody documents it for us and decides to put wrong information out there. And then where are we at today?

So, yes, there has been a lot of success in that and, quite frankly, in some cases, we may have set up

expectations, unintentional expectations for many grass-roots folks that have been testifying at the NEJAC Council throughout this period of time.

And what I meant, and that is why yesterday went a little bit long last night, but I thought it was very, very important that we answer to the recommendations that were being made there, the requests that were being made of this Council.

Because sometimes in my past experience, is that community folks, and maybe others, but community groups have went back home with expectations of what and how the NEJAC Council was going to move forward. And quite frankly, we didn't have the authority in some cases, and in many cases, this was not the venue for some of the things that were being brought to the Council.

So, with that said, I think if there is no other comments, then we are prepared to move forward. I don't know if there were any comments before we start digging a little bit into our report.

MR. LEE: I think, Richard, that as we move on in this discussion, a lot of different examples and insights from the perspective of different groups in terms of their own history and state of development in terms of the ability to address environmental justice issues are going to come out.

So I think that would be, hopefully, a very productive and robust discussion.

MR. MOORE: Okay, let's move forward.

MR. LEE: I think the way that we wanted to move forward was to have a number of different individuals present the recommendations. There are three major recommendations, which have some sub-parts to it, each in response to the three charge questions. So, the first one that has to do with future venues or other mechanisms to continue to receive public policy advice on environmental justice issues and concerns, the recommendation is going to be presented by Ken Warren and Connie Tucker.

Question 1: Venues for Continued Public Policy Advice on Environmental Justice

Remarks

by Kenneth Warren

MR. WARREN: Charles has given me the privilege of starting this off by talking about question number one, and I won't abuse that privilege by going too long. I am going to try to give a very brief overview, because all the people here on Council were instrumental in putting this language together, and you are all very familiar with it.

Question number one deals with venues for continued public policy advice on environmental justice. And the two principals on which we have all agreed are that there needs to

be fair treatment and meaningful involvement. And meaningful involvement, we put some meat on those bones by saying that it is involvement that is fully informed with people having the capacity to participate. So, with those two overarching concepts, there are four recommendations.

The first is to recommend that EPA continue to support the NEJAC. The report goes through the accomplishments of the NEJAC and, essentially, I think the thrust is that multi-stakeholder advisory committees provide important opportunities for better government decision-making.

And we are operating in the legal regime of FACA, so a multi-stakeholder advisory committee needs to be a FACA committee, and that is what the NEJAC is. So, we would recommend that NEJAC continue.

There was some discussion among Council about whether the multiple standing committees that have been very productive should be continued. And in this streamlining age with budget concerns, and other concerns, our recommendation is that there not be permanent standing committees, but that the NEJAC have the opportunity to form limited expert workgroups; basically, a fluid concept.

Form a multi-stakeholder workgroup as you need it, get the information from that workgroup, and then the workgroup is disbanded until it, or some other workgroup is

required.

Our view is that the NEJAC should report directly to the Administrator. I assume that continues to mean through OEJ, but not through another FACA, such as the NACEPT, because we don't want our advice to be shaded, or diluted, or changed even with the best of intent. So, we would like the NEJAC to be its own FACA.

Recommendation 1.2 talks about the institutional memory of NEJAC, and we think there needs to be new participants from time to time on this committee; but, that should be accompanied by a mentoring process by which experienced Council members would continue to have some involvement with the NEJAC.

I would just note that for continuity's sake, one of the best features of the NEJAC have been the continuing involvement of Charles and Barry, and OEJ staff. But, if we are going to have a FACA that looks even beyond their tenure, that would be a major problem for NEJAC, I think, if we lost the institutional memory of Charles and Barry. So, some process by which experienced NEJAC members continue to be involved would, in that case, even be more essential than it is now. But it would still be helpful, even under the current regime.

Recommendation 1.3 talks about other mechanisms to

enhance stakeholder involvement. And I just want to mention them briefly because some of the later recommendations go into them in much greater detail. But we listed things, such as formal notice and comment, regulatory negotiation -- which is sometimes known as the Reg. Neg. Process. Citizen juries, public meetings, listening sessions, focus groups that would be able to give prompt advice and, perhaps, roundtable dialogues which would be similar to the types of meetings that we have here, but on a more streamlined basis.

The features of each of those we think have some benefits, such as the promptness by which advice can be issued, but have some of the drawbacks, which they may not be as interactive as this group is, or deliberative as this group is. And we are encouraging EPA wherever possible to utilize interactive and deliberative processes because we believe that they are best suited to arrive at creative solutions that are acceptable to all of the stakeholder groups, and in a way that is transparent and fair, and not private conversations with particular individuals that might later be criticized.

I would note that the deliberative interactive multi-stakeholder process is likely to come up with solutions that individual conversations will not, because we, as stakeholders, are able to dialogue with each other and the sum is sometimes greater than just adding up the parts.

But that doesn't mean there could never be targeted advice when EPA needs to pick up the phone and call someone, they can do that. But our recommendation is that those phone calls go at least to some members of the adversely impacted community. Because EPA should have an opportunity to hear directly from affected community members.

The last of the Recommendations, 1.4, was discussed a little bit yesterday, which is the strong view of all members of the NEJAC that EPA should communicate to the NEJAC what actions EPA has taken in response to NEJAC's advice and recommendations. We are requesting formal written responses because we think they would be useful, not only to us, but to future NEJAC members; but also, where possible, informal interim progress reports should be made.

I would note, personally, that I have a lot of confidence in the current OEJ staff, and their interest, and enthusiasm, and dedication to taking our recommendations and pushing them through EPA and getting things to happen. And I would like to see this sort of written report be assistance to OEJ staff.

Because when OEJ goes to other program offices, the question is, what kind of response can OEJ get, and how timely is that response. And if there is at the highest levels of EPA some instruction to all program offices that a formal

response to OEJ's and NEJAC's recommendations needs to come back to the NEJAC in a timely fashion, those deadlines themselves, I think, will help cause EPA to take actions that might otherwise be put on the back burner. So, I heartedly support that recommendation as well.

So, in sum, that is where we are. I think we all should be proud of these recommendations. I think they are very good and, hopefully, they will be implemented. Connie.

Remarks

by Connie Tucker

MS. TUCKER: Well, clearly, there isn't much left for me to say, considering Ken's summary and the preceding discussion. I just want to reiterate how important it is for NEJAC to continue. Those of us who were around in the beginning remember the time when there was no NEJAC, and there was no Office of Environmental justice.

And at that time, Richard, not only were we locked out of regional offices, we had a few times when we were actually locked out of the HEA Headquarters here in D.C.

So, the NEJAC, and the work that has been produced by the NEJAC, really has presented a new paradigm for marginalized communities, or communities who face environmental injustices. And beyond that, not only -- although, we still have so many challenges, it has really

provided a mechanism for communities to understand their problems better, to suggest remedies for their problems, and to work collaboratively with their regional offices and, sometimes, the assaulting industry. I know that is not the language people prefer, but from our perspective, that is what it is.

I am not sure if I agree with Charles when we say there are new issues. I think that the issues that we are addressing now, and over the previous years, have been the same issues when we first came to the NEJAC. And those of you who were not around during that time, I can tell you, that was a very passionate time, and it was also a time that, I think, sensitized people within the U.S. Environmental Protection Agency, and other federal agencies and departments that had environmental issues as a part of their mandate.

We sensitized people over these years, and some of those young people who were at the table, I learned yesterday, are now in mid- and top-management. And while they may not be working on environmental justice, they take the knowledge that they gain from direct contact with so many disparately impacted communities to the place that they now serve.

We started off with public participation, but that -- and I think that document needs to be updated, because we have learned that public participation is not enough. That,

in fact, it needs to be meaningful participation, and for there to be meaningful participation, there needs to be capacity, there needs to be decision-making, informed decision-making.

So, I just really want to say that it has also been a privilege for me to work with the NEJAC through all of these years, and it has also been a blessing, to say the least, to see the kinds of changes that have happened at the regional level, but also, acknowledge that there is still lots of work to be done.

And while I appreciate Charles' comment about this can't be the only show in town, the fact is, that this is the primary mechanism for fair treatment and meaningful involvement of disparate communities. So I do think that the multi-stakeholder approach was a little much for some of us purists in the beginning, but we have developed some friends around the table who come from industry. Who we have learned, given the information, also have a heart. I mean, they are people like us.

And that corporation has helped us give strong public policy advice to EPA, and it has also carried over into other departments and agencies. And from that, communities that are disparately impacted now have tools to improve our quality of life. That's it.

MR. MOORE: I think that Ken and Connie had spoke to several of the initial recommendations. Are there any additional comments before we go to the next kind of presenters? Are there any comments that anyone would like to make in terms of those recommendations? Shankar.

MR. PRASAD: Thanks for the wonderful summary you gave. I wanted to bring out a couple of issues that we want to make sure that we acknowledge those. While NEJAC, it is true, it has helped, it is actually the EPA informing the NEJAC and providing all the resources needed in making it --- has improved the awareness of the EJ issues, and has acknowledged EJ as a problem that needs to be addressed with rigor.

That has happened over time, and every member on the NEJAC, past, present, and future will work and strive for that. And when we think of the next steps at how this NEJAC is going to be shaped and what its functionality and response from EPA will be, it again will turn out to be another historical moment as to how much of a commitment and support will it receive from the Agency in order to address these issues on a continuum.

And I definitely agree with Connie that we have made some strides, but the issues and the problems have not changed much. The focus area may be different, but one of the --

either on any of the stakeholders involved may be, different people, or different entities, different stakeholders, but the heart of the question of the issues continue to be the same. So, in order for that to change, I think we still have a long ways to go. And we need to focus on that.

Having said that, I know that we have discussed all the recommendations in detail, and it is almost a consensus part of the recommendations. I just want to clarify a couple of things as it is worded.

One is the reference to the Recommendation 1.1. In the third line it says, "In light of resource constraints, however, the NEJAC should be streamlined." It is implicit in this statement that the number of members on the NEJAC are something to that effect is something that we are recommending.

But, in my opinion, in our discussions, I don't think we went in that line of thinking. We were more interested to ensure that the meeting costs ---, and the process has to be streamlined, not necessarily with the number. That debate part was not clear to me, unless I might have missed that meeting. So I just want to be enlightened on that part of it.

Because that is implied because it goes on in the next recommendation, "the size of NEJAC contracts," is that

what we want is something that I want to hear other people's thoughts. I am not saying that this is right or wrong, but from this aspect, from this document, that is the right thing to do is not kind of clarify that why it should happen, is not clear to me. Thank you.

MR. MOORE: Discussion. Connie and then Richard.

MS. TUCKER: Actually, it was my impression, when you developed the language around the streamlining, that it didn't have to do with the number of people serving on the NEJAC, but rather the discontinuation of the standing subcommittees. Which, quite frankly, I was there. It was just -- I am just surprised that OEJ was able to manage such a large NEJAC, and it was very costly.

And quite honestly, all subcommittees were not equal. There were some subcommittees that did very effective work, but there were others that did very little, produced very little. And I also had an opportunity to work with the new model, the workgroups. And I find, personally, that the workgroups are a lot more effective, and produce a much better quality work product.

So, even if the money wasn't lean, I would think that moving with the workgroups rather than the standing subcommittees would probably be a more efficient way.

MR. PRASAD: I fully support, I am not against the

abolishing --- termination of the subcommittees part. What I was referring to was the NEJAC as it stands, not the subcommittees itself.

MS. TUCKER: Yes, I don't think that. It is my recognition that we did not. Maybe we need to make that more explicit in the recommendation, that we are only proposing the streamlining by eliminating the standing subcommittees.

MR. MOORE: Okay. Now, was there other cards that wanted to speak to this specific point that is being discussed? Richard.

MR. LAZARUS: I don't need to say very much, because I was just going to say exactly what Connie said. My reading of this is this referring to the elimination of the standing subcommittees and the substitution of the workgroups. I think of the subcommittees as part of the NEJAC, and it really was a much, much bigger, and more complicated organization when you had all the subcommittees, with stakeholder sort of representation, --- representation, everyone of those subcommittees.

MR. MOORE: Okay. Now, any other cards? And you will have to put them down if -- wanted to also respond to this particular piece. Jody, were you?

MS. HENNEKE: My recollection is matching -- let me expand just a bit. I don't think we touched upon, what I am

going to refer to the NEJAC as the Executive Council. We talked about the subcommittees, and my recollection is we talked about the multi-layers created by the subcommittees.

And like Connie, I have been both on a subcommittee, and on a workgroup, and not all subcommittees were equal, not all EPA staff that staffed those subcommittees were equal, and it was very difficult. And I think it pretty well follows into some of the accompanying recommendations.

When you don't ask a good question, you don't get a good answer. And that was what I saw was the problem of the subcommittees. But I thought we were -- as we talked about, for lack of a better word, downsizing, we were talking about the subcommittees.

MR. MOORE: Okay. Now, just keep in mind, and we will keep on going, but that if we are seeing particular things, and the Council members want to make a suggestion of language change, let's kind of stay in that mode and that track too, as we are doing clarifications and other kind of things.

I see Chip's ---, Eileen, and then Sue.

MS. GAUNA: One point that I did want to bring up, because of the discussion here this morning, one might leave with the impression that this was an easy issue. And it wasn't, and there are costs involved in recommending that we

do away with the subcommittees. And I know that the experience of many of us was that the subcommittees weren't as effective as we would have liked, and they were big, and unwieldy, and expensive. Very resource intensive.

But, you can't take a snapshot at the end of the process and evaluate it. You have to figure out where people were at the beginning, and the fact is, as the EPA is a huge institutional organization, and some of the program offices involved were way behind the ball in terms of recognizing environmental justice, understanding what it was, and how environmental justice issues effect their particular programs.

So, even though the subcommittees may not have appeared to produce the results that many of us would have liked to have seen, I think that when we stop to consider where they were, institutionally, the subcommittees were a good idea at that particular point in time. Because they educated a lot of the program officers about environmental justice issues within their particular programs.

It is with some sadness, personally, that I see the dissolution of the subcommittees. I understand why that is needed as a practical point of view, but we are missing the opportunity to educate. I think OECA has always been a leader in environmental justice, and the fact that the Office of Environmental Justice is housed within OECA, and it is

protected within this particular corner of the agency, is a good thing, and it is a bad thing too.

Because we are missing the opportunity to educate other -- and to talk about these issues with other program officers. So it has got its costs, and I think we need to be mindful of that as well.

MR. MOORE: Thank you, Eileen. Before we go to Sue, just right quick -- Chip, you were nodding your head when Jody was speaking, so.

MR. COLLETTE: I agree with Connie and Jody, and ---, and Sue has got the comment.

MR. MOORE: Sue.

MS. BRIGGUM: Yes, we are doing the drafting here. After debating whether we could simply put a colon after streamlined, or a dash, we decided that more elegantly we would just start a sentence that says, "Rather specifically, rather than having multiple standing committees ..." then that makes clear that the next sentence explains the previous one, but it doesn't make it an awkward run on.

MR. MOORE: Okay, great. Thank you, Sue.

MR. PRASAD: Thank you.

MR. MOORE: We seem to have gotten some agreement on that. Okay, so then any other -- Charles, did you have something on that?

MR. LEE: No, I was just wondering if Sue could give me the language.

MR. MOORE: Do you need to do that again?

MR. LEE: No, she is going to give it to me in writing.

MR. MOORE: Okay. So, now, back again with Ken and Connie's comments on the recommendations. Were there any other comments from Council members on the recommendations that they presented on? Shankar?

MR. PRASAD: One of the comments made earlier which really caught my eye, is to keep the historical perspective, and to keep the institutional memory. Which is very, very important in all these committees, and the office ---, because the leadership moves on, and people retire and move on to other things and the new people take over.

One of the parts was that the existing membership, previous membership, someone could also consider the issue of the rotating membership, like we do not change the membership all at one time. That some people stay on and when you bring the other people later. Is that something that we need to talk, or is that not the process of the FACA? That's --- mechanism I would suggest in order to keep the continuity of the historical perspective within the committee.

MR. MOORE: Okay, discussion. Jody.

MS. HENNEKE: I am going to jump out there and say that the Executive Council really shouldn't get into that. I think that is -- a FACA is set up at the request and the direction of EPA, and I think EPA should do that, not the FACA itself.

MR. MOORE: Thank you, Jody. Other comments?

MR. LEE: Yes. By way of background, there are a whole host of policies and rules that govern selection. And in terms of time limits, and in terms of the rotation. So, I think Jody is right, that that should be left up to EPA.

I think the point that you want to make, in terms of in this particular -- for this particular situation, and specifically, with respect to this particular advisory committee, that institutional memory is very important.

MR. MOORE: Thank you, Charles. Eileen.

MS. GAUNA: I am going to disagree respectfully. I think that we could make a recommendation, that within the existing legal framework of FACA, that there be carry over, staggered terms, however we may want to phrase it, because we have to recognize that NEJAC, as an institution, if it is going to be preserved forward through administrations is going to hit administrations that are not as -- that may be even hostile towards environmental justice.

And in order to set in place an institutional

mechanism that has a better chance of surviving from administration through administration, and not relying upon the good will of any particular administrator, at any particular time. I think those kinds of institutional suggestions are important and should be made.

MS. TUCKER: Eileen, is Recommendation 1.2 not good enough to do that? It's 1.2, it recommends that in selecting membership that they get people who have some historical understanding of environmental justice too.

MS. GAUNA: I think it starts to get at it in a very general way. I am mostly following up on Shankar's point, that do we need to -- for example, staggered terms, or that we keep people on the NEJAC for as long as possible with some particular members for as long as possible within the existing legal framework.

These sorts of recommendations, as by way of example, only. To preserve that. These are really complex issues, and when you have a turnover of new people every term, that may not be as well versed in the issues -- and, I mean, we talked about this problem. So, I am thinking that a specific recommendation, along the line that Shankar suggested, may be helpful, rather than just the general language.

MS. TUCKER: Well, there probably needs to be

incorporated into the --

MR. MOORE: Put your mic on please, Connie.

MS. TUCKER: Oh, sorry. It probably should be incorporated in this 1.2 recommendation. Could I propose that you and Shankar, I will even participate so that we can move forward, look at this maybe during break and see how we can insert that language?

MS. GAUNA: I will be happy to, if people are in accord in principle, that we could be a little bit more specific by way of example, or something like that.

MR. MOORE: Okay, Jody.

MS. HENNEKE: I want to be clear, I am in agreement in principle, but I thought staggered terms was part inherent within a FACAs, and that you were just being kind of redundantly repetitive by doing that.

MR. LEE: Yes, that is what I was going to say. But I do think that if you want to, emphasize that. As an example, I think that that is something that you should do.

MS. TUCKER: Well, why don't we work on the language, and then present it and have discussion after that?

MR. MOORE: Okay, is that agreeable?

(Members nodding their heads)

MR. MOORE: Okay, so then we are going to move to any other recommendations that Ken or Connie spoke to. Are

there any comments or discussion from the Council? If not, we are going to move to the next ones.

(No response)

MR. MOORE: It seems like we are prepared to move forward. Will the presenters for the next set of recommendations just kind of jump in there and kind of give us a --

MR. LEE: These were going to be presented by Jody Henneke and Wilma Subra. The reason they are going to present it is because this question grew out of the experience on the part of grant, around Hurricanes Katrina and Rita. So, both Jody and Wilma have been intimately involved in those disaster situations, so they are the ones that should most aptly present on this.

Question 2: Mechanisms for Advice Requiring Rapid Response

Remarks

by Jodena Henneke

MS. HENNEKE: Thank you. One of the things that becomes very clear as you read these recommendations, they really flow from one into the other. And we have had some very direct, on-point experience over the last year on the necessity for rapid response.

And one thing that I have learned, many of you have heard me say, as a regulator, it becomes more clear to me as I

either mature or age -- I am not sure if they necessarily come together -- but as I get older, it becomes more clear to me that nothing ever matters until it becomes personal. To whomever that personal is. And once it becomes personal, it really, really, really matters.

And, we as a group, can pontificate on how as a body the NEJAC may have become a little cumbersome, et cetera, et cetera. But until you get into the middle of a situation, like what EPA, and the states, and the municipalities, and communities, and individual folks have been in the Gulf Coast during this last year, you don't really quite have an appreciation for it. But I need to know what I need to do right now. I don't need to know six and a half months from twelve weeks from next Tuesday.

So, with that as a little bit of a backdrop, I think at least some of us have a keener appreciation for where Grant was coming from when he said, I need to be able to get an answer. And if not an answer, I need to be able to get some advice from somebody to give me some perspective from which to make the decision. And I need to be able to have that as quickly as it possible. Quickly becomes a relative term but, you know, as all of us saw during this last year, quick really does need to be quick.

With that, our workgroup, the Hurricane Workgroup,

talked about this from a lot of different directions. This particular one, the first recommendation, again, builds upon believing that taking the position that the NEJAC believes that the NEJAC should continue to exist, should continue to exit in a more streamlined manner, and should be the place that EPA seeks policy advice on environmental justice.

Taking that as your basis, this body also feels through this recommendation that we can provide a rapid response. But in order to be able to do that, we need to be positioned such that the questions need to be given to us in a highly focused way. Meaning, don't just look to us and say, what do I do? Give us a very specific, as specific and focused question as you can.

Kind of also, going to I think what Eileen may have been getting at, the membership of the NEJAC needs to have some knowledgeable folks on this body. You need to be composed of folks that have the experience from which to pull that quick response to give meaningful advice to the Administrator to act upon to use.

And all of that, with the backdrop, which is an underlying principal. And I say this with depth, and with confidence, and with a little bit of humility. The way that you get to that answer, if you will, or that advice, has to be in an interactive, deliberative process, but it has got to be

fast.

Now, I kind of went that in a, perhaps, too disjointed way, but Wilma is going to clean it up for me.

Remarks

by Wilma Subra

MS. SUBRA: Thank you, Jody. Building on what she said, and what Ken said, it is important that the people who serve on the NEJAC Council have the experience, as well as the knowledge. Because what we deal with is real life situations that impact each and every one of our lives, and the lives of the people that we interact with on a daily basis.

We know what it is like to sit around this table in workgroups and subcommittees and Council, and work on issues, and argue forever on one little paragraph. But in the end, we all come to consensus and we all agree that this is how we move forward. But when Grant, or anyone else in the Agency needs to know something, and needs information, and to make a decision, it is important that there is a mechanism.

So, what the other two portions of question number two are, how do you get individual consultation? And over and over again, during this hurricane response, we frequently got a phone call that says, help, I need to know this right now. And it could be as simple as if we want to interact with this piece of the community, where can we physically do it? You

can do it sitting on the street because there is nothing else available.

But it is simple questions to very difficult questions of how do we proceed. And that advice needs to be quick. It may be advice, it may be recommendation, and it may just be information. Like, where is there electricity so we can plug in something. But it is truly urgent when they need it.

And what we want to be sure is it is not someone who says it is urgent, and tries to go around the process and get information when it is not urgent. So, when you are getting this individual consultation, it has to be truly an urgent situation.

And when I served on NACEPT, a lot of times we know two weeks from now, we are going to have a document that we are going to need to quickly review and respond. So we had that two-week time frame to set up everybody to block out people's schedule, and then to make sure we had conference calls and everybody would get their feedback. And we did it through the normal FACA process.

But in this case, you don't have two weeks to say, in two weeks, I am going to need to know, where do these people go, or how do these people act.

So we are looking for information and opinions.

One, they can call individual NEJAC members. Each of us has relationships with a lot of people in the agencies, as Connie has talked about. But when you call individual members, you have to remember, it is individual opinions, not NEJAC opinions. You have to make sure that if you do this individual consultation, it always includes representatives of the community, of community-based EJ organizations, and of organizations that are disproportionately burdened by the situation you are trying to deal with.

And the information that you receive from the community-based, and disproportionately burdened communities needs to be highly valued. If the agency says one thing, and the community says totally different, you have to really consider the inputs you are getting from the community. Because those communities are being directly impacted and they are having a reduction of quality of life, and frequently, the reduction and quality of life is associated back to government, or business, or industry.

So you have to take this in mind, EPA has to take this in mind, when they are getting this individual information. They need to maintain an up-to-date list of persons who they can contact. We had a change in area code in Louisiana maybe four years ago. And only for a year did the automatic signal come on and tell you the new area code. And

a lot of people's indexes have the old area code, so people are constantly calling and saying, but your number doesn't work.

Numbers didn't change, only the area code. So it has to be an updated list. And then when EPA uses this information, they have to characterize it as individual advice, not formal advice, not advice that came through the Council, and then went to the Administrator. It has to be informal individual advice.

And then 2.3 builds on one of the things that Ken brought up is another mechanism, the focus groups. And if you have an issue, and you might have a day to respond, you might want to pull together a focus group. But still, it has to have all the elements I just went through. Because you could pull together a focus group of the state agencies, or you could pull together the focus group of business and industry, and just totally leave out the communities.

So, if you are going to work outside of the FACA and get this individual advice, you have to be sure and include the communities, and you have to be sure and describe it as individual advice and opinions.

Any questions?

Remarks

by Charles Lee, DFO

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MR. LEE: Richard, can I just add a few points to this? In order to address this question, you have to do it within the legal confines of the Federal Advisory Committee Act. And that, basically, says that in order to provide consensus advice from a federal advisory committee, there has to be deliberation in public before you can provide that advice.

And normally speaking, that requires a Federal Register notice. And that requires a 15-day advance notice. Now, that 15-day advance notice can be waived by the General Service Administration, if they deem that that is necessary. The public meeting may take the form as a public meeting like this, or it may take the form of a teleconference, but it has to be a public meeting, which notice of which is made to the public, and the public is allowed to listen in and participate.

A good example of this is the Science Advisory Board, which was asked to provide advice around issues related to Katrina. And they did hold deliberations through a public teleconference. And if you look on the Science Advisory Board website, there are the minutes and proceedings of that. But that is a thing that you have to go through.

And actually, the way that these recommendations do, they do track the different types of advice that EPA can have;

which is the consensus advice, the individual advice, and then the advice which has gotten through some process having to do with experts or through some kind of contractual relationship.

MR. MOORE: Thank you, Charles. Eileen and then Richard. Or, Richard and then Eileen.

MR. LAZARUS: I just wanted to -- a point of clarification, and then a comment. Charles, I was reading the recommendations as consistent with FACA by following the different categories. Were you suggesting differently? Okay.

MR. LEE: No, I was just trying to give everybody here a little bit of background.

MR. LAZARUS: Right. Yes, I liked it, I thought it was very carefully done in terms of the individual advice and expert, not to run afoul of FACA.

The only comment I was going to make is, the lynchpin, what makes it absolutely essential is that list. The up-to-date list which you mentioned several times. And it strikes me is it is just absolutely critical that EPA develop that now, and ahead of time. Because you can't develop it once the problem arises. People are too far flung, and too scattered. And I don't know how to put a sense of urgency for that, but that is the Achilles heel. Without it, it falls apart very quickly, and it is not an easy thing to do, to put together that kind of list ahead of time. That is all.

MR. MOORE: Now, Jody, you put your card up there and you were part of the presenting. Did you want to respond to -- not before Eileen?

MS. HENNEKE: Yes. I wanted to respond to the list making, and it is not just the list making, it is the list keeping. I have one of those responsibilities within my agency, and that is huge. And that is where it can and often does fall apart. So, I wholeheartedly agree with that that is not a piece that should go lightly. And we did talk about that a lot, is my recollection.

MR. MOORE: Thank you, Jody. Eileen.

MS. GAUNA: Thanks for a great presentation, both of you. It is a really thoughtful piece. I was wondering if, you know, one of the centerpieces of this is always include impacted communities within this rapid response thing. And, of course, we don't know who those communities are because it is in the context of a rapid response situation.

And that sort of raises, again, this perennial issue of capacity. How do you rapidly get the community that is involved in this process, when they may not have the capacity to -- the technical advice, for example, to fully understand the issues that are involved, and to have that support that is necessary in any kind of an advice giving capacity.

And I am wondering if we should put anything in the

recommendation that at least highlights that issue, and prompts the agency that when it is in this situation, it has to be sensitive to that lack of capacity issue, and do what it can to help the impacted community have a meaningful involvement in that endeavor, or in that project of giving advice on a real time fast basis. I am not sure if I am making myself clear, but it takes us back to that capacity issue, and how are we going to deal with that in this situation.

MR. MOORE: Discussion to that point, please.

MR. LEE: Let me say a few words about this. I thought that the points that were made by Richard and Eileen and Jody were really on point. This all has to do with disaster preparedness. And there is a real link between the recommendations to question 2, and this, in particular, around disaster preparedness.

So, I think, perhaps, you could offer some language that kind of says that. And I think in your recommendations around preparation for future disasters, you can amplify that.

So I think that that is really one way you can really strengthen this. I think the hard part, where I think you are going to have a lot of discussion and ideas would be very helpful is, how you actually operationalize that.

You know, because clearly the one lesson, I think,

that one can draw from Hurricane Katrina and Rita is that when there is a disaster like that, you can't prepare for doing -- you know, you can't put these into place when the disaster, after the disaster takes place. So, in terms of preparing for particularly issues that were raised, like the ones last night. Do you have the capacity of knowing who to communicate with, how to communicate with them, and so on and so forth.

You know, the kind of cultural diversity, language issues, even to the point of going back, which is the original premise of those recommendations, they need to be able to identify up-front, beforehand, where vulnerable populations may be.

MR. MOORE: Okay, now is there particular language change that people are suggesting in these recommendations? Or, are we all right with the language, and we are trying to make sure -- Eileen.

MS. GAUNA: Yes. If we could just add a sentence that highlights our understanding the idea that -- what I am worried about is that within this context, you get impacted communities involved, but their involvement is only on a very formalistic level, because they don't -- so that when the agency has to act in this manner, that it understand, that it be sensitive to the lack of capacity and do what it can from a technical standpoint, to help communities meaningfully

participate in this rapid response advice giving endeavor, and have the technical help to be able to do that.

So, it may be the agency itself providing that help for the communities, and not just calling somebody up on the phone and saying, well, what do you think.

MR. MOORE: Yes. Charles.

MR. LEE: You know, I mean I think that this speaks to all three recommendations, 2.1., 2.2, and 2.3, because it just -- the questions that have been raised relate to all three. And that has to do with strengthening the preamble to these recommendations around integrating these types of considerations into the disaster preparedness process.

And that, actually, is more than just having the right people, and the ability to reach them, but knowing what kind of questions to ask. And then, you know, so on. So, I think that that would really strengthen this, because as the agency is looking at the lesson's learned about from Katrina and Rita, I think the whole idea of strengthening that aspect, the idea that Grant said about hot-wiring environmental justice into the emergency response system. You know, this is part of that, I think.

MR. MOORE: Eileen.

MS. GAUNA: Just a clarification, Charles. Were you talking about -- I was talking specifically about the rapid

response advice prong of it. I understand that capacity flows throughout this whole thing, but it is particularly acute in this instance. So I think it warrants some sort of statement to express our concern maybe that this is a particular acute issue within this context.

You mentioned putting a general statement in the preamble. Do you mean in the preamble to this particular section?

MR. LEE: Yes. Yes.

MS. GAUNA: Okay, thanks. Yes, I agree then.

MR. LEE: Yes. I mean, I think a larger issue that comes up over and over again is, you know, there is a link between -- I mean, what you do in terms of response after the disaster is a function of how well you have prepared for it. You know, and that is actually of how you have planned, and how you actually are operationalizing that planning and preparedness process. And I think that that is a huge issue.

MR. MOORE: Thank you. Is there --

MS. SUBRA: Charles, can I suggest some wording, but no necessarily in the preamble, in Recommendation 2.2, line 7, that starts with, "Because." At the end of that sentence, add a phrase, "And be sensitive to the lack of capacity on the part of the EJ communities."

MR. MOORE: Eileen.

MS. GAUNA: And then I would add to that, "and provide technical assistance where necessary to enhance that capacity."

MR. MOORE: Okay, now we have a recommendation on the floor. When we get the language, if we could just reread the language, and then we will move on.

MS. SUBRA: Do you want me to tell you the language?

MR. MOORE: Please, give us the language.

MS. SUBRA: Okay. Recommendation 2.2, line 7, starts with, "Because," at the end of that sentence, we are going to add, "be sensitive to the lack of capacity on the part of the EJ communities, and provide technical assistance where necessary to enhance that capacity."

MR. MOORE: Discussion?

MR. LEE: Line 7, say that again.

MS. SUBRA: And 2.3 refers back to the substantive issues in 2.2. So, it will be in both of them.

MR. COLLETTE: I am sorry, in my copy, is that line 29, on the left-hand margin?

MS. SUBRA: Yes.

MR. COLLETTE: Okay, thank you. Thank you. Yes, I think you need an "and", or something. Well, grammar will be taken care of once you see it.

MS. SUBRA: Yes, we will fix the grammar.

MR. MOORE: Okay, we are fine with that? Could we move on then to further discussion in regards to any of these recommendations?

MR. LEE: This is a question to the Council, did you want to tie all three recommendations more closely to the whole idea of disaster preparedness?

MS. SUBRA: I don't think so, because there will be other issues besides disaster preparedness, where they are trying to make a decision quickly. I think it needs to be as broad as possible.

MR. MOORE: Okay, are we prepared to move forward? Any other discussion on these recommendations?

(No response)

MR. MOORE: Okay, so then the next one is question 3, Mechanisms to Build Collaborative Problem-Solving Capacity Among EPA's Regulatory Partners and Environmental Justice Stakeholders. Could the presenters --

Question 3: Mechanisms to Build Collaborative Problem-Solving

Capacity Among EPA's Regulatory Partners and Environmental Justice Stakeholders

Remarks

by Charles Lee

MR. LEE: There are a number of people that have been tasked to present on the sections that they were the primary authors of. The first one, the primary author was

Andrew Sawyers, and Andrew is not here today because of another commitment. So, what he asked was that I present on this.

And what I want to do is, there is an expanded version of this that Andrew worked on since this copy had -- since May 15th. And, as you know, one of the things that Andrew presented on back in January was this whole idea of the experience of Maryland's Environmental Benefits Districts.

And, actually, this is just one example of targeted geographic initiatives to address environmental justice needs in the broader sense in terms of the needs of distressed economically, and environmentally distressed communities.

And, actually, that has a long history to it. You know, the Environmental Benefits Districts is not the first time that has taken place. And, actually, the first one was in New York City back, I think, in 1992 when there were two Environmental Benefits Districts in West Harlem and Greenpoint Williamsburg.

And then, ongoing, there are other ones, the most notable which I think of is the Brownfields Showcase Communities that you heard about yesterday. And those were in direct response to addressing environmental justice needs. Presently, there are probably many other ones which are essentially a way to trying to coordinate and focus resources

on communities that are economically and environmentally distressed.

In addition to the Maryland's examples, Los Angeles just designated an Environmental Justice Improvement Area for the Sun Valley section of Los Angeles. So, what that shows is that these are things in which the initiators are not just states, but also local governments.

And this fits in well with the -- it is a broader approach towards addressing the needs of what one would call environmental justice communities in terms of the many types of issues that confront those communities. Everything from the environmental and the health, or the housing and transportation, and other types of issues that are in need, if you are going to try to build healthy and sustainable communities.

So, this also aligns very well with many of the things that are being developed at EPA, particularly, the environmental justice Smart Enforcement Assessment Tool, which uses a set of factors that are environmental, health, social demographic, and compliance information -- in this case, in an enforcement context -- to identify those areas which are in need of EPA's enforcement resources and have been designated some kind of priority.

If you take that kind of approach and apply it to

all the kind of different program offices, one can begin to see how this, and something like a targeted geographic initiative begins to align together.

I know that in terms of on the state level, this is the same kind of issue that California is trying to deal with. In the Cumulative Risk Report from the NEJAC, there is mention of the -- in terms of the pollution burden matrix that the State of California is working on. And that is, actually, another version of a tool to address the same kind of issue I am talking about.

So, in many ways, this becomes a very important anchoring point for the pooling of resources that are much needed by environmental justice communities, and projects a pathway for long-term sustained change.

MR. MOORE: Okay. Now, what we need to do as we run through this is just keep in mind that we were just presented with the new writing of 3.1. So, based on some of Charles' comments in the beginning there, could we just take on 3.1 here right quick? And if people need a second to read it, please do it, because we are going to have to come to a consensus on this ---. Connie.

MS. TUCKER: In my quick read, I didn't see mention of -- I am not sure quite how to say it, but I had concerns that we were beginning to focus merely on single community-

based approach, and moving away from a regional approach. And I think this recommendation gets to the need to have larger than local strategies.

For example, cleaning up one parish in the Mississippi corridor. The Louisiana-Mississippi corridor is not going to solve the air problems there. It has to be a corridor-wide initiative to clean up the air in that area. So is case in South Alabama.

We could use Florida as an example around the sugar cane and pesticides. So it is really important, I think, to mention that this geographic initiative -- and, by the way, the EPA also has some very, very strong geographic initiatives. To mention that somehow in the wording that it allows for addressing environmental concerns across communities are in a basin, or ecosystem. And I don't think that is included in this language.

MR. MOORE: Okay, that is very helpful. Shankar. We are going to come back and discuss language. Shankar.

MR. PRASAD: I think this is a good idea, no doubt. And good to support, but the challenge comes for the region or the state is how do you define this? There needs to be some thought to prioritize that part of how do you go there. I mean, Sun Valley came about because there was a political interest, and a local person took the lead and got that

designated and moved on.

But is that the right place to having done that? That is the challenge here, is how do we identify that. So, some way of in consultation with the region, or region should be given that freedom to sort of prioritize those areas, and then may do the designation. Or, does it do it in consultation with the local part of it?

Like yesterday, we talked about the squeaky wheel, it should not become like that because we are trying to set a policy recommendation for all the regions to follow, and they work with the states.

MR. MOORE: All right. Richard.

MR. LAZARUS: This is just a comment and a slight concern. But just a slight one, but I want to see if anyone else shares it. This is on the proposed new tax for consideration.

The first paragraph seems to be, basically, what was there before. The second paragraph takes the last sentence of the existing recommendation, and then elaborates in, I think, a very useful fashion. The third paragraph is sort of different than anything else that I have noticed in our letter, and that is it is much more of a specific finding about one particular program, sort of factual finding, about what that program has, in fact, accomplished with actual

numbers or percentages. As opposed to sort of an endorsement of an idea.

And sort of saying a certain kind of initiative is successful. I have no doubt that that information is true on that last one, I just don't know it. And the question is, whether the NEJAC letter should, in a recommendation, include that last paragraph or not, which is more sort of a statement of fact, as opposed to the statement of opinion about something. So, the rest I have no problem with. I wanted a little bit about the last paragraph.

MR. MOORE: Charles.

MR. LEE: Not to speak for Andrew, but since he was the primary author of this, there was a certain bias there.

(Laughter)

MR. MOORE: Just a little bit. Sue.

MS. BRIGGUM: Yes. One way to do that, I think you are right, it would be helpful to have a reference to say, for example, as discussed by Andrew and his position title in the State of Maryland. And then you would know that this was something that was being attested to by someone who is in an official position, and so it would be more authoritative because we would have the source.

MR. MOORE: Okay. Now we have got several things on the table. And we want to start moving now. Obviously, a

very good discussion, but we want to start getting close to language changes. So, Charles and then Eileen.

MR. LEE: One of the things that I asked Andrew about this by way of background was whether or not -- you know, it could be there is no assumption that the things that took place happened because of the designation. I mean, they could have happened in any event. And I definitely asked Andrew about that. And he was very adamant in saying that these were as a result of that designation. So, I just wanted to add that in terms of some of the factual background.

MR. MOORE: Eileen.

MS. GAUNA: Yes, I agree with Sue, that if we are relying on particular persons, Council members' experience, that it is just helpful to state that. But my comment goes more to Shankar's concern about -- as I understand your concern, how do you go about defining the region to begin with.

Do you sort of let it happen based upon the squeaky wheel theory or --? And I am not sure, other than acknowledging that that is a complication, and that it a problem. I don't think that in a letter this general we can even begin to address that problem, because it is a complicated one.

I mean, it goes back to how do you define an

impacted community to begin with. It is sort of an extension of that very basic problem. So, I would suggest that other than just acknowledging the questions and definition are inherently vexing in these types of areas, that we just leave it be.

MR. MOORE: Okay, now we are going to go back to -- thank you. Thank you. Shankar.

MR. PRASAD: Can we add something like, in consultation with an accepted mechanism, or developed mechanism, to identify these targeted communities? Or something to that affect, whether it is local, or the state, or something. That way, it makes a little more direction as to that it just does not identify that, okay, this region, you want an area, here is one area. And I think in different --- with Jody earlier, we were facing some similar situation. So, I just don't want that to become a continuum and a habit.

MR. MOORE: Sue.

MS. BRIGGUM: How about thoughtfully targeted areas?

MR. MOORE: Okay, let's get Ben's comment, and then we will see where we are back on language. Ben.

MR. WILSON: I am reluctant to make this comment because Andrew is not here. And I know he gives a lot of thought to any suggestion he might make. But it occurs to me that -- and thinking about what Eileen said -- how do we

determine what the targeted communities should be.

And it seems to me if we are talking about limited resources, the priority that we would want to encourage would be -- or, personally, I would want to see encouraged, is that community that is most vulnerable, in the greatest need. In short, if you have limited resources, it seems to me those in greatest need should have them.

And I would not pretend to make that determination, but it seems to me that the states can make that determination. So it shouldn't be the squeaky wheel, in my view, but rather it should be the will -- most in need of repair, assistance, oil, however you define that.

So, my specific recommendation would be that -- particularly, if Andrew were here -- would be that you might have language that might say, recognize that there are many communities -- there are a number of communities in every state that would benefit from such a program, but the priorities should be given to those communities that are suffering the most adverse environmental consequences. And in those situations, it seems to me these types of programs would be helpful.

MR. MOORE: Charles.

MR. LEE: But by way of context, I mean, one of the things to keep in mind is that your recommendations are not

just limited to what EPA should do, but what EPA should be promoting others to do. You know, and this recommendation, actually, has much more significance if this was an idea that gets embraced by local municipalities, by the states, by other governmental entities.

So, I think that that is one context for this. I will suggest that -- I mean, this whole area of where are the areas of greatest need, how do you identify them, and how do you make decisions around that, that is a decision that is going to be made by all those different levels of government and the different agencies involved.

But it is important to note, there are tools now being developed to identify those, and it is important that you make some statement about making use of those. That is what is meant by, I think, thoughtfully targeted areas, and it would be done in consultation with the affected parties.

And so that would be some sentence about making use of the emerging tools to identify areas of greatest need, and prioritization of resources, and be done in consultation with the affected parties; which includes whatever entity they are dealing with.

MR. MOORE: Connie.

MS. TUCKER: Well, it is not exactly on this point, but I am not sure if we can say that there will be additional

state funding. That is up to the states and not up to us. I mean, we could encourage it, but I don't think that it is appropriate for us to have that in the language.

And also, are we talking about single community, are we talking about a number of communities? On the one hand, we are saying communities plural, and then at the bottom, it is a single community. So there is a lack of consistency in there on that.

And, again, I would like to see that a geographic initiative also include regional air, regional water concerns that, of course, impact the residents who live in those regions. And I don't see that reflected.

MR. MOORE: Now we have got several things on the table in terms of this piece, so can we just kind of dive in, suggest recommended language changes.

MS. TUCKER: I was just wondering, did we refer to the description of geographical initiatives that the EPA has traditionally used? I think that language probably incorporates -- I just don't think we are ready for this particular one, we need some work on it. Unless there is someone here who can do it right away.

MR. MOORE: Okay, suggestions?

(No response)

MR. MOORE: Suggestions in terms of how to move

forward?

MR. LEE: Well, you know, I think the committee has to decide whether -- and I don't think there would be a disagreement in terms of your point, Connie, about that these are not just single neighborhood type communities, but can be broader in terms of geographic areas. So I think that some kind of language that describes that.

And then the second language change that needs to be done has to do with the prioritization.

MS. TUCKER: And also, can we? Those are the two, plus can we say that there will be additional state funding?

MR. MOORE: Unless you provide it, no. I mean, your point is correct.

MR. LEE: I think that is going a little bit too far. You are asking -- this is a recommendation to EPA to promote.

MS. TUCKER: Exactly. But the language is in there that additional state funding and tax benefits would ensue. It is in there already, and I think we can't do that.

MR. LEE: I think Andrew meant by that is that if you did this approach, you would be able to leverage additional funding.

MS. TUCKER: Okay, perhaps, we can --

MR. LEE: Right. You should say, perhaps, then.

MS. TUCKER: Okay. Perhaps.

MR. MOORE: Okay. Eileen.

MS. GAUNA: To take care of that problem, Connie, why don't we say, "These communities would receive priority to attention, for example, in the form of additional" blah, blah, blah. So you could say, this is one way a state could do it, but it is not suggesting in any way that --

MS. TUCKER: For example. Okay, that is good.

MR. MOORE: Can we agree with that language on that piece?

(Members nodding their heads)

MR. MOORE: Okay. Now, what about any other word additions, or language change? Eileen.

MS. GAUNA: Why don't we add a sentence at the end of the first paragraph that kind of addresses identification and priority? And if somebody wants to take a stab at it. It seems like that might be a nice place for it to go.

MR. MOORE: Okay. Ben.

MR. WILSON: I agree. I think that is a good place for it to go and, actually, I think Charles did give us some language, at least from my standpoint to address the point I was attempting to make. And maybe if he could read that back to see how others feel about that.

MR. LEE: It is not in a sentence form, but you can

change it and put it in a sentence form. But, essentially, what you will be saying is that you want to make use of emerging tools to identify areas of greatest need, and decided or done in consultation with affected stakeholder parties.

MR. MOORE: Okay, discussion.

MR. WILSON: I think that was it, but the other point that you made before, not this time, which I liked was that the targeted -- the idea is that the priority would be given to the most vulnerable of communities.

MR. LEE: For identification and prioritization of the areas of greatest need?

MR. WILSON: Yes.

MR. LEE: Yes.

MR. WILSON: Or areas of greatest need, that was the phrase you used earlier. And that kind of helps determine the priority.

MR. LEE: Yes, right.

MR. MOORE: Any discussion on that language? Do we want to repeat that Charles? I know we didn't get complete language, we are getting --

MR. LEE: It basically says, "to make use of emerging tools to identify and prioritize areas of greatest need," and then "the decisions around targeted geographic initiatives are done in consultation with affected

stakeholders."

MR. MOORE: Eileen.

MS. GAUNA: I didn't catch what you were saying, Charles, because I was word smithing. But, I think we are moving in the same direction here, which is -- and this needs to be cleaned up grammatically, because it is a passive sentence, and I don't like passive sentences.

But, something to the effect, just to get the idea down, "in consultation with affected stakeholders and utilizing available assessment tools. Areas in greatest need can be identified for these targeted initiatives," or something like that. Just to get something down now so that we can play with it later, and your office staff can clean it up.

MR. PRASAD: Another choice is to say that "these designated communities," in the middle of the second paragraph, "would receive priority attention. These designated communities are identified through a prioritization process." And there, you can say in the parentheses, (using the tools available)," or something.

MR. MOORE: Okay, Connie.

MS. TUCKER: I have additional suggestions, maybe someone can help this language some. But at the end of the first paragraph, just to say, "and also, address regional air

and water pollution." Trying to get that idea in. And then the second paragraph, if we said, "Targeted geographic initiatives offer benefits to government, businesses, communities, and ecosystems providing a greater role," and then take out "contributing to the betterment of neighborhoods," and just say, "through an integrated, proactive, targeted approach." And then, again, everywhere there is communities, I would add ecosystems.

And also, if we are talking about rebuilding, I think the first step, if you are talking about communities that have been contaminated, it would be clean up. So, instead of saying "rebuild and sustain," it would be, "to clean, rebuild, and sustain."

MR. MOORE: Okay. Discussion. Jody, you have that puzzled expression. Do you have any comments on this?

MS. HENNEKE: I just don't know where we are on this, it has morphed into something I am not sure where we are now.

MR. MOORE: Okay, let's regroup ourselves and see where we are. Charles started off with a little bit of language. Charles, do you want to repeat that, and then -- let's just repeat that first. That language that you were offering.

MR. LEE: Eileen.

MS. TUCKER: Eileen offered it.

MR. MOORE: Okay, Eileen, do you want to give the language?

MS. HENNEKE: See, you were lost too.

MR. MOORE: Thank you, ma'am. I was on a mental collapse or a break, one or the other for a second. Eileen, I am sorry.

MS. GAUNA: Okay. At the end of the first paragraph, "in consultation with affected stakeholders and utilizing available assessment tools, areas in greatest need can be identified for these targeted efforts." You may want to add something additionally to that, "with priority given to regional air and water problems," or something like that, to get at Connie's concern that you really can't do this in a neighborhood-by-neighborhood fashion, because the environmental problems really are connected to larger ecosystem functions. Right?

MS. TUCKER: Yes. Maybe I confused it a bit. Before your sentence, we can just say, "and also address regional air and water pollution." And then your sentence.

MS. GAUNA: Okay.

MR. MOORE: Okay, so let's hold it there. Now, where are we at on those two pieces between Eileen and Connie? Sue.

MS. BRIGGUM: My only concern is that if we add the ecosystem, I think that people will read this as a very different recommendation. And so they would say, well, the Chesapeake Bay Initiative, and the Fox River Clean-Up Initiative are really important. And that is not what we have been talking about when we kind of created these.

So, though I can appreciate the fact that is part of looking at the community, the environment as well as the people involved are very important to consider, in terms of the way that people will hear the language, I think ecosystem will make them think of those big conservation things that are going on now.

MR. COLLETTE: I agree with Sue. I think Eileen's language -- end it with Eileen's language clarifies. But otherwise, we could muddy it.

MR. MOORE: Okay, now could we stay to that point? Shankar.

MR. PRASAD: Yes, I agree with Sue. And language adding regional is a little puzzling for me. The whole purpose here is that we have regional programs, regional ways, and here we are trying to add onto that something which has a much more a locally defined areas. So, by trying to bring in more of the regional aspect, suddenly it gets diluted, because then that would be swallowed, whatever those resources, will

be swallowed into other bigger programs, as opposed to going into a targeted area.

So, while regionally there is definitely a link between the localized issues, and the regional problems, I think here what we are trying to do is go beyond that and what additional measures can be taken, what additional incentives can be provided, what additional resources can be put in, and how some of these localized problems can be resolved in a shorter period of time.

The moment we stock up regional -- oh, we have these targets, anywhere the state is in that program, we have to write the SIPS, we meet those targets, so eventually we will reach that. So, I think, adding regional will actually dilute the impetus on this.

MR. MOORE: Okay, now we are getting close. Let's stay to this so we can agree on some language. Eileen, and then Jody, and then Connie.

MS. GAUNA: Well, I think, yes, the problem is once you do use the word regional, you get into ozone transport regions, and Chesapeake Bay systems, and people in the environmental world thinking of regions in terms of really big, huge regions. Where I think Connie was getting at the idea more of extending slightly beyond -- that if you focus just on the discreet neighborhoods, sometimes you miss the

opportunity to get at really what the problem is.

And I don't know how we can keep that idea without creating something else. Without suggesting that a recommendation is really targeted towards these huge regional efforts. So, if anybody has any language -- I don't. I don't think we should use the word region, for exactly the reasons that Shankar and Sue suggest. I think that would really -- regions or ecosystems is going to take us into a whole different universe. I agree.

MR. MOORE: Okay, now I think we agree with that. On the region word, no? Because I saw Connie --

MS. TUCKER: Well, I certainly agree with the term ecosystem. I used that for lack of a better term. It may be that we need an additional recommendation then, if we don't want to confuse this one. Because we have to have somewhere in these recommendations something that acknowledges that they are regional problems that marginalize communities are trapped in, that have both polluted air and polluted water.

Like the Mississippi Corridor. And I just don't know how we would best say that. It could be multi-county, multi-parish, multi -- you know, I am not sure how best to say it, but it really does need to be reflected in these recommendations.

Because those communities then thus will suffer,

because there has been no attention to this multiple county, parish, impact on air and water.

MR. MOORE: Charles, if you are responding to this, if you could go ahead please, and then we are going to go with Jody.

MR. LEE: Why doesn't Jody go.

MR. MOORE: Jody.

MS. HENNEKE: For me, when you do use the word regional, and even if you try to go multi-county, you wind up in a state implementation plan for air, or an air toxics program, or a TMDL for water. What I thought this was, and what I think it ought to be, is a very specific targeted -- you know, we can argue over what community is, but to me, this was to get at a very specific rifle kind of shot approach.

Now, maybe we need multi-rifle shots, but I don't think we should throw this wide open into a larger area. I think it confuses it and, frankly, I think it dilutes it.

MS. TUCKER: Well, I have already conceded that, perhaps, not here -- but I am just concerned that somewhere we have a recommendation that addresses situations --- and the Mississippi Corridor, or in South Alabama, or people who live around the sugar cane fields in both Louisiana and Florida. These are regional -- they are multi-community problems that we should not ignore in our recommendations.

MR. MOORE: With that said, let's not go back to that discussion in this discussion at the moment. So that has been conceded to, let's stay on this discussion so we can find the language that we agree upon. And then, we will move forward and come back to that.

Okay, Shankar, and then Richard. No, I am sorry, Richard.

MR. LAZARUS: Well, I am trying to figure out -- what is interesting about the conversation, I just confirmed ---, that the term targeted geographic initiatives when it was first seized upon by NEJAC, it was in the first couple of meetings, had to do with the Mississippi Valley and South Alabama. That is, actually, how the origin of the term -- I went back and just checked online. That is how it was first used, was to refer to exactly what Connie is talking about.

So the question is, is there some way to capture that? I mean, very simply. It says benefit target communities, or groups of communities. I mean, is there some way to -- because the word target geographic initiatives, to me, doesn't mean just one community. Regional strikes me as too much, ecosystem -- we are actually talking about communities that often are a discreet area that shared a common thread.

And it was, and we developed that term, that is why

we developed it, for exactly that part of the country, is what we were thinking about for enforcement initiatives among others.

MR. MOORE: Okay, what would you suggest then, Richard, with those comments?

MR. LAZARUS: Or groups of communities facing -- well, no that can --

MS. TUCKER: Can --- environmental challenges.

MR. MOORE: Okay, while you are thinking Richard --

MR. LAZARUS: Yes, I will try to come up with something.

MR. MOORE: Thank you. Eileen.

MS. GAUNA: Well, I was just thinking at the end of the last sentence that we just put in there saying, "these areas can be communities, or groups of communities, with similar environmental challenges." And then that way, we say what geographic area we are thinking about.

MS. TUCKER: That is good. Excellent.

MR. MOORE: Okay.

MR. LAZARUS: So what is the language?

MS. GAUNA: "These areas can be communities, or groups of communities with similar environmental challenges." Or something to that effect. I think we can play with the wording to get more precisely at what we are trying to --

MS. TUCKER: The same or similar.

MR. MOORE: Okay. Charles.

MR. LEE: I mean, I think you have got the language.

MS. TUCKER: Oh, and common. Common is another, that is even better. Common environmental -- common is even a better word. Excellent.

MR. LEE: You know, I guess it was about five or six years ago, there was a number of organizations that began to realize that the solution to, say, neighborhood-based environmental problems, like solid waste, are not solvable on a neighborhood level. So there was a lot of effort that looked at regionalism, and regional approaches.

And within there, comes the problem you are talking about. Which is that in terms of the communities that we are dealing with, the capacity is not there to operate on a multiple regional, multiple community level. So, the whole issue has to do with building from that bottom to be able to have the capacity to address issues on a regional level.

I think right now, you know, you have got to focus on, and as everybody has said, that issue. And focus on those kinds of communities where it is more in line with the capacity of most environmental justice groups.

If you put it out of reach, then you are going to have the kind of problem where people are going to

misinterpret what you are trying to accomplish. And, in fact, miss and marginalize a lot of the environmental justice groups.

There is a real good discussion of this in something that was written a couple of years ago by Manuel Pasteur, "Building Regionalism from the Community Up." And it goes into a whole discussion of the issue that you are talking about.

MS. TUCKER: By whom?

MR. LEE: Manuel Pasteur.

MR. MOORE: Okay, I think it seems like we have gotten fairly close to some language; whether it is the exactly language -- can we get kind of a re-read of those thoughts, and then I just want us to complete that piece of the discussion, and then we are going to take a break. Okay, so then we will come back and go into the rest of them.

Eileen, did that give you --

MS. GAUNA: Okay, just to go over this. What I have, in terms of changes, we are not making any changes adding ecosystems, or region, or anything like that. At the end of the first paragraph we are saying, "In consultation with affected stakeholders and utilizing available assessment tools, areas in greatest need can be identified for these targeted efforts. These areas can be communities, or groups

of communities, with common environmental challenges." And then, adding the, "For example," in the middle of the second paragraph. And then that is all the changes I have to this.

MR. MOORE: Connie. Comments to the reading.

MS. TUCKER: Okay, second paragraph from the bottom of the paragraph, the second line, "designated community" -- it should be, "designated communities."

MR. MOORE: Okay, we seem to be all right with Eileen's language. And now, any comment to Connie's? Charles.

MR. LEE: Connie said that in the third line, in the second paragraph, is "approach to clean, rebuild, and sustain."

MS. TUCKER: Yes, clean. Yes.

MR. LEE: Okay.

MR. MOORE: Okay, now any comments to that?

MS. : Can you repeat that?

MR. MOORE: Repeat it.

MR. LEE: The third line, on the second paragraph, there is, "Through an integrated and proactive approach to," and then you add the word, "clean."

MR. MOORE: That was the clean up.

MR. LEE: And then, ", rebuild," and so on.

MR. MOORE: Okay. Are we fine with that? Now, I

want us to move, but I don't want us to move so fast that we are not thinking about what we are agreeing to, okay? Jody, I mean, I just saw a little motion. I just want to --

MS. HENNEKE: Clean is just kind of one of those words that -- is that the right word choice?

MR. MOORE: Connie, it was your suggestion.

MS. TUCKER: Say, "remediation"?

MS. HENNEKE: I am better with that.

MS. TUCKER: Okay.

MR. MOORE: Okay, now --

MR. COLLETTE: Remediate.

MS. TUCKER: Remediate.

MR. MOORE: Remediate.

MR. COLLETTE: Remediate, rebuild.

MS. TUCKER: Yes, right.

MR. COLLETTE: We just have to be grammatically correct.

MS. TUCKER: Yes, right.

MS. HENNEKE: Clean just is a laundry term to me, you know?

MR. MOORE: That is fine. That is fine.

MR. COLLETTE: Think of Tide?

MR. MOORE: That is fine. It seems like now we have agreed to that.

MS. TUCKER: Yes.

MR. MOORE: Okay, now what was the next one then? Was there another one, Connie, that you added, or did we just complete that? Okay, so now are we --

MS. TUCKER: Well, just one question. Did we get to that, Eileen, on the five lines in the middle of that, that new sentence, "These designated communities would receive priority attention," or do we say, "for example, state" --

MR. COLLETTE: Yes.

MS. TUCKER: We got that. Okay.

MS. GAUNA: Yes.

MR. MOORE: Okay, we have got that one. Now what else? So we have completed this one, yes? We might even want to give ourselves a little bit of a hand.

MS. SUBRA: One of the issues is we are leaving in the third paragraph, and if we are, we have to attribute it to Andrew. And Sue had suggested that language. So do you have that change?

MR. MOORE: Exactly. Do we have that change? Sue?

MS. BRIGGUM: I would say, "as reported by Andrew Sawyers," and then give his title, "Maryland's EBDs have resulted in a number of successes."

MR. MOORE: Okay, and that was the language, yes? Okay, what is happening, because we are getting expressions

now. No cards, but expressions, I can't deal with -- I am trying to catch cards, expressions, and those that have got to go to the bathroom, including myself, at the same time.

(Laughter)

MR. MOORE: Okay, Connie, you had an expression. Are we all right with that, or was I just catching something off the side of my eye.

MS. TUCKER: Oh, we are fine.

MR. MOORE: Everyone else is? We are all right with that?

(Members nodding their heads)

MR. MOORE: Okay. So then we are going to take a break. And it is going to be a 15-minute break. What time is it now?

MR. : It is quarter 'til.

MR. MOORE: Okay, so we will be back at 11:00. Thank you very much.

(Whereupon, a brief recess was taken)

MR. LEE: We are going to do Recommendation 3.2. Connie is going to present, but she has got to get off the phone first. Connie is going to present on 3.2. That has to do with --

MS. TUCKER: Oh, yes, I didn't realize you wanted me to present on that. I thought you warned me that language was

going to -- we were going to develop some stronger language.

MR. LEE: Right. But this is your recommendation, so.

MS. TUCKER: Okay.

Recommendation 3.2

Remarks

by Connie Tucker

MS. TUCKER: Well, actually, when we did the language, I kind of thought the language was a little weak too. But in keeping with the multi-stakeholder constituency of the NEJAC, this is the language that we presented. The EPA should -- I am going to read it, because I didn't prepare.

"The EPA should address the critical need for community-driven, technical assistance to community-based organizations. Community-based organizations play a central role in ensuring meaningful involvement of impacted community residents, and environmental decision-making, and to resolve community-based issues and concerns. To that end, EPA should conduct training and collaborative problem-solving; community-based participatory

research; and alternative dispute resolution for community-based organizations."

As I go along, just in a little bit of language change, I am going to recommend as I go, is that okay? I would say that first recommendation that EPA should conduct training, I think they should conduct, and/or support training. It doesn't necessarily have to be EPA, in other words, to do the training.

The second recommendation is identify and support technical assistance providers who can provide community-based, community-driven technical assistance. I would like to come back to that one, I think there is a little problem there.

"Maintain and strengthen grant programs for community-based organizations, and community-based efforts, and for larger local community-based networks, and/or alliances that address regional air and water concerns."

That was my language that I added there, the regional air. We may want to use the language that we just used, and say, "groups of" -- I don't know how we would do that, but that regional air language is there, we may want to change that.

And, finally,

"Disseminate tools for better understanding of the use of environmental laws, dispute resolution, community-based participatory research, and collaborative problem-solving."

Now, the only comment I have to make, other than the one that I made about in the first recommendation about conduct training, and/or support training, is what I am recommending change there.

I have a bit of a problem with the second recommendation as it presently reads. And that is, "identify and support technical assistance." It sounds as though that EPA alone should identify the technical assistance. And I can tell you, at least in some of the technical assistance that has been identified previously by regional offices, that it takes out the choice of from the community.

For example, Wilma has provided lots of technical assistance, but I don't know whether or not Region VI identified Wilma. And the communities ought to have an opportunity to identify their own technical advisors, and not just have that decision be left to the EPA.

Without having prepared, that is pretty much what I have to say.

MR. MOORE: Can we then go back to that original one, it was "conduct training," was the first recommendation?

MS. TUCKER: Yes. Yes.

MR. MOORE: Just repeat the language change.

MS. TUCKER: We can say, "Conduct or support training, and collaborative." In other words, they don't have to do the conducting of the training.

MR. MOORE: Okay. So where are we at in discussion for the adding of the word, "support"? I thin that is the word, right?

MS. TUCKER: Yes. Conduct or support.

MR. MOORE: Are we fine with that? Now, I am not going to work with you all day and just do facial expressions if you don't put your card up, I may not call you. Richard?

(No response)

MR. MOORE: Okay, Jody, are you all right?

MS. HENNEKE: I am okay, but I want to clarify. Maybe for your ease. I will tell you if I have got a real problem, other than that, I am good to go.

MR. MOORE: Okay. That is fine.

MS. TUCKER: Oh, okay.

MR. MOORE: But I do like the system.

MS. HENNEKE: No, I agree. I agree. I am fine with that. But I don't want you to struggle with me too much.

MR. MOORE: All right, thank you, Jody. Okay, Wilma.

MS. SUBRA: What we are recommending here is the things that EPA should do. What the community does, and the national environmental groups, and all that, could be outside of this. So, we have to bear in mind that this is what we are asking EPA to do, knowing that some other groups on the outside may do what some communities consider a better job. But these are the issues we are asking EPA to --

MS. TUCKER: I have recommended language for the second one, and just simply to take out, "identify and" and just say, "support technical assistance providers who can provide community-based," instead of -- just take out the work "identify" -- "identify and".

MR. MOORE: Okay, let's stay with that first one and make sure we are all right. I thought we were all right. Sue, are you still on the first one there? Conduct?

MS. BRIGGUM: No.

MR. MOORE: Okay, so it seems like we have agreed with the adding the word, "support". And nothing, Wilma, in terms of your comments contradicted what we just did?

MS. SUBRA: No.

MR. MOORE: Okay, thank you. So now the second one then is, "identify and support," the language that is being offered. Sue, are you --

MS. BRIGGUM: I didn't understand why you wanted to

delete identify.

MS. TUCKER: Well, at least in my experience, in Region IV, we found communities not very happy with technical advisors that the regional office identified. So, I am just suggesting that we take out the word "identify," and just say, "support technical assistance providers."

MS. BRIGGUM: I wonder if we could have something like, "appreciate the technical experts who have been supporting communities, and support them," because when I think about -- Wilma and I go back 15 years from when the community sought her to be the technical advisor to assist at the petro processor sites. So, she clearly came up from the grassroots, and Region VI, I am pleased appreciates how helpful and expert she is.

But capturing that thought, because I think actually Wilma is a great example of the way that you would want to make sure that this was a community-based expert. You know where her heart is, and her training, and understanding is. And at the same time, she should then be supported by the regions as they have additional work to be done.

MS. TUCKER: I am not saying that the technical expert -- I mean, ideally, if we had a thousand Wilmas, that would be great, but we don't. So I am not saying that the technical advisor has to be community-based, what I am

concerned about is that the community has the opportunity to select the technical advisor, not any other entity.

MR. MOORE: Sue, was that clarity helpful, and were you --

MS. BRIGGUM: No, because the -- if it is EPA funds, there are all these conditions under which they have to select people by open bids, and all of this stuff. So the community can't actually select, they have to -- it is their money, so they have to follow the rules that are applicable. So I would be nervous about suggesting we thought they had to overturn the existing -- I forget what the regulations are called, FAR, or something like that.

MR. MOORE: Okay, Jody. Connie, let's let Jody go on this point. Jody.

MS. HENNEKE: And this is probably a volatile statement, but we have also seen some -- you know, not every technical expert is as good as the next technical expert. And I think you have the funding dilemmas, but I think you also have the dilemma of an expert is not an expert, is not an expert. And that support is kind of a loaded word for me.

MR. MOORE: Okay, now let's stay on that discussion. I think we have two different points that is being made. Yours around the support, and then the one that Connie made. So let's try to move on this so we can get some agreement on

the language. Shankar.

MR. PRASAD: I think Sue and Connie are not far different. What Connie is saying is that we need to support the technical assistance provided or identified by a community. It should not be pre-selected or pre-identified by EPA. And identify is, basically, I think, who is going to identify is the head, has to be qualified, as opposed to saying, just identify. Probably, it leaves it to EPA.

MR. MOORE: So does that leave us with the same language, or a word chance?

MS. TUCKER: Well, maybe we should talk about what we are getting at here.

MR. MOORE: Okay.

MS. TUCKER: Clearly, if we are talking about the provision of EPA providing resources for technical assistance, we are talking about additional technical assistance money beyond what is already readily available. And that is through the Superfund TAG Program.

So, perhaps, we should be talking about the source of establish a fund, or provide resources, so that communities can access technical advisors. I am not sure, maybe -- because we literally are now talking about a pool of money for technical advisors outside of the Superfund Program.

MR. MOORE: Okay, now that next point -- I mean, if

it is there as maintain and strengthen grant programs for community-based organizations, and community-based efforts, I don't know if that is getting into what we are talking about or not.

MS. TUCKER: No. No.

MR. MOORE: But let's move to try to get some consensus on this.

MS. TUCKER: Anybody has some recommended language?

MR. MOORE: Chip, we are still on identify and support.

MR. COLLETTE: And I will defer to Sue just a second, because she has language, and I like the language she comes up with. But I kind of echo what Jody said, particularly, my guess is because of the same government background. There are experts, and then there are "so-called" experts.

And when we are talking with technical advice, and government operating on technical advice, we have to have the best, most impartial, scientific advice that we can get. Not advice that has an agenda behind it.

So, I don't know what the language is, but I have the same concerns Jody does.

MR. MOORE: Okay, Sue, you are helping us with the language?

MS. BRIGGUM: Yes. I don't know if this says it, but I would instead of "identify" say, "recognize the experience and expertise of technical assistance advisors who have provided assistance welcomed by community groups, and support technical assistance providers who can provide community-based technical assistance."

MR. MOORE: Okay.

MS. BRIGGUM: That gives you the community-based approach to begin with.

MR. MOORE: Okay, let's try that language. Comments to the language. Thank you, Sue.

MS. TUCKER: I think "community driven" may be a better word than "community-based."

MR. MOORE: Okay, Eileen.

MS. GAUNA: I would just stick in the word "competent" in there and I think you get both ideas.

MR. MOORE: Okay, now we are going to need to move. Chip, your card is still up, are you --

MR. COLLETTE: Oh, no.

MR. MOORE: We are going to need to move on this. We are going to have to come to some agreement, because we need to be able to move on. So let's see where we are and get some agreement on the language. Sue offered some suggested language.

MS. TUCKER: Could you reread it, Sue? Your language.

MS. BRIGGUM: Sure. "Recognize the expertise and experience of technical assistance advisors who have provided competent assistance welcomed by community groups, and support technical assistance providers who can provide community-based, community-driven technical assistance."

MR. MOORE: We are going to stay on the language. Connie?

MS. TUCKER: I need you to read it again.

MS. BRIGGUM: It is really charmless. "Recognize the expertise and experience of technical assistance advisors who have provided competent assistance welcomed by community groups, and support technical assistance providers who can provide community-based, community-driven technical assistance."

MR. MOORE: Where are we at on that language?

MR. COLLETTE: Just put in the last clause that Sue has, reiterate the word, "competent."

MS. TUCKER: Community-based. I don't know if we need the word community-based in there.

MR. MOORE: Okay, we are going to try one more time, and then we are going to agree on what we are going to agree on. And we are going to move on then. Okay, could you try it

one more time, Sue? You should have memorized it by now.

MS. BRIGGUM: No, it is starting to sing to me now.

MR. MOORE: You can do your own musical.

MS. BRIGGUM: Okay, I am going to try to one more time. "Recognize the experience and expertise of technical assistance advisors who have provided competent assistance, welcomed by community groups, and support technical assistance providers who can provide competent community-based, community-driven technical assistance."

MR. COLLETTE: And my suggestion was, between the words, "support technical advisors" reiterate the word "support competent community technical advisors" in your last clause.

MS. BRIGGUM: Right. I did that.

MR. MOORE: Okay, where are we at right now?

MS. HENNEKE: I think that is a sentence that generations to come will marvel at.

(Laughter)

MR. MOORE: Okay. I agree with that.

MS. BRIGGUM: John Milton couldn't have done that well.

MR. MOORE: I do agree with that. And if Sue keeps that up, we might have to put her on the road as an economic development venture, as a singing group, or whatever.

(Laughter)

MR. MOORE: Okay. That it seems like we agree with, yes?

(No response)

MR. MOORE: Okay, so let's go to the "maintain and strengthen." Connie, did you have a suggestion there when you did those?

MS. TUCKER: That particular bullet already has the edits that I made.

MR. MOORE: Okay, any other comments to that one?

MR. PRASAD: I have a comment.

MR. MOORE: Shankar, I am sorry.

MR. PRASAD: I mean, strengthen means we are asking for increased resources.

MR. MOORE: Exactly.

MR. PRASAD: Just why don't we say, "increase the resources for grant programs for community" blah, blah, blah? Maintain and increase, while strengthen is not something --

MS. TUCKER: That is a good change.

MR. MOORE: Because we do know what we are saying, and the point is why don't we just say it, instead of using the word strengthen.

MS. TUCKER: Yes.

MR. MOORE: Okay, give us a reword on that, Shankar.

MR. PRASAD: "Maintain and increase the resources towards grant programs."

MR. MOORE: Okay. Discussion? Agreement?

(No response)

MR. MOORE: Okay, then we will take the last one. Disseminate.

(No response)

MR. MOORE: Okay, could we move then?

MS. TUCKER: I just have -- I think that the first bullet and the last bullet should flow together, rather than have them separated as they are.

MR. MOORE: Okay, discussion. You are saying the first bullet --

MS. TUCKER: I am not suggesting that we combine them into one bullet, but I am just saying that one should come after the other.

MR. MOORE: Okay. It is just a change of order. Okay, we are fine with that. So it seems like we are ready to go into 3.3, no?

(No response)

MR. MOORE: Okay. Any comments or discussions around 3.3?

(No response)

MR. MOORE: Okay, so then we are on -- just to

double-check to that end, EPA should -- any on the conduct training and collaborative problem-solving? Any comments?

(No response)

MR. MOORE: Identify, train, and support?

MR. LAZARUS: Richard?

MR. MOORE: Yes, sir.

MR. LAZARUS: It seems as though this is parallel to what we just did a moment ago. So it would call for a reiteration of Sue's caveat.

MR. MOORE: Okay, that is what it is. Then the next one being develop, maintain, and strengthen. That is the grant programs now. Are we all right with the strengthen on this one?

MR. PRASAD: Same increase and maintain.

MR. MOORE: Increase and maintain. We are in agreement with that. Okay, and then again it is development and disseminate tools. Discussion?

(No response)

MR. MOORE: That seems like a good flow, and the order is fine. Okay. Eileen.

MS. GAUNA: Just for internal consistency, we should move the order of that last one up to flow from the second one as well.

MS. TUCKER: Exactly.

MR. MOORE: Yes, that makes perfect sense. Thank you, Eileen. Okay, so are we ready then to go into 3.4?

(No response)

MR. MOORE: Okay, do we want to have any particular discussion around 3.4 before we dive into it?

MR. LEE: I think Sue and Ken were going to present on this. I mean, just in terms of 3.3, Tom was going to present on this but he is not here.

MR. MOORE: Yes, that is true. Thank you for that, Charles. Okay, 3.4, Ken and Sue. Sue and Ken.

Recommendation 3.4

Remarks

by Sue Briggum

MS. BRIGGUM: Sure. We spent some time talking about how to get more of the business community together, talking about collaborative approaches and community problem-solving. And we had a couple dilemmas that were keyed up. Obviously, there are the limits to EPA's resources, so there is only so much staff time that they could devote to engaging the interest in, and engagement of the business community.

And then Tim Fields mentioned a report that he had done, actually working with EPA and others, where he found that when he was actually trying to talk to a number of businesses who were identified by community groups as having a

particular facilities engaged well with the community, that even within that, a very substantial percentage refused to talk and to be identified in the report; which seemed very disheartening.

And on the other side, we heard concerns about what are we talking about when we are discussing ways to incentivize business to participate in these collaborative approaches. We don't want to go into something that would result in any lessening of environmental standards or obligations.

We are not talking about ways to evade compliance by engaging with the community, but instead what we are talking about is a baseline of full compliance and how could businesses be encouraged to go beyond compliance into full engagement and actual benefit to quality of life in the communities in which they operate.

And one of the hooks that we saw that was very beneficial was that most responsible businesses really care a lot about their reputation. And are very attentive to non-monetary values. Like, for example, recognition from EPA, from the states, from community groups that they saw fit to recognize an activity that was a good practice.

And we saw that EPA had some precedence that seemed to be very successful when they were talking about other

environmental values, like green energy. Or enhanced compliance and going beyond compliance in their Performance Track, in EnergyStar. And we noticed that one of the reasons why that seemed to work was that when the program was constructed, they said, these are good practices.

They aren't necessarily the best, we are not going to say that an EnergyStar partner is perfect and ideal, and we approve of everything they do, but we can say for this particular practice, this was beneficial and deserving of recognition within the business community. Which is very important to your shareholders, to the communities where you operate, to your employees, to all the regulators you interact with.

So, what we encourage EPA to do is think about how they could educate the business community about the importance of these goals and how they could come up with kind of recognition mechanisms where businesses that were doing good things in terms of improving quality of life, going beyond compliance, working collaboratively with this new model, and this was a role that they could do with relatively limited resources and staff time. And Ken.

Remarks

by Kenneth Warren

MR. WARREN: You know, Sue said it very well, I just

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want to add one additional point. Which is that if there are incentives from a collaborative standpoint for EPA to work with both community organizations and businesses, then that kind of collaboration is more likely to happen. So, two of the kinds of incentives that we mentioned in this are facility-wide permits, which simply make operational flexibility easier within a business, and prompt government action to modify or to grant permits.

This kind of attention that EPA would give to industry would occur only, in our recommendation, where industry and community groups jointly were proposing something to EPA. And at that point, it seems that if the Agency facilitated the results of that kind of cooperation, it would encourage that cooperation. So that is why we put that in there.

MR. MOORE: Thank you both. Discussion.

(No response)

MR. MOORE: I am not going to mess with you Jody because you are chewing. I am not going to mess with you. Discussion? Any comments? Eileen.

MS. GAUNA: I just have one comment on that. You know, the flexible permits, those kinds of permits are really hard for communities to evaluate because they really usually involve a menu of operating procedures, and compliance

protocols, and so forth. So, I strongly agree with the point that they should only be adopted as an incentive for an industrial actor that is really working collaboratively with the community, and the community is on board with those flexible approaches.

But I would add to that that the community at that point really needs independent technical advice to evaluate that flexible permitting. Because that is a particularly problematic area. I think for communities with limited resources, those are really technical permits.

So, we might want to put in there something about with community collaboration consensus, and independent technical advice. Something to that affect in there.

MR. MOORE: Discussion to that recommendation.

(No response)

MR. MOORE: It seems like we have agreement. I don't want to put -- I am going to call on both of you, but Sue and Ken, because you were the presenters, I just wanted to see if you have a response to this.

MS. BRIGGUM: This is more Ken's issue than mine. We don't actually have those kinds of permits. Ours are very prescriptive, so I will let you --

MR. MOORE: Okay. Ken.

MR. WARREN: I don't have any problem at all. In

fact, I think it is consistent with the overall theme of our recommendations to have technical assistance provided where the communities want that technical assistance. I wouldn't want the language of this to restrict the ability of the agency to give out flexible permits in those instances where the law already allows it.

But here, we are saying these are special circumstances where there is, essentially, a joint request. And in those circumstances, I think certainly the community ought to be making an informed decision. So, that would mean having the capacity to understand the permit and agree with it.

MR. MOORE: Okay. Eileen. Could you give us a reword please?

MS. GAUNA: Maybe just futz with the first sentence, "EPA can use its regulatory authority" -- I would say, "regulatory discretion to facilitate implementation of solutions reached through collaborative and business efforts that go beyond compliance, as long as communities are given independent technical advice." Or something like that. That is clumsy I know, but this is off the top of my feet, kind of thing. Maybe the staff people at EPA can work with that a little bit better.

But I just want the idea in there that it is --

MS. TUCKER: Could it be "with communities having access to independent technical advice"?

MS. GAUNA: Yes. Yes. Or, what we could do is we could use it -- maybe it would be better to do it in the second sentence, because the second sentence goes into specifically flexible permits. Facility-wide permits.

MR. MOORE: Okay. Ken, do you want to give us --

MR. WARREN: I was thinking that, perhaps, in the last sentence which says, "when a company working together with its host community" and following the term "host community" say something like, "with sufficient technical resources to make informed decisions."

MS. GAUNA: I would just add to that, "independent technical resources" because I think that is key.

MS. TUCKER: Yes, exactly.

MR. WARREN: Okay.

MR. MOORE: So it seems like we have now got an agreement. Okay, so we are prepared to move on?

(No response)

MR. MOORE: Okay. Recommendation 3.5. Any presenters to this one, Charles?

MR. LEE: Shankar.

MR. MOORE: Shankar, if you could give us some words please.

Recommendation 3.5

Remarks

by Shankar Prasad

MR. PRASAD: Most of this has been done with my experience and interaction with Region IX, so I have taken the view that the majority of the EJ issues are, actually, cross-boundary jurisdiction; and, hence, it is very important to have a collaborative approach in order to address these issues.

And keeping that in mind, I have drafted this recommendation. And we have discussed it reasonably at length, and a couple of things that has happen which made me to think through this aspect is that on many occasions, the problem is identified and EPA shows up or takes the leadership. And the leadership changes over the course of time are within the year. And they tend to walk out of the table, or the staff does not have the sufficient time dedicated to continue with that project.

It puts us all in a very bad situation. But, have come to the table and trying to make progress, and then the person who was leading the effort, or the staff resources -- it happens because of the budget recycles, as well as the change in that.

So it is important for that to identify if we enter

into a mitigation process, or a project to be identified, and define that outcome until what time we are going to be at the table, such that a defined progress can be made, and that that project is kind of seen through the completion part of it.

And whatever that outcome could be, and that is one thing which is very key. And another thing that we have also seen is that we get inquiries about a specific situation and say that this will be followed through. Then they prioritize that as their primary project, but then head office says that is not a priority. So there is that part of somewhat friction.

So I think the allocation of resources needs to be, to some extent, has to be decentralized. Or, there should be some flexibility among the regions to say that these are my top three things that I want to fund, or somehow identify those three things, and see through the completion phase of that.

I mean, I am not saying that say here is EPA as a central office headquarters should not control. You can define the parameters, or the criteria how you want to select a project, or do anything, or what is the amount allocated for a given region, for a given project. But in terms of defining, or approval or disapproval, I think there should be some more flexibility built into that aspect of it.

MR. MOORE: Discussion. Connie.

MS. TUCKER: I am fine with the recommendations. I have an additional recommended bullet. Should I do it now?

MR. MOORE: Let's hold that one and then we will go through them, and then we will come to that, Connie. We will come back to that one.

You know, we spent a lot of time on this one, and you said that, Shankar, but now we are going through the approval moment. And was there any -- Jody, was there any other -- and I am not picking on you, but I mean this is a state one. I just wanted to make sure that we got Chip, or any of the Council members. Jody.

MS. HENNEKE: The only input I want to give, I think, is the established regional top three priority list of issues. I think I would just leave it at establish regional priority list. I don't know that I really want to put a number on it. I mean, one year there might be four that need to be there, one year there might be two that need to be there. I would suggest we just take out the number.

MR. MOORE: Okay. Do we have agreement on that, Shankar?

MR. PRASAD: Fine with me.

MR. MOORE: We are fine with that?

(No response)

MR. MOORE: Okay. Any other comments, Jody?

MS. HENNEKE: No, I am okay.

MR. MOORE: Chip, do you have any?

MR. COLLETTE: (Member nodding his head)

MR. MOORE: Any other Council members?

(No response)

MR. MOORE: Okay. Connie, you want to make your recommendation?

MS. TUCKER: Just from the discussion yesterday around local land-use planning, this may be an opportunity for us to put a recommendation in on that. It doesn't necessarily fit the previous bullets in terms of the spirit of what those other bullets were asking but, perhaps, if not here, somewhere, just say that a fact sheet should be developed for -- well, EJ considerations and local land-use planning.

MR. MOORE: Discussion.

MR. PRASAD: I think that is a good suggestion, but how -- where -- it is one of the recommendations, so it --- it has to go in. Whether it fits here or anywhere else.

MR. LEE: Connie, can you repeat that?

MS. TUCKER: Develop a fact sheet for EJ considerations and local land-use planning.

MR. MOORE: Eileen.

MS. GAUNA: I was just thinking about public comment

last night, and the same sort of idea in terms of emergency -- you know, in the wake of an emergency, where do you go for that. I was wondering if you would object to a more general bullet that says, "Develop fact sheets for communities that explains jurisdictional issues and where they can go for particular problems; both in the environmental and land-use areas."

Just to get at that idea more broadly, that the states are really well positioned to provide this kind of advice, just a basic where do you go for, who do you call for advice to communities.

MS. TUCKER: Well, actually, this particular bullet, I think it would be good to include something around emergency issues, as well. But I would recommend it be a separate bullet. This bullet gets to a proactive, rather than reactive.

That is to provide something for local land-use planning bodies to be informed about environmental justice considerations when they are doing land-use planning. That's all. So it is more of an educational piece that would be distributed to state and local governments so that they can consider by environmental justice concerns when they plan land-use.

MR. MOORE: Okay, discussion. Shankar.

MR. PRASAD: You were first.

MS. HENNEKE: What I was going to suggest is if we would take that last bullet and just put, "including local land-use planning and emergency management." To me, it goes under the training and education program. I don't know that I -- I am kind of more along the lines with Eileen. I don't know that I want to -- I think we should put that very specific a recommendation as a separate bullet, but I am comfortable including it in the training and education program.

MR. MOORE: Okay.

MR. PRASAD: I think Connie is not looking for educational program. She is looking at a land-use guideline kind of a document, data fact sheet which would use specific use and sort of recommendations. But at the same time, while I know that the importance of that, having developed the land-use guidance at the resources board, I also know that how tall an order it is.

It took us almost two and a half years to identify, or prioritize, just about six types of sources for air pollution, and then come up with some recommendations for the land-use planners. So while it is good and important, but if we are going in that direction, and especially, if it is on a national scale, it will be a really major tall order. Before

we jump onto that, we should seriously think are we ready to go there.

And it is not an easy issue because it is a sacred cow. Not many people at the local level want to hear about it, want to follow it, and we have seen within the land-use decision-making process in the zoning, as well as in spite of the state and the local air districts taking a position. Especially, in Roseville Rail Yard expansions, and in building some of the houses, they said that that is not our role to come and take a position on that.

MR. MOORE: Now we have two different pieces on the floor for discussion. One, if I am correct, was to add it to the last bullet. Add some language to the last bullet. And the other was to develop a separate bullet, if I am correct. Can we move forward with some general consensus on one? Do we think that there should be a separate bullet? Could we have that discussion please? Eileen. Well, Connie, let's go to Eileen and then we will come.

MS. GAUNA: Well, I can certainly be persuaded otherwise, but I am moving more towards Jody's position because we kind of fleshed out that issue in the land-use recommendation anyway. And it may provide too much detail here than maybe is necessary.

And on reflection, I also withdraw my suggestion on

the emergency management. Because I think we fleshed that out in the emergency response one. So, just to avoid unnecessary duplication, I kind of agree with Jody that we can just kind of put it in a general fashion and leave it here. And then deal with it more specifically in the areas where we are specifically talking about land-use or emergency management. So, I am more moving in that direction.

MR. MOORE: All right. Connie.

MS. TUCKER: It is okay with me whatever we decide on this, I just thought after the discussion yesterday, that I felt that it was misplaced yesterday, and I thought we resolved to take that language out, I hope, yesterday. And I thought this was an opportunity because there obviously is a need for -- there ought to be some education, we are not saying dictate, but some education, or a fact sheet, or something for local land-use planners around environmental justice considerations.

And not to dictate what they do, how they plan the use of local lands, but for them to understand that there are some environmental concerns that should be considered when they plan the use of land. But it is no problem, it doesn't have to be here for me.

MR. MOORE: Okay. Ben and then Chip.

MR. WILSON: Maybe I should wait until Chip goes,

because my comment -- I really have a question, and it really doesn't relate to the language.

MR. COLLETTE: One short sentence. I agree with Eileen, agreeing with Jody.

MR. MOORE: With Eileen.

MR. COLLETTE: Sorry.

MR. MOORE: Eileen. That's fine. Ben, now that that -- thank you, Chip.

MR. WILSON: Looking at the last bullet in 3.5, personally, I like the idea of having some type of formal training program, but I would be interested in maybe what Charles or Barry have to say. And I don't know what it would cost to develop such a training program, you know, is that something you do online, is that something where you have people come to various regions and do? But is this a pie in the sky?

Is there any realistic chance that there is any money to fund and undertake a program like this? Is my question.

And then, second, maybe that is not relevant. Maybe what we say is, is it like the letter you write to Santa Claus, these are all the things I would like to have, without regard to whether or not you are going to get them.

Because the impression I got was that we were

streamlining NEJAC and all these other things, in part, because of money issues. And what I see is less money in the budget, not more. Unless I am misreading it. So, tell me I am wrong.

MR. LEE: Well, the answer to your question is, I don't know the answer to the question. But I do think the point you are trying to make is a good one. And I think the importance of this recommendation overall is to recognize the really robust activity on the part of states and beginning local governments in terms of addressing environmental justice.

And I know Nicholas Targ in the audience has been working with Hastings Law School and the American Bar Association to develop this 50-State Survey on Environmental Justice. You know, there is significant activity on the part of states; everything from legislation, to advisory committees, to executive orders. As, you know, Richard will tell you in New Mexico recently.

So that makes this particular set of recommendations around working with state and local governments very important. And so I would not necessarily worry about, to your particular question, as much as to make sure that the intent of this is clear.

MR. MOORE: Okay, now we are going to try to --

MR. HILL: Richard, let me say something.

MR. MOORE: Barry, please. Yes.

MR. HILL: The reality is that budgets are going down. But for Homeland Security, Defense, and it appears that Immigration is going to require some more funds, so that is the reality. It does cost a considerable amount of money to do training.

And those are the realities, Ben. And maybe this is a pie in the sky, Dear Santa Claus letter, because when it comes to the Agency, the Agency is going to have to take into consideration all of the facts and circumstances, and the budget situation.

We are going through the '08 budget right now, and what is going to be cut based upon what the Congress has done thus far, and the impact that it is going to have on programs. And that is the reality. So, I think that your question is well placed.

MR. MOORE: Shankar and then Sue.

MR. PRASAD: Actually, the original bullet that had this was only targeted towards the states that do not have an EJ program. But somehow in the transition, that has gone. So, actually, that was the purpose of having these, because a good number of state already have a program, so this was meant more in the focus of those, to bring up to the speed in the

regions that where this has not reached necessarily the threshold to act upon.

Second, I agree with Jody, and suggest that land-use and that --- be included in the last bullet.

MR. MOORE: Sue.

MS. BRIGGUM: Yes. Maybe the solution is to go back through Connie's original idea with regard to the fact sheets. Because I think that makes it clearer that we are appreciating the very legitimate concern that Ben raised, and now Barry has highlighted as an issue. So if we said something like "the programs, including fact sheets," clearly and in plain language outlining the local zoning process, how it relates to environmental permitting and important environmental justice considerations, and land-use planning.

Because I think you would do an enormous service, not just communities, business people and everybody can be somewhat confused about what happens when you have zoning versus what happens in environmental permit? You know, when do you have to have access to the decisions, and the governments need to have highlighted the issues that come up all the time.

You know, like what are you trying to do? Are you trying to do industrial parks? Are you trying to do the kind of zoning that has mixed use so people can walk to work? All

that does have environmental justice implications. And I think people at EPA have some real experience with the literature, and they could give you enough of a summary that it would highlight the issues in general and could be quite useful in specific projects, and not cost much.

MR. MOORE: Now it seems we need to come to some corrective closure to this discussion. Sue, was your comments based on an addition to the last bullet?

MS. BRIGGUM: Yes. That would be right after it, so I would be taking -- the consensus here that it would add to the bullet, but I would loop back to include Connie's initial thought, and then just describe it a little.

MR. MOORE: Okay, now that would seem to be in line with Jody's comments, Chip's comments, and Shankar, if I am correct. And Eileen, thank you. I can't forget my sister from the southwest. Sue, could you give us a rewriting please?

MS. BRIGGUM: Sure. On that last bullet, you just make a comma after programs, ", including fact sheets, clearly and in plain language, outlining the local zoning process, how it relates to environmental permitting and important environmental just considerations in land-use planning."

MR. MOORE: Okay, now do we agree on that language? New language? Connie, are you all right with that?

MR. PRASAD: In light of the comments on the training and the reality of the budget, should that just be the one bullet, and take out the training?

MR. MOORE: Sue, I am sorry, I didn't --

MS. BRIGGUM: I don't see any reason why not. I mean, if people don't have any money, they will go to the most specific easy thing, and at least we will get that. On the other hand, you know, if they get some money, training would be really helpful, because these are very complex issues. So why not suggest it, but also give them a practical implementation thought?

MS. HENNEKE: I wholeheartedly agree. Even though we all know that training is expensive, it is also the cheapest, easiest way to get change. And if you don't put it in as a suggestion, it is not as likely to be thought of.

MR. MOORE: It seems like we agree with that. Connie, do you have any?

MS. TUCKER: Well, you know, I like these recommendations, but I can tell you, at least down in Region IV, the biggest problem that states have is lack of resources. And some of them are not even resources well enough to take care of their delegated responsibilities. So, I am just saying it for the record that, what we really do need is a state's EJ grants program so that they can set up

environmental justice programs in the states.

We, obviously, don't have the money, what with all of it going outside of the country right now. But for the record, we hope one day we do need to get to trying to figure out a way to support state regulatory agency's establishment of EJ offices and programs in public policy. I just wanted to get that out for the record.

MR. MOORE: And I just want to agree with that. I don't think that any of our state representatives would disagree with that comment.

Okay, so it seems then that we have agreed to the language. So, we are ready to proceed. Is there any other language points on 3.5 before we move into 3.6? Was there any other language?

(No response)

MR. MOORE: So we are prepared to move into 3.6. Before we do that, I wanted to make just a quick comment. We have other visitors here from state agencies. It is great to have you here, it is great to see that some of you come from distances also to be with us, and to me, it is an indication, and I think to us it would be an indication, of the concern of some of the states in regards to implementing environmental justice, and this kind of thing.

I just wanted to just also flag that there is

visitors here from the State of Pennsylvania, from the State Environmental Department in Pennsylvania. I am not trying to lift them up in any way, I just happened to be born in Pennsylvania, and I just wanted to give good greeting to our folks that are visiting from the State of Pennsylvania.

So we are ready to move to 3.6.

MR. LEE: 3.6, Eileen and Richard are going to present on that.

MR. MOORE: Eileen and Richard.

Recommendation 3.6

Remarks

by Richard Lazarus

MR. LAZARUS: Yes, I am going to start. This is a recommendation that Eileen took the primary labor on, and I rise in secondary assistance. I am going to talk about 3.6, I think Eileen will supplement, and then she is going to move on and do 3.7 as well.

This is the one dealing, not surprisingly, with academics, since we are the academics on the NEJAC. The basic premise of this recommendation is three-fold. The first is that academic research historically played a significant role for environmental justice. The second is that it has potential to play a significant role in the future.

And the third premise is at the moment, the

relationship between academic research and EPA is fairly ad hoc and uncoordinated, and there are some opportunities to be exploited.

In terms of the first, the past is pretty clear. If you think about some of the early academic research, mostly done by sociologists, some economists, but people like Bob Bullard, Bunyan Bryant, Paul Mohai, others; several of whom were members of the NEJAC in the early years. Their research served as a significant catalyst; especially, some of the sociological research.

The legal academia came in a little bit slower. We weren't quite, I would say, at the cutting edge of environmental justice. But, certainly, after taking awhile to get the swing of things, a lot of legal academics have played a role, as well as exploring different kinds of issues, permitting issues, Title VI issues, and the rest.

But the current sense is the opportunities for exchange between academics and those conducting research environmental justice, and EPA policy-makers, decision-makers, is too limited. So the recommendations are all geared to try to promote different ways to engage EPA more with the academics who are conducting environmental justice related research.

The basic bullets that go through it suggest a

variety of setting, in which that kind of exchange of ideas can be promoted. More formal settings, like rule-makings, academic input into rulemaking and EPA response to academic input in rule-makings.

Notions of forging partnerships between academic institutions in EPA, when EPA actually wants particular research on certain ideas and certain kinds of initiatives to actually engage those academic institutions; especially, obviously, those academic institutions in the local communities closest to the local community is often affected by it.

Direct discussions between academic experts and EPA on sort of cutting-edge issues. One thing that Eileen and I have talked about is right now the whole question about to what extent race can, and should be, considered explicitly in environmental justice decision-making at EPA.

There is a lot of relevant case law, a lot of relevant statutory law, on the questions of to what extent EPA can take those into account. And academic research, especially, in the law area to provide sort of greater information and guidance to EPA about what their discretionary authority is in this area. And it may well be a lot larger than EPA thinks. But at least it is better to give them the sense of the range of options.

Academics can't make the decisions for EPA, they are not the policy-makers, but what they can do is provide relevant information to assist the policy-makers.

And, finally, to promote increased collaboration between academics and the community organizations themselves, who often really want to look to academics for assistance in some of the problems that they face.

With this last recommendation though, we included a very important caveat. And that is, that you can't substitute academic expertise for community expertise. Academics can't speak for the community. The community is, in fact, those who are the primary stakeholders here.

Academics are not really stakeholders at all, the way that the affected communities are the stakeholders. It is the academics' job not to speak for the communities, but to try to listen to communities and to learn from the communities.

So, to the extent that we are promoting greater input for academic expertise, it is not at all a substitute for the real experts on this, and that is the community members themselves. Eileen.

Remarks

by Eileen Gauna

***Audio Associates
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MS. GAUNA: I think also Richard did a great job of summarizing what we were trying to get at in this particular section. But, I would add to that recent experience, that the states are really looking very carefully at what EPA does in the environmental justice area. And in my view, at times, misinterpreting that a little bit, and moving it into directions that may not be helpful.

So, I think that utilizing, understanding that dynamic is even greater reason to utilize academics to help clearly define and outline, perhaps, what is appropriate. And I am speaking particularly of cutting-edge issues, like use of race in environmental decision-making, in light of recent Supreme Court opinion. The use of how specifically use regulatory discretion in the course of permitting, for example, to enhance environmental justice protections.

The lead of the EPA is critical, and I think that academics can greatly enhance that process, and have not been utilized in that role to the extent that they should have been, and should be more in the future.

MR. MOORE: Connie.

MS. TUCKER: Well, I want to applaud the academics who sit around this table. But I can tell you that even some academics that call themselves the father, or the guru, of environmental justice, we have had some problems with. So I

am just a little cautious about the third bullet.

Because in my experience -- well, when I look at, for example, the State of Louisiana, and you know that millions of dollars have gone into that state, and you see that impacted communities and the organizations that represent them, there has been no capacity building, et cetera, it is kind of been like they have been on a pacifier.

And I am concerned about a whole bunch of money going to a university and using the kind of trickle down affect that never trickles down to the bottom. That is one concern.

I have also seen situations where academics apply for money for something that the state or the region may have already passed. For example, there was a big grant for Superfund that was given to an institution in our region -- and I won't say the --- time, I don't want you all --- my criticism, identifying the institution I am being critical of -- by the time they got the grant, the Superfund communities in our region had gone long past it.

So, I am just concerned that any kind of finding for academic institutions be done in collaboration with the communities; and even that can be compromised because institutions will come to a community and convince them that you are going to get a little bit of money, but the bulk of

the money is at that institution, and never, ever improves the quality of life, or addresses the problems that environmental justice communities face.

So that is a big concern, and I am not sure how best to reword that, but it is a major, major challenge. And there is a lot of anger in the grass-roots environmental justice movement about this sort of funding.

MR. MOORE: Before we go, it is a little bit after 12:00. If I could suggest to the Council that we go to 12:30 and then break for lunch. And see how far we are in this process at 12:30, depending on the discussion, we may be able to complete it. But we will see that. If that is agreeable, my recommendation is that we break at 12:30 for lunch.

It seems like we are all right. Eileen, and then Wilma, and then Shankar.

MS. GAUNA: I just wanted to respond. I completely understand the point. The third bullet, what we are really trying to get at there though is to facilitate providing technical services to impacted communities. So utilizing academics to actually provide services for. And so we intended that specific bullet to be very specific in that respect.

I think that maybe your concern goes more towards the fourth bullet. I am just wondering, so we can figure out

where to wordsmith, and where to get at your concern.

MR. MOORE: Okay. That seems like that is correct, Connie?

MS. TUCKER: (Microphone not turned on)

MR. MOORE: Okay, so we are going to keep on going, can we stay on that particular point then? Wilma.

MS. SUBRA: Just trying to help with Eileen and Connie. Are you having a problem with the TOS Program, is that the one you are talking about?

MS. TUCKER: No, I wasn't talking necessarily about -- but there have been a few problems. But that wasn't specifically the one I was talking about.

MR. MOORE: Please turn your microphone on.

MS. TUCKER: I am not saying anything about that.

MS. SUBRA: Okay.

MS. TUCKER: At least they tried.

MS. SUBRA: And I know some of the issues she is talking about, and frequently the academics don't have the freedom in specific states to be able to work well with the communities. But as far as this recommendation, it is fine with me. The third one.

MR. MOORE: Okay. Now, Shankar, can we stay on that?

MR. PRASAD: Yes. Actually, we are funding --- a

couple of million dollar grants in this aspect, with different institutions. And we included this term of community partnership, and so on as one of the criteria for selecting the grants. And in most cases, I would say, we were not successful. So, I fully understand the concerns expressed by Connie.

And we also have kind of rectified that through some other mechanisms and so on. It is true that sometimes there is a lip service, or --- community meetings, which are conducted and nothing happens that --- one particular instance, though we asked that the scope of the work we define in consultation with the community, that never happened.

So it becomes very difficult. So it is important to -- I appreciate that problem, but at the same time, just make sure that there are some safeguard practices that we will be built into the process.

MR. MOORE: Okay, does that mean that we are calling for language changes in any of these, third and fourth bullets?

MR. LAZARUS: Richard, I wonder whether it would address at all Connie's concern -- and Eileen can tell me whether she thinks this works -- if you change the third bullet to say, "Facilitate through funding or institutional mechanisms, EJ workshops, the ability of impacted communities

to obtain technical services from academics.

MS. TUCKER: Exactly.

MR. LAZARUS: Because then it suggested the funding is actually going not to the academics directly, but it is going to the -- and then they can -- so it makes them the leader rather than the academics. Just flipping that around.

MR. MOORE: Now, can we have some agreement on that? Yes, Barry.

MR. HILL: This recommendation, is it talking more so about legal advice in the context of the academic community? I am just not sure as I read the recommendations.

MR. MOORE: Okay, now, Barry, we are still on the facility, the third bullet?

MR. HILL: I was just talking about --

MR. MOORE: More in a general sense?

MR. HILL: Yes, the general recommendation.

MR. MOORE: Could we respond to that and then come back to this? Jody.

MR. HILL: Because this seems to be couched in those terms.

MS. GAUNA: No. No, it is not. We are talking about general. We are talking about not just specifically legal advice, but different forms of technical advice from academic institutions. No, it wasn't meant to be addressed

simply to the legal framework.

MS. HENNEKE: See, I very rarely see what I consider technical advice from an academic given to a community in Texas. I see legal advice, I see process advice, but I very rarely -- in fact, I can't think of a time when I saw what I consider technical advice given. And often times where the struggle seems to be is with the lack of technical advice. So, I understand your question, because I don't think this differentiates in any shape, form, or fashion.

MR. HILL: Richard, the only reason why I raised it is because of the concern with the Federal Government because they cannot provide funds for legal advice. You know, that is the real issue.

MR. MOORE: Yes. Now, is there word change here someplace that is driving us there, Barry? I also understand the point you are bringing up, but is there something specific in what we are saying here that needs to be addressed?

MR. HILL: Right now, Richard, I can't offer the words. It is just a concern that I had. I looked at, for example, the environmental justice implications of new source review regulations. And that raised a red flag for me.

What does that mean as a practical matter? And that is why I raised the question about legal compared to technical advice. And how would that be done really. So, no, I don't

have the words at this particular point, I am just raising it as an issue.

MS. GAUNA: If I could respond. If you are specifically talking about number one, number one deals with rule-making proceedings. And there, I think, actually analyzing the environmental justice implications of new source review is entirely appropriate, and it is not acting in a legal capacity to any particular community group, or anything like that. It is not undertaking representation.

It is saying, have you thought about these things in the course of this rule-making proceeding. And what we are asking there is that it is appropriate in return for the Agency to respond to those comments.

In terms of number three, facilitate the ability of impacted communities to obtain technical services, I don't think we are even -- obviously, it wouldn't be appropriate for the EPA to give money to a community group to hire a lawyer. And that is not what we are suggesting; but, for example, technical assistant grants in the course of Superfund, you know, that sort of thing.

But there is a place for that in particular context, and that wasn't aimed at any kind of a legal undertaking, legal representation, or anything like that.

MR. HILL: Well, I am not expressing an opinion for

or against. All I am saying is that how it could be interpreted. And depending on who is reading this particular recommendation may determine whether or not the recommendation has any legs. That is all.

MR. MOORE: So it is just a caution to watch, or to be extremely clear, as we need to be in all these recommendations, but in this particular one. Eileen.

MS. GAUNA: That is kind of why we put in examples. Like, for example, to facilitate the ability to obtain technical services, we put in as an example, workshop. And if you would like, we could put in other examples that make it clear that we are really not talking about legal representation.

MR. HILL: If there is any way that you could really make it clear to move away from the possible interpretation that this is legal advice, the better off you will be.

MR. MOORE: Okay, Wilma, you had your card up and I skipped you there. I am sorry. Chip and then --

MS. SUBRA: Finish that one and then I will go.

MR. MOORE: Okay. I apologize Wilma. Chip.

MR. COLLETTE: As a lawyer, if I were advising Barry, which I am not, one of the things that concern me, you provide interpretation of recommendations in the basis of an explanation that goes with them. It is limited and guided.

If you look at the first paragraph, starting at line 20 on down, that is really -- the majority of that is dealing with legal advice and policy input.

I would be happier with changing of the recommendations or bulleted points. Ben, Ken, jump in with me here, but if you are going to make it clear, you really need to change those example paragraphs strict to empirical evidence.

Well, like the last sentence maybe is about the only thing that should be in that paragraph. Because otherwise, as a lawyer, I would advice Barry, I would advice Charles, you have got to consider the examples they give. And they are talking about legal advice in their bullets because look at the example they give. So, yes, you need to do some limiting there.

MR. MOORE: Can we stay on that topic? Wilma, were you on this one or when we move on?

MS. SUBRA: When we move on.

MR. MOORE: Okay, thank you. Can we come to some consensus on -- Barry. Oh, I am sorry, Ken.

MR. WARREN: I don't think we should remove the possibility that legal academics can provide substantial benefit to environmental justice communities. I mean, the work that Eileen and Richard have done, the analysis of the

applicability of existing laws to further environmental justice, all has been very valuable contribution.

So, what I would rather do is to make it clear we are not talking about legal representation, rather than just to remove all reference to the good work that the professors here, and others have done.

MR. MOORE: Now I think we can agree with that. Is there suggested language, or another avenue that is going to do exactly what was just said there? Eileen.

MS. GAUNA: Perhaps, if I could suggest under bullet number three, just to insert a footnote so that you are not going to disrupt the flow of the text with that kind of detail. Let's just insert a footnote that says, this is not meant to suggest that EPA is to provide funding for legal representation of particular impacted communities. And I think that takes care of that concern.

MR. MOORE: Is that agreeable by the Council?
Discussion. Shankar.

MR. PRASAD: Is Barry okay with that?

MR. HILL: That would be helpful.

MR. MOORE: Okay. So, we would agree with adding that on as a footnote. Okay, now we made a change in three, in bullet three. And I think we agreed to that change.

Okay, was there any comments or discussion on bullet

four -- bullet point four? Oh, I am sorry, Wilma. Before we move on, Wilma, could we hear your comments? I am sorry.

MS. SUBRA: I think to -- and there is no language change we are going to be able to put in here, but the issue and the rub on three is, from the community's perspective, the academics provide technical assistance, but not advocacy. And frequently, the communities are looking for someone to become their advocate.

But here, what we want the academics to do is to provide technical assistance. The other part that frequently happens is because the academics don't want to do an advocacy, they respond to the request of the community, as opposed to doing a quick overview and saying, well, these are the areas that we could identify that you need technical assistance, that may move your issue forward.

And frequently, that doesn't happen. They say, okay, tell us what you want and we will be glad to provide that to you. But they don't act in a proactive manner.

And those are just two of the issues that communities get hung up with the academics providing the service. But it is very difficult to be able to put that down in that fashion, and have it move forward.

MR. LEE: Richard, can I say something?

MR. MOORE: Yes, Charles.

MR. LEE: You know, one of the things that we talked about in preparation for this meeting was the need to bolster recommendations 3.2 and 3.3. And that has to do with giving more of a background understanding in terms of both a perspective on an approach, and the state, or the capacity within community-based organizations.

You can't really talk about bullet three and four without -- or any of this -- without having an understanding of the role of community-based organizations and their needs in relationship to other groups, such as in terms of service providers. So I think that that is where some of the things, in terms of addressing the issues here.

I mean, I think that for the purposes of background, you know, the ideas about -- I mean, I just give a perspective. It is important to recognize that the academic institutions and academics play an important role. It is important to recognize that there is a need to build capacity within academics.

But what I think you need to say, and I think that the NEJAC has made recommendations in this regard, is that it must be part of a process in which the community-based organizations provide leadership. It needs to be a process in which you are always attentive to building the capacity of community-based organizations.

And that, I think, is what you were saying when you say you need to build a model that brings all this together. So I don't know if that means -- what kind of clarification there is, or there is to be something that -- I think you need to go back to, in terms of a better discussion around 3.2.

MR. MOORE: Discussion.

MS. TUCKER: Are we talking about changing it? I thought we had pretty well agreed on the language. I hate to disagree with Wilma, but our problem has been that we have got academics who want to be advocates and not want to provide technical assistance. Organized communities, if they have capacity, can be their own advocates. And there is a whole world of folks that can advocate for them.

What we have a shortage of is technical assistance. That is the desperate need, and we just don't need the academics coming out, playing a -- at least where I have been working, that has been a major problem. They want to be the advocate, but they don't want to take the time to provide expertise. That is what we need.

MR. MOORE: Okay, so where are we at then with this discussion? Eileen.

MR. COLLETTE: Table talk lunch.

MR. MOORE: Right. It seems like we are getting close, that is why I was just looking at the time.

MS. GAUNA: Well, just to follow-up on that because, you know, following that point, is that really something that is a relationship between the technical advisor and the community group. And all we are saying in these recommendations is that the Environmental Protection Agency can help facilitate that, but can't -- I mean, to me, defining the boundaries of it -- I understand Wilma's point where sometimes an academic can misunderstand their role, but I don't know that it is appropriate in this recommendation letter to get into clearly defining that role.

I think that is really something between the community organization and the academic that is providing technical/legal assistance. I don't know, unless you have some language where we could get at it in maybe not so detailed a way, or -- you know, so that we don't go off into this tangent. I am just wondering if there are any suggestions that you might have where we could deal with it with a little more gentle touch?

MS. SUBRA: No, I am fine with the wording, and this whole section deals with the various stakeholders. I was just pointing it out where the rub comes from between the academics and the community. I am fine with the wording.

MR. MOORE: Then we have added additional wording to the bullet point three. The question was where we were at on

bullet point four.

MS. TUCKER: I think Richard provided the language in the revision in bullet point three.

MR. MOORE: Okay. And that is correct, and we agreed to that language.

MS. TUCKER: Yes.

MR. MOORE: So then the additional question was then, is there any language in bullet point four. Because to me, some of this discussion we are having, you know, we have this whole other writing on the pieces that talks over here about communities speaking for themselves. There is a whole set of things there and I think it also clarifies -- at least for me, and I am not an attorney, but I do practice law sometimes, but I don't have a license.

(Laughter)

MR. MOORE: But it seems to me, and I am being real serious about this, is that some of what may be in this other writing also speaks to some of the discussion that we were having. And I was trying to reread over that while we were doing that, and understanding the context of Barry's points that he was arising there.

So, let me first ask the question, do we have any change of language in bullet point four?

(No response)

MR. MOORE: Okay, we are fine with that. And Barry, always somewhere in that, because I don't want to move us so quickly to wanting to misinterpret, or whatever the words I am trying to find the point that you are trying to make there. So you have got to kind of -- if you don't think we are there, and think we need to clarify, then you have got to kind of jump back in there, Barry, and say that, okay?

Okay, so now we have dealt with the bullet points. And so then is there any -- we have got about seven or eight minutes before we break. Is there any language -- Sue, I am sorry.

MS. BRIGGUM: Yes. I think Barry's issue is captured by -- I understand the social/legal/economic and scientific with regard to EJ on the programmatic level, but I think what I am hearing is the issue with regard to legal on the site-specific level; which might be construed to having us think that we should be hiring lawyers at sites.

So, perhaps, we just have to repeat the elements, but skip the legal on the site-specific level.

MR. MOORE: Comment to Sue's? Eileen.

MS. GAUNA: I just have a comment because the bullet is aimed at partnerships between EPA and academic institutions on a site-specific level. That is why I stuck the footnote in the third bullet, which deals with services to impacted

communities.

Which would say, and by the way, this is meant not to be legal representation to impacted communities, but other services. Whereas, the fourth bullet really deals with partnerships between EPA and academic institutions; where I don't think you would have a problem with representation. Legal services to communities on a site-specific level.

Now, we could find a way, if you are uncomfortable with that, to at the site-specific -- the problem that I am having is removing the participation of legal academics on a site-specific level. And I am thinking that there may be instances where that participation would be important, and it is not, by any means, undertaking legal representation.

So, just because you have a -- for example, you might have a particular pilot project, and it is in the course of a rule-making proceeding, but it is on a site-specific level. I am thinking of the Project XLs, for example, where you may have a comment from an academic that says there are environmental justice implications here, have you thought about that.

That is appropriate and it is not legal representation of a particular community. It is just saying you, Agency, are undertaking to do something on a site-specific level and we, academics, don't think you have thought

through the environmental justice implications of that.

MS. BRIGGUM: Could you then instead clarify, put before or at a site-specific level, or the policy implications raised at? Because I think that is what you are talking about, and I agree.

MS. GAUNA: Yes, and that is exactly right.

MR. MOORE: So you are suggesting some language change in bullet point four?

MS. BRIGGUM: Yes. It would be on the next to the last line, right after the "or," "or the policy implications raised at a site-specific level." And then that would get to exactly the kinds of advice Eileen was talking about.

MR. MOORE: Okay. Now, Richard, do you have any?

(No response)

MR. MOORE: Any other Council members to respond to that?

(No response)

MR. MOORE: So we agree with that inserted language. Okay, so now have we completed bullet point four?

MS. TUCKER: Just one small thing. I do have a concern that we would limit it to policy. It could be more than policy. It could be actual program implementation issues that are non-legal. I am wondering whether or not a footnote at the end that would cover everything, to say that the

recommended technical assistance, blah, blah, blah, is intended to be non-legal. Or something like that. It would cover the whole section there, rather than trying to -- I hate to limit it to policy only.

MR. MOORE: Okay, response?

MR. COLLETTE: Well, the immediate sentence prior to that says "programmatic."

MS. TUCKER: Yes.

MR. COLLETTE: And I think we were just concerned to --

MS. TUCKER: Oh, okay.

MR. COLLETTE: -- to limit what may occur at site-specific to avoid any problem that Barry foresees. I don't have a problem with policy, because the immediate clause says programmatic.

MS. TUCKER: But then it limits site-specific to policy. And I think that is a problem.

MR. MOORE: Okay, now further --

MS. GAUNA: Well, I would just like to jump in there. That is a point well taken, because look at that where you say, "studying cumulative impacts of a particular area" is not policy advice. It is empirical evidence at a site-specific level.

MS. TUCKER: Exactly.

MS. GAUNA: And so you say, "or the policy implications at a site-specific level," we may be unintentionally carving out some services that academics can provide outside of direct legal representation at a site specific level that are not exactly right smack within the realm of policy advice. Do you see where I am going with that?

MS. BRIGGUM: I hear you, but my concern is that we are saying that this is a partnership which implies to me kind of a special privilege status that isn't part of the usual regulatory process. Where you provide your comments as everyone else does, and the government has the obligation to make decisions.

It would kind of cede some of their authority and responsibility. And I don't want to make it appear that we are trying to cede to academics what is EPA's decision-making role in that kind of site-specific analysis.

MR. MOORE: Okay, so how do we then deal with those issues in terms of language.

MS. TUCKER: Now I am confused. I thought the issue was whether or not that one could get the impression by reading this that we were talking about providing legal advice. And if that is the question, it seems to me that we ought to be able to say one over-arching statement for all of

the bullets that say explicitly that this does not include legal advice, or legal assistance. And it would cover everything, and then we wouldn't have to wordsmith all the other things.

MR. MOORE: Okay. Now, Shankar and then --

MR. PRASAD: Why don't we give all the legal minds a break and then come back and continue the discussion.

MS. GAUNA: The legal minds have it. You got it. How about over here, where it says, "and effectively engage academics," we will just drop the footnote up there, at the very beginning of the recommendation. And that will provide the engage academics in any way other than providing legal representation to a specifically impacted community.

MR. MOORE: Okay.

MS. GAUNA: Is that okay?

MR. MOORE: I mean, that seems to be all right with everyone, yes?

MR. PRASAD: Can you repeat it?

MS. GAUNA: Where the very beginning recommendation 3.6, "EPA should better use the academic sector to more systematically and effectively engage academics and their research in the following ways." Right after academics, "engage academics" -- we drop the footnote and say, "Nothing in this section is intended to recommend that the EPA should

provide funds for legal representation and advice to impacted communities."

MR. MOORE: Okay. So, now Ben --

MR. HILL: Let's go to lunch.

MR. MOORE: Yes, we are getting --

MR. LEE: You are going to put in that phrase though, right Eileen?

MS. GAUNA: Legal representation.

MR. LEE: Yes, yes.

MR. MOORE: Okay, I just wanted us to get there before we broke for lunch. It seems like we did, so we are going to take a one-hour break for lunch and we will reconvene promptly in one hour. Thank you.

(Whereupon, a luncheon recess was taken)

A F T E R N O O N S E S S I O N

(1:45 p.m.)

MR. MOORE: The Chair and several Council members are on time. We are going to get started here in a few minutes, we are about two or three short of quorum.

(Pause)

MR. MOORE: On the record that our DFO was late.

MR. LEE: And the DFO apologizes. But the fault is Ken Warren and company.

MR. MOORE: All right, I think we have got eight. Was it eight or nine we needed for quorum?

MR. LEE: Nine. Eight, actually.

MR. MOORE: I think it was eight.

MR. LEE: Nine. Nine.

(Pause)

MR. MOORE: Okay, Charles, we are ready to go. We have got quorum.

MR. LEE: Okay. So we need to go back and finish up 3.6, right?

MR. MOORE: Yes. I just wanted to spend just a few minutes, because we really want to be -- we are moving along well time-wise and we want to be ready for the Gulf Coast Report, and we want to be able to do that, again, as close to the time that we are supposed to start at 3:00 as possible.

So, I just wanted to go back to recommendation 3.6. Eileen.

MS. GAUNA: I think we have got some language that we want to suggest for the footnote. And it would be, "Nothing in this section should be interpreted to suggest that NEJAC is recommending actions that would violate EPA's policy of restricting funding for legal advice and/or representation."

MR. MOORE: Okay. Could I have just an amendment to that? Or at least a piece of discussion right quick. Would it be possible not to footnote it, and put it in the beginning? And the only reason I am saying that -- for discussion, I am just tossing it out because I do believe -- and there was some discussion about that over the lunch break, kind of like on the side -- but the thing was is that sometimes, I think that footnotes are not looked at in the way that they should be looked at. So I am just offering it out there for discussion. Eileen.

MS. GAUNA: The reason that I would suggest it be in the footnote is because, first of all, you don't really want a section, I think, that starts off with a lot of disclaimers, and limitations, and so forth. And secondly, in my view, it really is tangential to the whole section. Because the section isn't talking about legal representation, and it

disrupts the flow of it.

So, my suggestion is that we keep it in a footnote, just in case anybody is unduly worried about it. But I don't think that the section, in any way, is advocating funding for legal representation. So I would strongly -- my sentiments is very strongly that we should keep it in the footnote.

MR. MOORE: Okay. Is that the consensus of the group?

(No response)

MR. MOORE: Okay, any additional? I had another comment. Did you have any other ones, Eileen?

MS. GAUNA: Not on this section. I was working up some language for another section that we were working with. But I can give that later.

MR. MOORE: Okay. Then just to the fourth bullet point again, the "form partnerships," I am trying to be clear of what we are trying to say there, and kind of re-looking at it and discussing it. I don't think that we are asking the EPA to form partnerships. I mean, I don't think that is the sense of what this bullet point was. If that is not "form partnerships with academic institutions to better leverage," then wouldn't the language be better to read, "support partnerships of academic," and I am just bringing that back up for discussion.

MR. PRASAD: I read it as it is for EPA to form partnerships.

MR. MOORE: Say that again, Shankar. I am sorry.

MR. PRASAD: I thought it read as EPA should form partnerships.

MR. MOORE: That is why I am re-flagging it. Because is that the sense of what we wanted in that bullet point, for the EPA to form partnerships? Because that is the way it seems it is reading right now.

MR. PRASAD: That was the sense? Connie, can we --- you first, and then Eileen.

MS. : That was my understanding.

MR. MOORE: Okay.

MS. TUCKER: Yes, but you make a good point though. I think that EPA -- it would be good for EPA to form partnerships with academics; especially, around questions like cumulative risk. But on the other hand, it would also be good for EPA to support partnerships between academic institutions and community-based organizations. Or, environmental justice organizations.

MR. MOORE: Okay. Eileen.

MR. PRASAD: But that does not -- I am sorry.

MR. MOORE: Eileen, could Shankar?

MR. PRASAD: But what you are saying does not apply

to this, it does not fit here because this is specifically talking about the academic involvement. The whole section of the recommendation. So, if you are asking for a supporting a partnership between EPA and the community organizations, that is not in this recommendation.

MS. TUCKER: No, no, I am saying for EPA to support partnerships between academia institutions, or academics, and environmental justice organizations -- in other words, I am saying this sort of work could be done through partnerships between academics and EPA, but it also can be done through partnerships with community-based, or environmental justice groups --

MR. PRASAD: But, essentially, that is --

MS. TUCKER: -- and academics. And academics. The issue is --

MR. PRASAD: I agree, but is it not already covered under the previous bullet?

MS. TUCKER: Let's see.

(Pause)

MS. TUCKER: Well, yes. I guess, yes, it does. This one just gets to the meat of some of the more complex needs, like studying cumulative impacts, and scientific, social, and economic. It just gets to the meat of some of the things that communities need.

MR. MOORE: Okay. Eileen and then Richard.

MR. LAZARUS: Well, maybe it would be a friendly amendment for the fourth bullet to say, "Form partnerships with academic institutions, and support partnerships between academic institutions" --

MS. TUCKER: And environmental justice organizations.

MR. LAZARUS: "And environmental justice organizations, to better leverage."

MS. TUCKER: That would be great.

MR. LAZARUS: And as Shankar said, it would keep the whole thing as academic, that is what this recommendation is about, but it would allow for both.

MS. TUCKER: For both, exactly.

MR. LAZARUS: So it would just be, "Form partnerships with academic institutions, and support partnerships between academic institutions and environmental justice organizations to" --

MS. TUCKER: To do those things.

MR. LAZARUS: Okay. Charles, does that make sense?

MS. TUCKER: That is what I thought I said.

MR. MOORE: Wilma.

MS. SUBRA: The way I was looking at it was number three, all of these things are what we are asking EPA to do.

And number three is the EPA to help the academic institutions to provide technical assistance to the community. And then number four is to provide partnerships between EPA and the academics to assist in technical assistance and site-specific things. So I think they are both there.

MR. MOORE: Okay. Now, are you saying that, Wilma -- I really had concerns about the "form partnerships." Are you making your comments -- that was rewording that was being offered, no? Are you supporting the rewording or not supporting the rewording? That is what I am trying to find out.

MS. SUBRA: I think it is important to have them as two separate bullets. So, when he did the proposed language change, it incorporated them all into one bullet. And I think it is really important that you have them as separate bullets.

MR. MOORE: Okay. Thank you, thank you. Richard.

MR. LAZARUS: I don't disagree with Wilma that I don't think it is strictly necessary. I was trying to find a way to address Connie's concern with the least textual change. If Connie is willing to agree that number three serves her purpose, than I have no need to change number four.

MS. TUCKER: Just for the sake of time, I will concur -- except for that there is just so much more thought in the fourth bullet, and I would like to see the same sort of

inclusion in the third bullet. But it would be redundant, so no problem.

MR. MOORE: Okay. So then is the consensus of the group to form another bullet, or to include Richard's language in the existing bullet?

MR. LAZARUS: I think the consensus is, as is, as we have already amended bullet three beforehand to make clear that the community organizations were the lead.

MR. MOORE: Okay.

MR. LAZARUS: I think we are not changing three and four any more.

MR. MOORE: Okay, fine. That is the consensus. Okay, so then we have completed that part. Is there any additional language in that 3.6 as we go, that anyone wanted general language that wanted to be flagged? Ken.

MR. WARREN: In the first, the sensitivity was raised, resource review. I am wondering if we could change that to some other language. And I would prefer to use new approaches to pollution control, or we could use market-based approaches to pollution control. But I just think "resource review," since it isn't really the focus of this report is probably an unnecessary red flag.

MR. LAZARUS: I would support the change, especially, if it made it market-based. Because that is often

where the sort of distributional issues come into play.

MR. MOORE: Okay, is that the consensus of the group?

(No response)

MR. MOORE: Okay, so have we completed the bullet points then? So can we move into any general language change in the content before we move into 3.7?

(Pause)

Recommendation 3.7

Remarks

by Eileen Gauna

MS. GAUNA: I am talking a lot today. Okay, let's see, 3.7. Just, basically, to get everybody up to speed on this particular recommendation, I would like to provide a little bit of history on it through the course of our discussions. And, again, this goes back to the idea that you can't just look at where you end up, you need to look at where you start, and the journey along the way.

Initially, this was a recommendation to recognize particular industry stakeholders that, at a time when industry generally was very resistant to the idea of environmental justice, that there were a handful of industry players that really stepped up to the plate and started working with this issue, and engaging with this issue, in a thoughtful way.

So the initial thought was to provide some sort of a best practice award for industry stakeholders who have really move ahead of the game and done things which, actually, go beyond compliance to help situations in environmental justice communities. So that is where we started off with this idea of an award.

As the committee began deliberating on it, it became clear that all stakeholder groups within this process, regardless of whether they entered into the forum as an EJ advocate, or state regulator, or whatever, that everybody has worked within a very difficult context to address environmental justice issues, and should be recognized as such.

So, we broadened it out to recommend to the Administrator that there be a way to recognize, either individuals or institutions, that have really gone beyond the call of duty, so-to-speak, along the way and along this difficult journey. And it is not only, you know, we will give you an award and recognize your idea, but it is to promote the values associated with environmental justice. It is to provide incentives for others that are coming along to really hang in there. Because these issues are very difficult to deal with over time.

So, we have recommended, basically, an award for

each stakeholder group. And, as an example, we have awards to community-based environmental justice organizations, networks, or individuals, who really have a long track record, and who work with very inadequate resources over time.

We have an award to industrial actors -- and, again, the lynchpin of this reward is those that really do go beyond minimal compliance and those who work collaboratively with communities to address these problems. We are looking at an award for governmental actors, and tribal governments that really do, again, go beyond the call of duty, find resources, leverage resources, work collaboratively to transcend these difficult areas where there is just a past work of legal jurisdiction and everybody is pointing at everybody else.

So we want to recognize the state or tribal regulator who says, I am just not going to point to some other agency and go there. I want to try to work collaboratively so that we can try to address this problem.

We are looking at also an award to institutions or individuals within the academic sector that recognize the intellectual contributions that this particular -- and I use the term loosely, stakeholder, because as Richard said, academics really don't have a stake.

They don't really have a horse in the race, but academic institutions or individuals who have lent their

thoughts in a way to frame issues productively to advance constructive discourse around some of these legal issues, regardless of what particular academic sector is involved.

So, again, it is a way to enhance and promote the values of what we do and to recognize people who have just hung in there for a long time. That is it.

MR. MOORE: Discussion. Thank you, Eileen.
Discussion. Connie.

MS. TUCKER: Just one observation. I like the language. It does not allow for individual awards to people who may provide similar services but are not in the academic community. Wilma is an example.

It does not provide for individuals outside of an academic setting, and I think it should. I am using Wilma as an example. And also, I think the recommendation should have a bullet, as do the other ones. The specific recommendation on the next page. It should have a bullet.

MR. MOORE: Shankar.

MR. PRASAD: Eileen, when you drafted this, was your idea for the agency or an institution? If it is, in that case, I would like to add the word "academic institution," not "academia." But on the other hand, if it is an individual actor, is that where we want to go, is the question that I would like to hear some thoughts from around.

MS. GAUNA: The reason that we stuck individual within the academic institution was really because a lot of academics work in an individual capacity. And it is not really their institutions that are involved, it is them, as individual actors. But I don't have any problem at all with extending that to individuals within any particular sector. I think that is a good point.

And maybe what we ought to do is just figure out something more general at the beginning to give -- notice that the last sentence is "the formulation of a multi-stakeholder committee to formulate criteria" for these awards, the terms, and so forth.

So, I think that that probably would be enough of a safeguard to give a lot of flexibility in terms of who these awards should go to. Whether they should go to individuals, or organizations, or agencies, or whatever.

MR. MOORE: Let Richard go right quick, Charles.

MS. TUCKER: I have recommended language.

MR. LAZARUS: One --- way to accomplish this would be at the very beginning of the recommendation, "EPA should establish a set of environmental justice best practice awards for individuals or organizations in the following stakeholder groups." And that would make it clear that the awards could go to either individuals or organizations in any of those.

MR. MOORE: So, do we have consensus on that?
Shankar, your card is still up. So we are ready to move forward?

(No response)

MR. MOORE: Okay, any other discussions in terms of 3.7?

(No response)

MR. MOORE: Then it seems like we are prepared to move onto 3.8. Okay, was there someone who was going to lead us through this discussion of 3.8?

MR. LEE: Sue Briggum was.

MR. MOORE: Sue.

Recommendation 3.8

Remarks

by Susan Briggum

MS. BRIGGUM: Okay, 3.8 deals with two fundamental issues. One is that in our acknowledgment that, although we recommend the NEJAC will continue as an institutions, that the subcommittees which did a lot of very different kinds of work, would not continue. That we didn't want to suggest that there should be a gap in the richness of outreach that EPA conducts with regard to environmental justice.

And also, our sense that one of the reasons why we

feel comfortable with that is that we had seen a great deal of work on a number of topics that EPA and others had done that were very effective. The symposia on specific issues, or geographical areas, workshops, listening sessions.

That there were a lot of mechanisms that were tailored to the specific issue at hand that seemed to be highly successful. So we wanted to strongly encourage EPA to continue to support and participate in those kinds of interactions.

Also, under what we might call the template of the NEJAC, which was our recognition that is extremely important that the issues be raised with a focus on their emergence in the community, and community views, that they be multi-stakeholder, robust dialogues that, to the extent possible, that we can work together collaboratively, that would be important too.

We had some examples that we thought were highly successful. One was the New Mexico EJ listening sessions that Richard and others participated in that worked very well. Region I recently had a very interesting science in EJ workshop.

And we also wanted to suggest one idea, which actually does, I guess, cost a little bit of money, but we look to the success of the Brownfields Annual Conference,

which gets thousands of people in attendance, and suggested EPA look at that, and think about why that model was so successful, and whether or not it would be possible to support a biennial EJ conference that would be much like the Brownfields conference.

And in doing that, we finally wanted to make sure that we were looking at ways where we could not only make sure that we were continuing to raise the issues, and the concerns, and the problems, but we also were really focused on disseminating information on best practices. Things that worked, practical ways of approaching the community, in which you have a real improvement and quality of life.

MR. MOORE: Thank you, Sue. Discussion.

(No response)

MR. MOORE: We are prepared to move forward? We agree with this 3.8?

(No response)

MR. MOORE: Okay, let me just then bring something back to the table. There was a comment that was made before lunch around 3.2. And, Charles, you may have been one of those people that made the comment. Could we go back into that for a few minutes and just see where we were at with the 3.2, and what was the references being made to that.

MR. LEE: Let me give some background on this. You

know, as the drafting of these recommendations moved forward, it became evident that a lot of you wanted to talk about the different -- speak to your recommendations with a lot more robustness than originally intended.

So, you know, I think that in Eileen Gauna's words, you wanted these recommendations not only to recommend an action, but also to have some kind of educational value. You know, to give people an understanding of some of the complexities and nuances of the issues involved in these particular recommendations.

Now, that was done for all these recommendations, except for the ones around communities and tribes; which is a real imbalance at that point. And I think it leads to some of the lack of understanding, or appreciation, of some of the complexities that came up later. For example, in the recommendation about academia and support of academia-based research.

So, it was your agreement that we will come to this meeting with that understanding and have a discussion about that. That was more of a nature of collecting your thoughts about this, and then we can go back and create some language around it to share with you. And I think that is really important in terms of just the integrity of this report.

MR. MOORE: Discussion.

MR. PRASAD: Charles, that means will we be getting a separate language now? I mean, without looking into that, it is very difficult to comment on. I know that it is kind of a little imbalance, 3.1, .2, and .3, and I know that you wanted to add a couple of pages total into that. So, as soon as we have that, we can probably agree upon and review the comments for feedback within a very short amount of time. But to say that it will be okay --- us, go ahead, becomes a very difficult process.

MR. MOORE: Richard.

MR. LAZARUS: Let Charles respond, because I think maybe he will answer my question.

MR. LEE: You go ahead.

MR. LAZARUS: Oh, okay. To make sure I understand what your concern is, is your concern that if you look at the recommendations now, especially, under recommendation three, 3.1 as amended now actually has some elaboration. They all have elaboration after the recommendations, except for 3.2 and 3.3. So, the idea would be to add some sort of elaboration there as well. Not recommendation, but elaboration in support.

MR. MOORE: Exactly. That is exactly what it is. No recommendations, but elaborations.

MR. LEE: See, one of the reasons why we didn't get

to this was because at our conference calls, the people that we really needed to have that discussion with were not there. So, this is something that you had all agreed was important, and we needed to address. And it isn't, Shankar, a question of having language at this point, but we could craft something based upon what your discussion is.

You know, and then have a very quick turnaround time. Because, I mean, that would just be planted into the draft and when it gets sent out for your ballots. So, I think it is a very important piece not to lose sight of.

MR. MOORE: Okay, comments, discussion. Wilma.

MS. SUBRA: From the process standpoint, and backing up from the date at which the charge is no longer there, what kind of time frame do we have to get it out and review it, and then have the document final to go to public comment?

MR. LEE: I don't understand the question.

MS. SUBRA: we have got to get this document so that it goes --

MR. LEE: Our desire is that as quickly as possible; meaning, within about a week, that this be sent to you for your ballot process. And that goes for 30 days. And like I said to you earlier, several months ago, that really is the maximum time.

But we would like you to do it a little quicker than

that, which I think you all want to. So, you know, it is my hope that by the time the middle of July comes around, that these are ready for transmittal to the Administrator. And we do have time to work with this, but that is basically what we are hoping.

MS. SUBRA: Yes. And just the people around the table have to realize that if that is the time frame, that they are available to at least review it and comment on it in that time frame.

MR. LEE: That is right. That is right.

MS. SUBRA: That is all I was getting at.

MR. LEE: And that is dependent upon your ability to turn that around quicker. I mean, maximally, it would be 30 days from the point that we send it out to you. But I think that there is a lot of investment of time and energy, and a great deal of understanding of the importance of these recommendations. And, certainly, a quicker turn around time would be desirable; so, therefore, I am pretty sure you could do it.

MS. SUBRA: No, I am not objecting to it, I am just trying to figure out when.

MR. LEE: It is a good question.

MR. MOORE: Okay, any other comments?

(No response)

MR. MOORE: Okay, so how would we move then? Ken.

MR. WARREN: One quick comment. In discussions with Charles and some of the others, we were going to propose to add to section 3.4 some language like, "EPA should encourage business to voluntarily utilize existing systems and programs to promote environmental justice goals." We might give some examples of those systems and programs, such as responsible care, or environmental management systems, or supplemental environmental programs, that sort of thing.

MR. MOORE: Comments.

MR. LEE: The reason why this came up is because of the very important point that Sue raised about the Business and Industry Report that Tim Fields and others conducted. And the fact that there was such a negativity around addressing environmental justice, dealing with the issues of environmental justice, even though many of the companies had done very good work within communities.

And, in fact, the larger discussion of this would be, that there are many policies, like pollution prevention, or use of environmental management systems, or community involvement, or corporate responsibility, or sustainable development -- which are very much related to environmental justice and needs to be more aligned with environmental justice efforts.

So, I think, Ken, a sentence like that at the end of the first paragraph, actually does it.

MR. MOORE: And that is a recommendation that you are making, Ken?

MR. WARREN: Yes.

MR. MOORE: Can we respond to that please? Can you read it again, Ken, please.

MR. WARREN: Sue, I think you have the latest version, go ahead.

MS. BRIGGUM: Okay, it says: "EPA should encourage business to voluntarily utilize existing systems and programs, e.g., responsible care, environmental management systems, supplemental environmental projects, community relations programs, sustainability initiatives, to promote environmental justice goals."

MS. TUCKER: That is what I was thinking. But it is in there.

MS. BRIGGUM: In fact, we will put it first.

MR. MOORE: Did we get that reading? Okay, discussion. Eileen.

MS. GAUNA: Did we capture in there the idea of good neighbor agreements, and things like that?

(No response)

MR. MOORE: Okay, now we are going to add on, and

then we are going to come back and get a rewording, okay? Any other comments?

(No response)

MR. MOORE: Okay, then let's give Sue a second and then we will get a rewording with those recommendations. Sue.

MS. BRIGGUM: "EPA should encourage business to voluntarily utilize existing systems and programs, e.g., pollution prevention, responsible care, good neighbor agreements, environmental management systems, supplemental environmental projects, community relations programs, and sustainability initiatives to promote environmental justice goals."

MR. MOORE: Okay, we are fine with that?

(No response)

MR. MOORE: Okay, so approved.

Let me just get a one second here, just to --- with my DFO for a second.

(Pause)

MR. LEE: I was telling Richard that, you know, once this 3.4 is completed, the way that we may want to address the deficiency in 3.2 and 3.3. is for he, and Connie, and Wilma, Juan, and a number of others, to just work with us to come up with the language and then we can just put it in. It is not going to change the actual recommendations. If that is okay

with you. But I just want to make sure that we don't lose sight of that.

MR. MOORE: Okay, is that -- Shankar.

MR. PRASAD: Earlier I was asked to provide some suggestion about 1.2 language.

MR. MOORE: Let me just make sure, we are all right with Charles' before we move on?

MS. TUCKER: When are you proposing we do that?

MR. LEE: As soon as possible.

MR. MOORE: Yes, as quickly as possible.

MS. TUCKER: Today?

MR. MOORE: Well, I was hoping not today.

MR. LEE: Let's figure that out.

MR. MOORE: I would hope not today, but as quickly as possible, we should figure it out before we leave.

MR. LEE: We are going to ask you to do it today, Connie, but the rest --

MR. MOORE: Okay, Shankar.

MR. PRASAD: On that recommendation 1.2, line 11, "As the --- of the NEJAC contracts by dissolving subcommittees before," that is what I would add. By dissolving subcommittees. And then at the end of that paragraph, I would add ", through staggered term limits permitted under the FACA Guidelines."

MR. MOORE: Discussion. Eileen.

MS. GAUNA: I would put, "at minimum, staggered limits and reappointments to provide that continuity." I had worked up on another sentence, and it may be too much, but I will throw it out there. "Within the existing legal framework of the FACA, NEJAC recommends that the Administrator utilize reappointments and staggered terms to retain experienced and knowledgeable persons on the NEJAC to provide the necessary expertise, continuity, and promote the types of relationships necessary to provide thoughtful consensus, advice to the Administrator."

And the thought behind that was the idea that there are just not a lot of people out there that can fulfill these positions. So, sometimes, you really do need to take these steps to have enough expertise on the Council itself to address some of these issues, and provide the continuity necessary. I could go either way on it.

MR. PRASAD: The reason I did not go -- in a way, that paragraph articulated that. The whole paragraph of the need for continuity, and the need for the expertise. So, I can live with either way.

MR. MOORE: Okay. So are we discussing Eileen's reading or Shankar's reading? I just want to make sure here. And that comment you just made, is there a concession in there

somewhere between the two of you that I think I am hearing?
Could you repeat that again, Shankar.

MR. PRASAD: The reason I chose the minimum words was because the sentence that you are trying to -- has already articulated in that complete paragraph. So that was the purpose of my sort of limiting the number of words to be added.

MR. MOORE: Okay. Eileen.

MS. GAUNA: Yes, it is a matter of emphasis rather than substance. Really, my thought behind emphasizing that is, you know, the last three or four years of the NEJAC have been pretty dismal in terms of leaving positions open and not staffed. And just really working within the context of a very limited pool of people.

So, part of my sentence is coming from that experience, but I am fine with it either way.

MR. MOORE: Okay, what is the will of the group?

MS. TUCKER: I just reread it, and I think that it would be maybe a little bit redundant to restate it. It is in there, it really is in there.

MR. MOORE: Okay. So we are fine to move on?

(No response)

MR. MOORE: Okay, thank you, Shankar. Okay, anything else in terms of all of that?

(No response)

MR. MOORE: Okay, we went through all the recommendations. Charles, do you want to just remind us and give us some process. We have come to consensus on all the recommendations. And if you could give us a process again please.

MR. LEE: I guess you should start by giving yourself a big round of applause.

(Applause)

MR. LEE: That was a really monumental effort that you accomplished in a very short period of time.

MR. MOORE: That is Charles saying a very short period of time. Now, remember how many conference calls we had and all that.

MR. LEE: Normally speaking, you were asked to develop a set of recommendations in response to these questions over, essentially, six months. And that is really a yeomen's job in terms of meeting those obligations. So I really want to thank you for that.

Basically, your discussion here concludes the deliberative part of the work on these recommendations. And there are, for the most part, specific language changes that you adopted in terms of the draft. There is just, I think, one major item that is outstanding that doesn't change any of

the substantive recommendations, but just provides background.

We will then move towards, like I said, next week, towards it. And then next week, having this all pulled together and a ballot will go out with the final draft for your review and your vote, and then the adoption.

When that happens, we will be ready to transmit it to the Administrator of EPA, Administrator Johnson. So that is the process.

So, just parenthetically, that is the same process for the first report, the Unintended Impacts Report.

MR. MOORE: Okay, any questions or comments?

(No response)

MR. MOORE: Okay. Charles, there was one last part there that I was seeing on that paper that said that had to be written. I am trying to find it. It was that last page, it said that something still needed to be written or something? We may have gotten it -- yes, the conclusion. Thank you, thank you.

So, is that, in your response right now, was that also a response to the conclusion?

MR. LEE: Yes, that is right.

MR. MOORE: Okay. All right, so what time do we have now. I think it is about 2:00.

MR. LEE: It's 2:30. Where we are now in terms of

the schedule is we are ahead of time. Which, actually, is a good thing. Around 3:00 or so is when the discussion of the Gulf Coast Hurricanes Workgroup's draft report is to begin.

It is at that time too when the three people that will be presenting to you are going to be here, give or take a few minutes, but Wilma and I had talked this, and it may actually be a good idea if we had the time for the presentation of Gulf Coast Hurricanes draft report to begin to give you a background from their perspective, you know, of some of the issues.

And directions in which they are headed. And that may give you a firmer foundation to dialogue with Larry, and Stan, and Dana Tulis. So, if that is something that the group would agree with, I think we can move in that direction.

Okay, so to do that, we would like to ask Gloria Tatum, Mayor DuPree, and Tim Fields to join us at the table.

(Pause)

MR. LEE: Tim, why don't you come up here. You can sit anywhere. Is Gloria here?

MR. HILL: I think she is coming back at 3:00.

MR. LEE: Oh, at 3:00, okay.

Gulf Coast Hurricanes Workgroup Draft Advice and Recommendations

by Charles Lee, DFO

MR. LEE: There was a Gulf Coast Hurricanes

Workgroup that was convened at the end of last year, with the charge that basically says that, how can EPA effectively address the vulnerabilities of all communities the public health and environmental risks and harms; including, minority and low-income communities, and EPA's response, rebuilding, preparedness, and prevention efforts.

In the aftermath of natural disaster similar to Hurricanes Katrina and Rita; and, pursuant to, the National Response Plan and applicable statutory authorities and their implementing regulations, as well as Executive Order 12898, on environment justice. And his workgroup worked really hard. Over I the very abbreviated time frame to come up with the draft report that Wilma will present.

The members of the workgroup -- the workgroup is Chaired by Wilma Subra, and members of the Executive Council who were on that workgroup, Juan Parras, Chip Collette, and Jody Henneke. And the membership was chosen from persons in the Gulf Coast affected the states.

And in addition to them, we have two other people from the workgroup that are here, who are Gloria Tatum from the Mississippi Department of Environmental Quality, and Mayor Johnny DuPree from Hattiesburg, Mississippi. And I will let them introduce themselves.

In addition, Tim Fields, who you all know well,

served as a technical consultant to OEJ to support the efforts of this workgroup, given Tim's extensive knowledge of the EPA. And also, of the emergency response mechanisms, programs, and procedures.

So, why don't I let Tim and Mayor DuPree introduce themselves, and then we can turn it over to you, Wilma.

Remarks

by Mayor Johnny L. DuPree

MAYOR DUPREE: Thank you, Charles. Again, I am Johnny DuPree, I am the Mayor of Hattiesburg, Mississippi. Pre-Katrina, it was the fourth largest city in Mississippi. Post-Katrina, it is the second or third largest city in Mississippi, simply because of the number of people who have relocated to Hattiesburg in the aftermath of Hurricane Katrina.

We have increased our population by some 10,000 or 12,000 people, and we still have some that are still in trailers and are still having some concerns with housing. Our concern right now seems to be -- our rebuilding stage is about 99 percent recovery.

We seem to be at a position now to where we are actually just trying to make sure they have adequate housing. Preparing not only for the oncoming season that is here now, but also for pandemics, and those kinds of things. So we seem

to have our work cut out for us in these coming days through this year.

But I thank you for the opportunity to serve on the workgroup. I think it was very meaningful, and I think that because of what I have learned through that, we were able to do some preparing for this season. So I thank you very much.

Remarks

by Gloria Tatum

MS. TATUM: Hi, I am Gloria Tatum with Mississippi Department of Environmental Quality. And as the Mayor just said, I too am very pleased to have been a part of the workgroup. Some of the things that have been shared here today, I am elated over the fact that NEJAC is actually embracing -- I hope that some of the recommendations out of this, as I heard someone elude to earlier, is that you do allow resources for states to be able to actually put in place resources, or coordinators at a state level. Because without that, we are not as effective as we should be.

I think, certainly, the State of Mississippi worked very well with the local government on Katrina-related issues. We are proud that we were able to work with the local government, and also the communities that were impacted by Katrina.

MR. MOORE: Thank you. Tim.

Remarks

by Tim Fields

MR. FIELDS: I am Tim Fields with Tetra Tech. It is a pleasure to be a consultant to the NEJAC Gulf Coast Hurricanes Workgroup. I thank Barry and Charles for the opportunity to serve in support of OEJ, in that capacity, and it has really been a pleasure working with the workgroup; and, Wilma, particularly, as Chair of that group. So I look forward to participating with you today.

MR. MOORE: Great. Thank you, Tim.

Let's see, did we do all the introductions there? And, Wilma, are you -- Wilma.

Remarks

by Wilma Subra, GCHW, Chairperson

MS. SUBRA: First of all, we apologize, we didn't bring pictures. And some of the agency people in the audience were hoping we would have pictures.

We had an outstanding year in 2005. We had Hurricane Katrina that hit at the end of August, and the impact area along the coast extended from Pensacola, Florida -- and you heard a little bit about Pensacola yesterday, all the way to New Iberia, Louisiana.

Less than a month later, we had Hurricane Rita, which extended an impact area from Mobile Bay, Alabama, all

the way into west Texas, where Jody is located. A large number of the coastal communities were impacted by both hurricanes.

I want to step back just a little minute and tell the Council how much you have accomplished. We had the meeting in the first week of January, and that is when we started developing the document we just completed a few minutes ago. So, in less than six months, we did that document from beginning to end, and that was a Council product. Council members were the ones who did that product.

We started this workgroup officially with the first conference calls in early December, and we are bringing to you, the Council members, the draft report. As I step through this, the people on the workgroup were all personally and professional impacted by one and/or both hurricanes.

And then we have Chip sitting over there who was the recipient of the third hurricane, named Wilma, which didn't get in the charge, but Chip reminds us over and over again, that Florida was impacted by Wilma. And thank you, Chip, you are also the recipient of the first tropical storm in this season.

So, this is something that really has an impact over and over again on a large number of the members of the Council.

So the workgroup, as you heard in earlier discussions, we no longer have subcommittees as part of NEJAC. We have workgroups. And this workgroup consisted of 19 individuals. And, again, I want to reiterate, they were all personally and professionally impacted by the hurricanes.

So the categories on the workgroup were community-based organizations, Juan -- hold up your hand, Juan -- Parras, was a representative on the workgroup from the NEJAC Council in the category of community-based organizations. We have academia, none of those people are here today. We had state and local governments, Jody, with the Texas Commission on Environmental Quality; Chip Collette, with the Florida Department of Environmental Protection.

They are members of the NEJAC Council and were members of the workgroup. And then we have Gloria Tatum of Mississippi Department of Environmental Quality, and we have Mayor DuPree of Hattiesburg. And then we have the great assistance from Time Fields.

We also had business and industry representatives, we had tribal and indigenous organizations, and we had non-government organizations. So, as you see, this workgroup had the full compliment of stakeholders that we are required to have.

So we started the first conference call -- now, that

wasn't the beginning of the work because Charles, and Barry, and the staff put together the representatives of the workgroup. But the workgroup met officially for the first time in a conference call on December the 6th. And I told you 19 members were appointed, 12 of those 19 actually participated.

Because we couldn't get everyone available on December 6th, we had a follow-up conference call on December 13th. And then one member, Pam Dashiell, representing the community was not able to participate in that one, and we did a separate call with her. So, by the end of three calls, we had all the members of the workgroup giving us input on the issues, and concerns, and situations, that they were dealing with.

We also had two face-to-face meetings. We had the first in Louisiana February 1st and 2nd. We had it in New Orleans. We had a tour -- Charles, and Tim, and Victoria, and Amy, and I did a tour. And then the second face-to-face was in Mississippi April 11th and 12th in Biloxi, and the people -- Gloria took us on a tour, and she and I went on a second tour.

So, we have a draft report that you have received some 30 days or so ago. It was available May 15th, that went to the Council members. The EPA charge requested advice and recommendations on the following very big questions, but very

small questions because we are dealing with EPA's authority. And any of you who have dealt with this in any little part, realize it is a lot bigger than EPA.

But these were the charge questions. How can EPA effectively address the vulnerabilities of all communities, including minority and low-income communities? So, how can EPA effectively address the community vulnerabilities to public health and environmental risk and harm? How can EPA address the community vulnerabilities to public health and environmental risk and harm?

And the categories of both EPA's response and rebuilding, and in EPA's ability to be prepared and what they should put in effect to prevent some of the impacts that were experienced since the summer of 2005.

And, again, it was focused on the natural disasters similar to Hurricane Katrina and Rita. And as Chip will tell you, also Wilma. But the natural disaster category also encompasses manmade disasters, which were some of the impacts to the City of New Orleans with the levy failure.

So, as people from Region VI, particularly, Sam Coleman will tell you, he had three events EPA was responding to. The natural disaster of Hurricane Katrina, the natural disaster of Hurricane Rita, and the manmade disaster of the breaches and failures of the levy systems.

So, in response to that charge from the Environmental Protection Agency, we developed issues and recommendations grouped into three major themes or categories.

(1) Enhanced EPA disaster preparedness and response procedures. This response to the preparedness and prevention portions of the charge;

(2) Facilitate risk communication and environmental health responses. This responds to the response part of the charge; and

(3) Foster environmental sound redevelopment. And this responds to the rebuilding portion in the charge.

So we responded to all of the issues in the charge put before us by the Environmental Protection Agency.

So let's look at a little bit of additional details on each of these three. The first one, again, is enhanced EPA disaster preparedness and response procedures. (1) Revisions to the disaster management procedure; (2) state and local and tribal government preparedness. And this is critical because some of the agencies felt they were ready to respond, some did not, and EPA doesn't have primary jurisdiction over all of this, but the interaction with state, local, and tribal government preparedness.

The next one is disaster communication's delivery mechanism. And when I finish, Jody can comment a little bit

on some of the problems there.

The next one is guidelines on contaminated flood water, sediment, and associated hazardous material.

Now, the second theme, again reminding you, is facilitate risk communication and environmental health response. And this one encompassed a lot of the people that are in the audience at Region VI. I have got one more page and then we are ready, Larry.

So, under the second theme, facility risk communication and environmental health response, the sub-categories are risk communication; community partnership and collaborative problem-solving; mold contamination; waste, debris, and sediments; -- and, Larry, we had a long discussion last night about the Chef Menteur issue and the variances in emergency orders -- and then public health concerns.

And then the third theme is foster environmentally sound redevelopment. Under that one, we have sustainable redevelopment; coastal wetlands and barrier islands; Brownfields assessment and clean up; worker protection; and job training and creation.

So, these are the major themes and major headings of the document that was presented to you on May 15th for your review. We are now going to stop and let Larry and Stan do their presentation, because they are trying to get out of

town. So, Charles, would you like to introduce them?

EPA Emergency Response Activities During Hurricanes Katrina and Rita

by Charles Lee, DFO

MR. LEE: Yes. Let me just say, thank you, Wilma. We thought that since we were ahead of time that giving a little bit of background about the draft report provides a better context for a dialogue with you.

It is my truly distinct pleasure to introduce Stan Meiburg, who is the Deputy Regional Administrator for Region IV; Larry Starfield, who is the Deputy Regional Administrator for Region VI; and Dana Tulis, who is the Deputy Director for the Office of Emergency Management.

And as I had said earlier in this meeting, Region IV and Region VI are the two offices that were heavily embroiled in the response to Hurricanes Katrina and Rita, and the Office of Emergency Management is the point office in charge of coordinating emergency preparedness and response at EPA.

What they are going to do is to provide a little bit of background in terms of the roles of their office, and their experiences in terms of the work around Katrina and Rita. And then, offer some lessons learned, and use that as a basis for a dialogue with you regarding the environmental justice issues, related to these two events.

I think it is really important to start by offering

a personal perspective. I really know nothing on, knew nothing about emergency response before Katrina. And as I learn more and more about it, given my responsibilities for this workgroup, I think it is fair to say that, and I think you will hear this, that the work of EPA management and staff in responding to the hurricanes was really just incredible. And I say that with a lot of admiration for the kind of work that has been done.

And, certainly, it has been -- well, we heard as a result of the workgroup meetings, in terms of just the massive effort that Dana, and Stan, and Larry, and their staff devoted to meeting the response to the hurricanes is something that I think is truly commendable.

And they are beginning to look at that experience and develop lessons learned from that. So we are in a really good position to have this discussion, and I think that makes your recommendations, as far as the preparedness, and response, and prevention recommendations around environmental justice and natural disasters that much more meaningful.

So, with that, I just want to turn it over to -- the order in which they are going to speak is, Stan is going to speak first, followed by Larry, and then concluding the presentations will be Dana Tulis. So, Stan.

Remarks

Audio Associates
301/577-5882

by A. Stanley Meiburg

MR. MEIBURG: Charles, thank you very much. I just want to welcome everyone, but also to say how nice it is to see as many good friends and colleagues that I have worked with in many other forums around the Agency over the course of my career. And it is a pleasure and an honor to have an opportunity to speak here today.

What we thought we would do is I have a short presentation, and I will apologize to Mayor DuPree, and to Gloria, and to Jody, and to some of the others who may have seen something like this before when we went to meeting in Biloxi.

But I thought it would be useful, and my good colleague and friend, Mr. Fields, suggested it might be helpful just to do a quick overview of the overall response, just for context on the kind of things that EPA does in responding to natural disasters.

This, inevitably, is a little bit tilted toward the Mississippi response, but the elements in it, especially, some of the things that we are working on in the wake of Katrina, I think, speak to larger areas as well. And then Larry will speak some about specific situations there, and Dana will talk then to close out on the overall national perspective.

Is there a controller? Hot dog!

(Laughter)

MS. SUBRA: No, it is not a hot dog.

MR. MEIBURG: That is forward and that is back.

This is high-tech stuff, let's see if it works. All right, very good.

Again, this is mostly designed to help people be in sort of the same place and thinking about it.

(Slide)

Some basic facts about Katrina. Katrina, as all of you know, was the most destructive natural disaster in the history of the United States, which covers a lot of ground. That we are still responding to this disaster even 10 months after the hurricanes made landfall. So it has been something of unprecedented scope of the Agency.

And the sobering thing is that all of the experts are predicting a very active Atlantic hurricane season in 2006. So, certainly, in Region IV, where we have exposure of both along the Gulf Coast, and the Atlantic Coast, this is a very sobering reality.

(Slide)

I want to talk today about our role in disaster response, what happens when the disaster strikes. Some of the specifics about Katrina, for background, and what we are learning, which speaks specifically to some of the elements

that are touched on in the NEJAC draft recommendation.

The most important thing to realize going in is we do follow a National Response Plan, which is the plan set up for the entire Federal Government in responding to these kind of emergencies. It is divided up onto 15 separate emergency support functions. And EPA is the co-lead on only one of these 15, and that is with ESF-10, which is Oil and Hazardous Materials Response.

But we support a lot of other emergency support functions, especially, on Public Works and Engineering, which the Corp. of Engineers is the lead, where that is a big involvement for EPA. And we work closely in a Unified Command, and that is one of the first things we do is to set that up.

(Slide)

What happens actually when a disaster strikes for hurricanes is that FEMA will activate something called a Regional Response Coordination Center. In our case, it is near Atlanta. They ask when this is activated, we go down and send a staff person down to their desk with the other federal agencies, working on that response.

We prepare assessment teams, which deploy right after the storm to go in to begin doing our work. Mobilize and get contractors in place to do assessments, working with

the Coast Guard, and work with other state and local officials and other teams to see what needs to be done.

One thing I would note, and this is I know sounds like inside baseball, but one of the things that has been adopted is a common framework throughout the entire Federal Government, is something called the Incident Command System.

And the Incident Command System is an organizational structure for responding to emergencies. It consists of a command structure, as well as four main sub-areas: Finance, logistics, operations, and planning --which I can only remember because of the acronym, which is FLOP, not the best one, perhaps.

But that is, in fact, a structure that is common, and creates a common vocabulary not only within EPA, but also with other agencies. And within EPA, it is especially important because in this disaster, we had to call upon emergency responders from throughout the United States in EPA, and it is essential that those folks be able to communicate with each other and know the framework in which they are responding.

One of the lessons we learned after the World Trade Center was the need for inter-operability among our emergency responders, and we really worked hard to do that.

(Slide)

I will show you how this works just by this sort of time line about the response to Katrina. On the 23rd when Tropical Depression 12 formed over the Bahamas, on the 24th, it was upgraded to a Tropical Storm. And on that day, we began our pre-deployment planning.

Florida requested that, and Katrina did hit Florida. We haven't forgotten that. We began planning in advance, at the request to go help Florida with EOC. On the 26th, we actually staffed regional response, as I mentioned earlier, as well as the Florida Emergency Operations Center.

On the 27th, we staffed it in Alabama. On the 28th, we staffed it in Mississippi, and began liaison in Mobile with the Coast Guard Gulf Strike Force, which turned out to be very important for us. The hurricane made landfall the 29th.

We began our assessments of --- that very day, and deployed our assessments team the following day to Alabama and Mississippi. And began the assessments on the 31st. So, there was a very quick initial response in fulfilling and meeting our missions under the National Response Plan.

(Slide)

Now comes some pictures, and as all of you know who have been there, pictures do not do it justice. They really don't. And those of you who were at the Biloxi meeting and in New Orleans know this.

(Slide)

But for those of you who have not been there, the pictures don't do it justice, but this kind of gives you some sense. And you see the mailbox over there, was the same place as the mailbox in the earlier picture.

(Slide)

Again, you will see mostly Mississippi because this is a Region IV oriented presentation, but the scope and size of the devastation, again, was just unprecedented. You see debris everywhere, houses were completely swept away. Somewhat different from the situation in New Orleans, where many of the houses were still standing, as compared to here, where demolition was not an issue.

(Slide)

We do our work by getting mission assignments for FEMA. FEMA puts up the money and pays for most of our work, and it includes the items listed there. Not only threats from oil and hazardous substances, but we get a lot of work on water and wastewater, both providing technical assistance to communities to get the water and wastewater so it's back up and operating as fast as they could, collecting household hazardous waste, monitoring activities by contractors working for local governments, as well as for the Corp., on debris collection, disposing of spoiled food -- one of the more

interesting mission assignments.

We also worked with -- and this last item is important because it was one of the learnings from this thing, is the Corp. of Engineers normally has this responsibility, but they found that we had capabilities for water and wastewater infrastructure assessment, so communities could know what they would need to do to get back up and running permanently and they would be reimbursed for that via FEMA. And we assisted with that job as well.

(Slide)

This is just a picture of where the disaster areas were declared in Alabama, Louisiana, and Mississippi.

(Slide)

In Region IV, again, we had more than 250 miles of coast line where we did assessment response, over 4,000 square miles. And at the height of the response, we had more than 250 EPA and contractor personnel, along with the Coast Guard, in doing our assessment work.

Larry will be able to speak to this. This was the most massive response EPA, Region IV, has ever been involved in. It is still dwarfed by the scale of the response in Louisiana.

(Slide)

We established a unified command in Mobile. This

was a great help to us just from a logistics standpoint. That one of the hardest things is where do you actually set up shop when most of your infrastructure has been destroyed. And we were very fortunate that we were able to work with the Coast Guard and set up our Incident Command at the Coast Guard Strike Force headquarters in Mobile, Alabama, which is near the airport. And that was a great help to us, jointly with the state agencies.

(Slide)

This is just for sort of chart ---, this is how Incident Command actually works. And you see that the basic principle is that the whole Incident Command really is driving operations, that last section. And Incident Command allows you to divide up the work into manageable units and to expand that. And you can see, that is the structure we set up.

Not only for divisions which were geographic in nature, but also a special group dealing with above-ground storage tanks, one on community involvement. A collection point which managed where people brought in all the ESF-10 debris, a vessel branch, working with the Coast Guard. And the List Station Group to help get wastewater lift stations back up and running.

(Slide)

These are just pictures of the kinds of assessments

you do, all the way from ariel photography -- and on that chart on the upper left-hand corner, you see sort of the lighter area there on the left-hand side. That was, basically, where the debris line was. That you think when you see a tide at high tide, you always leave a little line of debris. Well, that was high tide in the response, a tremendous pile for 70 miles of just debris.

You had leaking chlorine containers, like the one there on the right. You see people there in Biloxi assessing damage, as well as a rail car that had been knocked on its side at one of the chemical facilities in the area.

(Slide)

We also worked on public water supply. You can see that this, as of September the 3rd, was the status of which drinking water systems either were operating, were operating with boil water notices, or were not operating, or we didn't have information. And we worked with the State of Mississippi Department of Health to get those systems back on-line as quickly as possible.

(Slide)

We also worked on, again, wastewater, I mentioned earlier. These are just some statistics. Again, in working with communities to get the sewer system back up and running. One of the most critical emergency issues. Because once you

have got water supplied, it didn't really do as much good as it could of if the sewers were plugged and overflowing.

(Slide)

This is sort of your more classic ESF-10 response. We would survey the affected areas, contractors would collect material and they would transport it to staging areas, all the way from all different sorts of tanks, containers -- and we would arrange there for staging an appropriate disposal.

The picture down there at the lower right, is a picture of one of our staging areas. You can see some of the tanks there.

(Slide)

This is just a quick example of what it means to restore ones tanks. You can see the contractors lining up so that this could be pulled out of the marshy area, without doing too much damage to the marsh. The tank there was collected, and staged, and taken to a staging area where it could be cut apart and recycled.

(Slide)

This is, again, another example of one of our collection points.

(Slide)

On debris management, it is important to recognize that debris management is one of the ESF-10 functions, and the

lead for debris management is the Corp. of Engineers, or local government contractors in cases where the local government decided to contract directly with their own folks, and get reimbursement from FEMA, and didn't go with the Corp. as their lead.

In Mississippi, again, we had a different situation. Hancock County, and Jackson County both went with the Corp. of Engineers. Harrison County decided on their own, to contract with their own debris removers and haulers. And there has been a lot of debate about that. And Harrison County felt they could get their debris removed more quickly.

Our work with the Mississippi DEQ was to support them, provide monitors on spot-checks on some of the disposal areas, and report our concerns to the regulatory authority; which, in this case, was Mississippi.

(Slide)

This just shows you what debris removal really means. You can see, people tried to clear the streets first, and you can see here where they cleared the streets. It was one of our landfill monitors observing.

(Slide)

This is a debris disposal site itself.

(Slide)

And you can see, they are unloading debris there and

getting it staged and put into appropriate piles.

(Slide)

I would like to finish up by just talking about some of the ways in which Katrina was different for us. And the main one is the obvious one, it is just the magnitude. This was a storm of tremendous scope to have covered, just in Region IV, just 70 miles along the coast was, again, beyond anything we had ever experienced before. And that includes Hurricane Andrew, or Hugo, or Floyd, or anything like that. It was just a new thing.

The duration of the response, how long it took, the number of people deployed, the degree of public attention, and focus, and coordination with other federal agencies were all sort of arenas in which this was beyond anything we had ever done before.

(Slide)

We also picked up responsibilities we had never had before. Larry will talk about search and rescue. EPA doesn't normally do search and rescues, and yet, that was one of the missions we were called upon to do.

The flood water and sediment evaluations, I know you are familiar with. Again, the scope of debris. Management and use of Incident Command System for us was a precedent setting activity.

(Slide)

We found that a number of things we thought went well, but the deployment was very quick. We regard this from EPA's standpoint -- and I know there has been immense criticism with the overall federal response -- but from the standpoint of EPA, most of the post-hurricane assessments had given EPA pretty high marks for the degree to which we could deploy quickly, and do the mission that was ours.

Unified Command, especially with the Coast Guard, was very important to us. We got favorable IG reports on our wastewater and drinking response, in both Regions IV and VI.

The systematic assessment and collection of the oil and hazardous spills material, and our work with state and local responders. And on that last point, and Gloria can back me up on this, one of the lessons learned of this is that you have got to have good relationships with your state and local people in advance. That if you wait for the hurricane to hit to try to develop those relationships, that is not a good strategy.

(Slide)

We are also learning about the importance of advance planning and clear roles. That one of the things that Region VI has done a very good job as the response is moved along, is to get the Corp. of Engineers to incorporate in its debris

removal of management contracts, some of the elements of debris separation that you would like to have seen earlier.

I mentioned the importance of state/federal relations, and of situational flexibility that no response is quite the same. And you have to be able to adapt to it. We had good support from our Office of Enforcement and Compliance Assurance here, to get no action assurances that both would make sure that we could expedite the removal of debris, but do so in a way that protected the environment and human health and safety.

And we are also learned about ways to improve our own internal coordination, especially, on logistics so that our people can be deployed. One of the lessons is that in the first three weeks of a response, you better be prepared to be on your own. FEMA is not going to help EPA in terms of basic, where do people stay, where do they sleep, where do they eat, that kind of thing. And Mayor DuPree can speak to that, I know.

(Slide)

The short-term versus long-term response, again, this is kind of internal stuff, but logistics remain terribly important. But there is one thing about deploying your on-scene coordinators in the first stages, which you kind of have to do. But if you are going to be in this for the long-haul,

you have got to make sure to manage so you don't burn out your own staff, and to draw upon a larger set of resources; both from other regions, as well as within our own region.

And to make sure that for all the different roles, executives, incident commanders, managers, that people end up stepping on each other and getting in the way; which, in a crisis, as you can imagine, always exacerbates these things. We think we did a good job, but can always do better.

(Slide)

We also learned about new expectations for environmental information. This was, again, something beyond what we have ever experienced in any previous hurricane thing. The demand on the part of the public to know, and to know quickly, and yet at the same time, to make sure that when you had information, that information was properly quality assured so you weren't giving out a piece of data today that you had to go back tomorrow and say, oops, I am sorry, we weren't right.

And that is a real tension in an age in which communication is almost instantaneous, and people want you to be able to answer immediately.

(Slide)

Debris management, I mentioned earlier about there are different issues on different types of debris that, for

example, on vegetative side, one of the things that you wish you could have figured out in advance would be to make better reuse of some of the vegetative debris. That the amount of vegetative debris that was knocked down in Hurricane Katrina in Mississippi is just staggering. Somebody yesterday said it was the equivalent of one years' annual board feed production for the entire United States in terms of the trees that were knocked down.

Now, some of that can be reused for power generation or combustion, but a lot of it is lying on the ground, and you would wish you could improve the rate of the percentage which that stuff could be reused.

Region VI did a terrific job in stepping up to handle missions with respect to white goods, and electronic waste, and we in Region IV would like to learn from that.

Housing demolitions have been a very difficult issue, and somewhat different on the two sides of the response. Mostly, depending on the ability of local government to decide what they and their citizens wanted to do, and to get appropriate rights of entry for people who decided that they needed their house to be demolished.

Finally, accepting private assistance. We had all kinds of requests for private assistance. And one of the things we would like to do better next time is a little better

coordination on how we could learn to accept those.

(Slide)

Just to close. This is sort of a nice metaphor --
"For the road ahead is challenging."

(Slide)

But at the same time, we are optimistic. And if you can't read it, the sign there -- it is in front of Beauvoir, which is a historic library along the Mississippi Gulf Coast -- it says, "Half-Time Score: Katrina 1, Beauvoir) -- But the game is not over yet."

And just in conclusion, this response is going to get more scrutiny, and we know this, than any response ever has before. Based on that, we want to take advice from everywhere we could get it, review and revise our own plans. Plan, practice, and be professionals.

And one of the big picture lessons is, don't say what you don't know. We occasionally come across as very cautious in this regard, but one of the lessons we think we learned from other responses is, if you don't know the answer, don't act like you do. And to work on communicate, communicate, communicate.

And thank you very much. I appreciate the chance to be here and would be glad to answer other questions. But, maybe the thing to do, Wilma, is to go ahead and -- Larry,

have you go ahead and make some remarks.

MR. STARFIELD: I think it would make more sense. I will kick off the discussion and let Dana do her presentation.

Remarks

by Dana Tulis

MS. TULIS: See how flexible we are, that we are constantly changing.

I am Dana Tulis, I am the Deputy Office Director for the Office of Emergency Management. And we operate out of headquarters out of the Washington, D.C. area. I work with Debbie Dietrich, she is my office director.

And what we are going to do is we are going to give you the national perspective. We work very closely with Region IV and VI. We think they did phenomenally well. But we always can improve the way we operate.

We have been involved in a number of incidents, the World Trade Center really being the first incident of national significance, where the response needed was just really overwhelming to the agency. And we have learned a lot since then, and we have devised this National Approach to Response, and we are continuously working to improve the way we respond.

And as you would expect, we have learned from the hurricane. The recommendations point out a lot of issues that we recognize we needed to improve as well, so along those

lines, a lot of the recommendations, we are working to implement.

Just a warning, and Wilma made reference to this. Some of the recommendations are outside our purview, and while we can give advice to other agencies, there is just so much impact that we can have. But I am going to go into a little bit of these ESFs that Stan mentioned, just to give people a little bit of the perspective on that.

(Slide)

The National Response Plan, as Stan mentioned, is what we all implement to respond to these nationally significant incidents. That is lead by DHS, although, all the agencies have had a very active role in participating and revising this.

There has, actually, been some recent changes as a result of the hurricane that we participated in as well. Not major changes, because we all believed, as all the federal agencies participating, you can't keep changing the plan, you have to start to implement it, and learn as you go along. And if you keep changing this overall plan, then it is going to be very complicated to be able to respond. So just little changes so that we could all work better together.

(Slide)

What EPA has done is this National Approach to

Response, I mentioned, is something that we put into implementation a couple of years after working on the World Trade Center, realizing that EPA needed its own strategy to implement the National Response Plan. It is very tailored to EPA, and it is a coordination mechanism for working with all of our regions on response.

The concept is that you have to have consistency in the way they respond in all 10 regions, and we do that on a day-to-day basis for all of our responses, all of the removals of emergency response. And then when we have these big incidents, it is not that difficult.

It is always challenging when you have these huge incidents, but if we use existing information, technology systems, if we use existing equipment that we are familiar with, if we use communication systems we are familiar with, it is a lot easier.

(Slide)

Now, I actually had really nice graphics, but Stan took them all. So, I got nothing left. It isn't all hazards plants or chemical, biological, radiological, intentional, accidental -- that is the National Response Plan that I mentioned that DHS -- that we all work under DHS. And it is how we respond.

EPA, as Stan said, is the coordinator and the

primary agency on only one of the emergency support functions of the 15; along with the Coast Guard. And that is ESF-10, which is Oil and Hazardous Materials.

We respond in-land, the Coast Guard responds along the coastal areas, as you would expect. However, we do support numerous other emergency support functions.

(Slide)

It is always interesting how the colors are different on this screen. Essentially, what we are trying to point out here is, that horrible green color, which was yellow on my slide, it says, "ESF Hazardous Materials," that is the only one that we are responsible for. The purple are the ones that we support. And we do have support in a number of areas of which you had recommendations; but, again, we are not the lead and we are not the coordinator.

(Slide)

As Stan said, and I am sure Larry will supplement, I think for the people who are pretty familiar with the Oil and Hazardous Materials ESF-10, so we have done extensive work in sampling, detection, containing, and cleaning up oil and hazardous materials, drum removal, separation of household hazardous waste collection, permitting and monitoring of debris, water quality monitoring, air quality monitoring, protection of natural resources. We have monitored everything

we could possibly think of, especially, during this particular response.

(Slide)

Okay, here are some of the support functions. Public works and engineering. Again, Stan mentioned that one. That is coordinated and lead by actually DOD and the Army Corp. As you can see, there is suitability of drinking water sources in there, and that is where we would come in, because we want to make sure that our facilities are in good shape, and operating correctly. So that is definitely an Office of Water function.

And we also work on monitoring to make sure the debris is handled efficiently and effectively. That is our role for that one.

For firefighting, we do have a role, because we provide technical assistance. We will know a chemical plant and what it is emitting, and what we are regulating there so we can help with that. Again, we want to make sure that if we are using water to put out a fire, it is not contaminated. So we would have a role in that.

Again, we are not a coordinating agency, or primary agency, but we do support the effort. Emergency management, again, that is the overall joint filled office. That is where all the agencies come together for a response. Again, of

course, we have a role there, but DHS, again, is the lead, primary, and coordinating agency.

(Slide)

Public health and medical. Again, this would be Health and Human Services, CDC, ATSDR, the folks that we commonly work with. These are the folks that we work very closely with to make the health-based recommendations on the flood water. Because even though it is environmental data, we are making health calls.

So we needed to work very closely with CDC, and they are the lead on this particular ESF. Also mold is not our area, although, we do provide assistance and guidance. Again, that is a lead of CDC and ATSDR under HHS.

Agriculture and natural resources. Again, USDA is the lead on this, but we have supporting role. Obviously, from an environmental perspective, we are going to be monitoring out there, we are going to make sure crops aren't contaminated. We may have a role in DECON as well.

Again, energy, our role there was more limited to some of the fuel waivers, because of shortages in the area at the time. They were all limited and controlled by time frame, and renewed on a very short time frame to make sure nothing was happening what it should, protecting the environment. But again, DOE has the lead on that.

(Slide)

Public safety, DOJ has the lead. Department of Justice. But, again, we have a role from a forensic perspective. We do have environmental analyses that we can do, we do have our National Enforcement Investigation Center, which is part of OECA, the Office of Enforcement and Compliance Assistance.

Long-term community recovery. Some of our wastewater efforts were under that, and we are still involved with some of that as well. As I think you all know, Smart Growth Programs, some of those. Again, DHS and FEMA are the lead and primary agencies on that.

And, finally, external affairs, communicating externally with the public. We all do that, obviously, but DHS does have a central coordinating role.

(Slide)

So I am going to come back now to EPA's process. But I did want to give the people a feel for what all those ESFs are. The purpose, of course, of our National Approach to Response is to prove our capability to be able to respond. We issued a policy to the entire agency, June of 2003. We are now updating that, realizing, again, that we have input from the hurricane response we just went through, and we want to make sure to incorporate all the appropriate folks on that.

We learned that we have reliance on a lot more people throughout the entire EPA than we realized we would need. So, we need to extend out for support throughout the whole agency.

We did define roles and responsibilities between headquarters and regions. We need to continue to do that. Implementation of the incident command structure, which is the structure that Stan mentioned. I am going to repeat that FLOP chart for you as well, so we all remember, finance, logistics, operations, and planning. And to also have a volunteer Response Corp.

We had many, many people volunteer throughout the agency to help in this effort, but we also need to make sure they are trained appropriately and that we put them in the appropriate roles.

(Slide)

This just -- I don't want to spend a lot of time on this, but just to give you an idea of the different levels of control throughout the agency, we have this ICS structure, this Incident Command Structure. But, to be able to make that work, every agency has to put their management level over it. And we have to modify it to meet our unique needs.

So, we have these different levels of coordination throughout EPA. On the national level we have what we were

calling the Policy Coordinating Committee. That is our Administrator and Deputy Administrator would chair that, and we would meet twice a day, every day, 8:30 and 5:00, where we would talk about the response.

Then we had the National Incident Coordination Team, and that is what we called the NICD, and that is, again, at the headquarters level operated out of my office, where we would coordinate with all the other program offices throughout the agency to make sure that we were all in sync on all the response we were doing. Whether it was a Water Office, our Air Office, OECA, very important to be keeping that constant communication going, and make sure we are all working together.

We also staff an Emergency Operation Center. The regions had their own Emergency Operation Center, we provide support at the headquarters level, and also do a lot of the interfacing with the other federal agencies, particularly, with FEMA and the various entities they have set up.

At the regional level, very parallel structures. The RICTs, again, they are doing the same thing. They are coordinating with all their sister program offices, and they are operating out of their Regional Emergency Operations Center. That is the hub of the activity for coordinating the responses.

And then we had the tactical operations, which were overlaying, which it was that whole Incident Command Structure and working with our on-scene coordinators. So, lots of management layers, but also lots of communication going on there to make sure we are all consistently working with each other.

(Slide)

Here is another little picture of the incident command system. The concept here with the unified command is that you have all the entities that are involved at the federal, state, and local level, working out of one central area. And that way, you can make sure that we, again, were having consistency in the types of decisions that we are making.

The public information officer, that is the PO, coordinates information to the general public for the JIC, the Joint Information Center. This is just a few of the acronyms. We could really have fun here, but we are just focusing on the major ones. And then, again, you see that FLOP, the finance, logistics, planning, and operations.

Now, another EPA tweak to this Incident Command System that U.S. Coast Guard has done as well is, under that plan exception, we have the environmental units. And that is where we do a lot of the work on analyzing the sampling

analysis and debris management. So that is where some of that technical work is coming under.

(Slide)

I am going to go through these next very quickly, because I basically, to summarize this, we do operate under the Incident Command System. You have several responses, you have an area command, regional response centers, is basically, those REOCs that we talked about, the Regional Emergency Operations Center. And we went through that already.

(Slide)

Okay, the National Approach to Response. Again, that is EPA's way of implementing the National Response Plan. We have breakout workgroups where we coordinate responses throughout the agency, try to set up nationally consistent policies in working with all the regions on response.

We had 10 before the hurricane, we now have 14. So every time we think we are done with something, we get a new one. But it just shows you how we constantly need to be thinking about areas that we need to address.

Now, when we talk administrative, we are talking things like payroll, and food, and how do we get the proper supplies out to folks. You know, things that really do matter, the folks in the field. Contracts, making sure we have the proper support that we need. Sometimes we have to

let new contracts because we don't have enough of our existing capacity for our day-to-day work. And then to make sure we do local hiring in those cases.

Decontamination strategy. It is a new group we have created in the Office of Emergency Management. It is really geared towards the chemical, and biological, and radiological agents, and the indoor work, that is a new mission for us. That started, basically, with Anthrax and World Trade Center.

(Slide)

Environmental lab capacity. I am going to go into a little bit more details, so I am going to skip that for now.

Equipment, making sure all our responders have consistent equipment so that when they go to different regions they know how to operate them.

Health and safety. Protecting our own employees. This is very different from what OSHA does and working on everyone that is coming to a response, but we have to deal personally -- as Stan said, you are on your own. You have got to make sure your own folks have the proper PPE and the proper protections.

Human capital strategy. Again, focusing very much on those individual folks that are responding and what their needs are.

Implement the incident command system. Establishing

IT structures for managing data. I am going to go into a little more detail on that.

National telecommunications plans. The whole concept of redundancy. Can't just have cell phones any more. Or e-mail. We found that we had a very hard time communicating with people in the field. Now we are looking at satellite phones, high-frequency radios.

Public information, risk communication. Another workgroup that we have created, very much endorsing your recommendation on that. I am going to go into more detail on that.

The radiation response, a little different when you are dealing with radiation, so we needed a separate group on that. Just very technically different.

Response Support Corp. I mentioned that a little bit, getting those volunteers throughout the agency unified and then training them appropriately. And then training and exercises. Training, training, training.

The more we do, the better we are, the more through exercises we learn of mistakes and issues that we should have addressed differently, and then we can continuously improve. Unfortunately, we will never be done, because we can always continuously improve.

Environmental lab. I am not going to spend a lot of

time on this. The focus on this really is on chemical, biological, and radiological agent capability. Thinking about things like Anthrax, or Ricin, or those type of Sarin, Mustard Gas, those type of attacks that we might have. The agency does not have environmental analytical capability for those type of agents. It is very controlled, particularly, the chemical warfare agents by our Department of Defense.

So we are working very closely with other federal agencies, as well as DHS. There is a group called the Integrative Consortium of Lab Networks, and that is all the 10 agencies that have some sort of network, or have an interest to be able to build that capacity.

The point of this is there is a gap and we are working to fill it. We are working closely with DHS and establishing both mobile and fixed lab capability.

(Slide)

Health and safety again. The focus really is to protect our own folks. When we are talking radiation, again, there are some unique needs. We have developed some standards for that, and we are working right now with OSHA to have their endorsement of those.

(Slide)

Emergency management architecture. Right now, we are working on what we call an Enterprise Architecture System,

where we have a portal on the web and that, basically, takes people into all sorts of different tracking systems for what is going on at the site.

It is under development. What we did for Katrina is we put together a series of existing systems. One thing I do like to say is that I think one of the things that we were able to accomplish between World Trade Center and Katrina is, the World Trade Center took us six weeks to get the data up on the web and establish a database. For this response, we had a database up on the web in 10 days. We had the first piece of data on the web in six days. Okay.

I think that is just one example of the many, many examples of why our own Office of Inspector General actually gave us high marks for the response to the hurricane. During the World Trade Center, they did not do that at all. High marks also from GAO.

I think between all the work that has been done with all the 10 regions, by the way, we have Region IV and VI here, and my self, but we have had responders from across the entire agency help with this effort.

And I think that, looking at past and looking at the continuously improve and working closely with the regions has enabled us to do things like that. We know we can continuously improve, but we have made significant progress.

(Slide)

I don't know if folks remember this, I am sure you do, the data was -- well, we had these different data systems that we reviewed, and then they were actually put onto EnviroMapper onto the web. You know the EnviroMapper sometimes is hard to negotiate, but it is what the agency has and it is what we were able to put up very quickly so people could look and see lab --- of the sampling results.

The EJ geographic assessment tool is also an EnviroMapper tool, so it is a very nice match. So we can easily use it to make sure that we are treating all communities uniformly. We can overlay the data very easily.

(Slide)

This is one of our favorites. Public information and risk communication. We know that we are a scientific agency, and we are very good talking scientifically to folks. We know we need to improve on talking to folks that don't have that type of technical background.

We realize that we need improvement on this, we have a workgroup internally right now with our Office of Public Affairs and OSWER, which is kind of our mother office, on leading this effort.

We know there is things now, in retrospect, how we are all so smart that we could have said something about the

flood water being dangerous to folks because of the wastewater, in particular. Probably, on day one, before we actually had the data back. Okay, we knew there was fecal chloroform, and then you could see things floating in the flood water. Now we are putting together messages that we could put out right away before we get the data back.

We know we are going to always have to explain what is the EPA risk range, and what does that mean. What does 10 to the minus 4, and 10 to the minus 6 mean. Well, you know a response is very hard to start to think this through when you are constantly getting data up, you are working 24 hour shifts. We are putting together language right now that clearly explains the difference between a risk range and the clean-up level.

There are things that we can do in advance to be able to more easily and better communicate with the public. And we recognize that recommendation and we are going forth on implementing.

(Slide)

The Response Support Corp., again, there was folks much more extensive than we thought we would need from throughout the entire agency for the response from our folks in enforcement and compliance, through administrative, through finance. And we realized we have people that are very well

trained for certain responsibilities, and that we need to continue to keep these people trained and we need to continue to work with them on the ICS structure.

We need to continue this to be a very, very active effort. We can't just have this volunteer corp. out there and then call on them when we need them. So we realized we need to really focus on the types of people we need, and on constantly training them.

(Slide)

And, finally, telecommunications. I think many of us were probably frustrated during the hurricane, when our infrastructures were down. You can't get emails out, the cell phone weren't working, and that is why we were able to actually place a satellite phone in one of our locations. Which, right now, we are testing high-frequency radios.

We are looking at a lot of redundant duplicative tools. Because in this area, redundancy is good. And that you really need to figure out every mode of communication to make sure that we are particularly able to respond with people in the field.

And then also, there is a public aspect to this as well. Of getting the information out to others as well.

We are working on standard equipment inventory, so that all of our responders are using the same equipment. So,

again, folks can talk with each other in whatever the venue is. But again, again, we are not the lead on this, but we are the lead for our own agency to make sure that we can operate, and we are coordinating with FEMA on their overall efforts as well.

So that gives you, basically, an overview of the work that we are doing, how we are already working on some of the recommendations, I think. We recognize the things that you say are going to be issues, but that also some of the issues are outside our purview. Thank you.

Remarks

by Lawrence Starfield

MR. STARFIELD: Okay, I am Larry Starfield. I am very happy to be here and see a lot of old friends. I am not going to do a slide presentation. I am sure everyone is disappointed about that, but I think you have got enough background. And, unfortunately, I do have some time constraints. But I have got 55 minutes, and I had hoped we could have some time for discussion.

So, what I wanted to do was sort of get into some of the issues that I think are most important to communities, and tee-up what I hope will be a discussion.

Before I do that, I do have to preface it by repeating what has been said, which is that I think my view is

that we did a tremendously successful job here. And so the fact that there are things that we can do even better needs to be considered in that context. We had a very difficult situation in Louisiana.

We had folks, because of the evacuation from New Orleans to Baton Rouge, we had no place to house our people. And we had 50 to 100 people sleeping in conference rooms at LDEQ, Louisiana DEQ. Which was great, the partnership with the state is terrific, and they walked five blocks to the YMCA to take a shower in the morning, and they worked 12-hour days without complaining. But it was very difficult. We had about 1,500 people from the regional offices that worked on Katrina. And it was just a massive effort.

People being away from their families for months at a time because they believed in the mission and were trying to help communities. And I think it is important to remember that.

Stan's presentation went through a lot of the things we did. Probably the thing that touched people the most was the search and rescue. We were brought into search and rescue because we could do it. FEMA needed 80 boats and they said, who could get us 80 boats?

And we had never done that before, but we said we can do it, and so we did. And we ended up rescuing well over

800 people. And the individuals who did that will remember that for the rest of their lives. That was incredibly impacting.

We have assessed a thousand school labs to try to help them. We have done 130 removals of school labs. Hundreds of samples of flood water, thousands of samples of air. We removed drums, we picked-up 19.5 million pounds of hazardous waste in Louisiana.

We have landfill observers, even today, twice a week visiting the various landfills in the New Orleans area. We are doing curbside monitoring to make sure the waste is segregated properly before going to disposals. So there is a lot of good stuff we are doing, and that we have done over the last nine months, and I have to applaud. It wasn't me, it was the staff who went down there, and have given a significant portion of their lives and time with their family to do that. So, I do want to say that.

I think one of the most important things to communities is information. And we can never beat CNN. I mean, they are just so fast, they are out there all the time. And you see it on the news and so you say, well, okay, so EPA tells us, what do you think about this? We can't react that fast. Dana told you, we turned stuff around in six days, which if you are a bureaucrat, is miraculous. If you are a

member of the public, it is incredibly slow.

But for us, it takes time to take samples. We had no communication, if you remember, between New Orleans and Baton Rouge. There were no cell phones, there was no way to even find out what was happening in the field until the end of the day when they made their way back up to Baton Rouge, where our command center was.

So we had time to take the sample, then it was time to analyze the sample, and then we had a pretty rigorous verification process. Because as Stan said, you don't want to be wrong about this kind of stuff. You don't want people making important decisions based on faulty data. So we did it in six days, and I think that was a pretty amazing thing to do.

We established the website, as Dana mentioned. I think LDEQ has done a neat thing, which is you go on LDEQ's website, you click your zip code, and you can see all the sampling that has been done in your zip code. And you can pretty much -- it gives a member of the public some opportunity to see how they fare.

Obviously, computers are of limited access to all groups, but we had a real challenge. People weren't even there. I mean, it was very hard for us to interact with communities in Louisiana because they had disbursed around the

country. So that was a real challenge for us.

One of the things we tried to do to help make communication with the public more effective was to get the various agencies together before we made statements to bring in the health agencies, the Center for Disease Control, the state DEQ, the Health Department, the Corp., the Coast Guard, and come out with a consistent, this is what the governmental agencies, the city, the state, feds, think is the status. And, hopefully, that made it a little more coherent; although, again, you sacrifice speed for collaboration.

On the distribution side, we have given out over three million flyers. One of the things that was mentioned that we were going to try to do better is make sure those flyers really hit the mark. That we are speaking in a way that is easily understood when we are talking about some fairly complex issues. So, we are working on that, but we sure tried awfully hard.

We worked through churches to get information to people, we worked through local groups, environmental groups, community groups, the local officials. We gave information to FEMA, which was supposed to go to the evacuees. It is very hard to know how successful how that was.

We had a "1-800" number established to reach people. We were on the radio, every morning we were available to be on

the TV shows. But very hard challenge to reach people.

Our environmental justice group in Region VI, we dispatched a liaison person from EPA who we had a rotation. People were down there for three to four weeks at a time to liaison with the community. And they tried to set up meetings, they tried to find out which communities were having more difficulty. We set up an inter-agency task force, which I think was quite successful.

I think one of the things it did was raise the consciousness of the other federal agencies. I think EPA is pretty -- we know what environmental justice is, we have been here before. We understand the concept, but other federal agencies don't deal with it as often as we do, so I think the Inter-Agency Task Force was helpful in raising the visibility of the issue, identifying some gaps.

We created a good network and got some things done that were helpful. We sent 40 to 50 at a time community involvement coordinators, mainly from other regions, and from our region, to distribute the flyers, to make contact with neighborhood associations, relief organizations.

We now have what is called the CIC, the Community Involvement Coordinator Net, CIC Net. We have got 620 organizations in the New Orleans area that are supposed to be receiving regular information from us through that network.

You know, when we talk about being prepared in every community around the country, it is going to be hard to duplicate that kind of effort in advance everywhere, because you never know what we are going to have to face. But I think our folks did a great job there.

Grants, headquarters, and Barry's office, we were able to get \$150,000.00 for our communities, \$150,000.00 for communities in Region IV for grants. And those should be coming out fairly soon. I think we have got some decisions in the works for community grants that should be helpful.

We worked on ESF-14, which is the long-term recovery thing. We had folks come in again from different parts of the agency to sit down with the parishes on the long-term recovery plans, how do you do that.

Local hires. We hired over 600 people, working with our contractors on clean up. We put together a couple of job training programs. The City of Shreveport, we had a big one. Trained evacuees so they could work on the response and help clean up their community, and be employed, obviously.

Facilitation was another role that we are always anxious to play. One of the difficult things in terms of jurisdiction, we don't have jurisdiction over everything, but we are interested in everything.

And if we can get invited in, we are happy to

facilitate, and we are working -- I think you heard from the Vietnamese community last night, perhaps, about issues they have with the Chef Menteur landfill. We have been asked to facilitate a solution between the state and the community, and we are very happy to do that, but it is hard for us to push our way in if we are not invited. But LDEQ has invited us in.

So, those are some of the things we have done. I just want to take a couple of minutes to talk, and I must ask for some protection. These are not things I am necessary vetted with everyone at EPA, so these may be my personal thoughts that may not be embraced unilaterally. But, I think, most of them will be, and Barry is far enough away he can throw something at me if I say something. But I don't think it is too far off from where the agency is headed.

Dana mentioned getting out in advance with some fact sheets. We have learned a lot, we can put things into better, non-technical language. Although, I want to come back to that in a second.

We already, in this response, had our fact sheets in English, Vietnamese, Spanish, and Cambodian, I believe. So we are making an effort but, again, when you are talking about preparing for a response anywhere in the country, the concept is difficult how you know what type of fact sheet is going to be needed.

I mean, we thought the levies could go before and the storm never hit. So, I am sure every city has got a scenario that they need to worry about. But it is difficult to do that in advance, but I think we are going to try to do as much as we can. We certainly can have some generic warnings on drinking water, and air quality, and mold, and other things.

I wanted to say a word about rapid response. I know you all talked about this, and I am sure there are differences of opinion. But it is my personal feeling that we need, and we needed, some place to go for quick feedback from a group like this. And I don't know what the status of the SAB is, the Science Advisory Board, if they are a FACA -- I don't know if they are a FACA, are they?

We had a number of situations. New Orleans was changing very quickly. We had a flood water problem, we needed to sample flood water. Well, we needed a peer review of that. We needed the Science Advisory Board to do that. As the flood waters started to subside, we had sediment. We needed a sampling plan, we needed SAB review of that. Air. It went on and on.

So, we called on the SAB and we said, we need you to review this plan, but not in the normal FACA way, where you would put in The Federal Register and two weeks later you

would have a meeting, and two weeks later you would get together, and two weeks later you give us recommendations.

We need it now. We need to be able to talk to somebody now, and have you review it in 48 hours. Because we are under tremendous pressure to get people some relief and to find out what is going on.

And they were able to do it. I think what they did is a -- they had like a subcommittee of their group review it over the weekend, long hours into the night, and had a little consensus forming call. But I think the need is equally great in this area.

I would love to have been able to say to you, how do we reach the community here? They are all over the country. We can't even find the people, there are no people in New Orleans. So, how do I reach them, number one.

Number two, look at what I want to put out. Look at this fact sheet, what do you think about it? Is it culturally appropriate? Whether we got the right languages, how many languages do we need to -- is it too technical? Are people going to understand this, is it going to be useful to them, or is this just going to be a piece of paper that they are going to get rid of?

How do we build up trust with the community? Are there issues there that we need to deal with, that we need to

know about what is going on between the city, and the community, and the state? How do we help?

I really think it would have been helpful, and will be helpful next time, to have. And maybe it is a sub-group, I don't know what the rules are in this area. I know what we did in the EJ Inter-Agency Task Force is we, basically, had to ask for individual opinions. Just tell me what you think, don't talk to anybody else, we don't want a consensus opinion because then we violated FACA. But just give us some thoughts.

And it would have been better if we could have had a Rapid Response Task Force, at least in my view. The agency hasn't decided that yet, but that is my view. I don't think the agency has decided that yet. That is one of those that is just my view.

The GIS recommendation, I think, is a good one. I think we are moving in that direction. I think it is tricky though, and I don't know what your thoughts are on how exactly we have a robust enough GIS system to get into some of the more subtle issues. I don't know if GIS can pick up all of the things like language issues. Is that something we can pick up? Where the elderly are, I don't know if GIS can actually pick something up to that degree.

I think you really have to -- GIS is a good start,

but I think there is no substitute for having people on the ground, following up with the communities, talking to Father Vien, or someone else about what exactly does your community need. So, I think it is a good tool, but I don't think it is a panacea.

Another forward looking thing is developing the capacity of populations to coalesce and respond. And to this, I think this group provided the answer two years ago, when you all did the Collaborative Problem-Solving Cumulative Risk Project. I think that is a tremendous project.

Shirley Augurson is here, and it is her mission -- and she is happy to accept it -- to make this work. We want to see that project come alive in at least three of our states, Texas, Louisiana, and New Mexico.

We have NEJAC members in each of those --

MS. TUCKER: Stan, you heard that, right?

MR. STARFIELD: Yes, I am sure Stan is going to be doing it at --

MR. MEIBURG: That is why you had the big ---.

MR. STARFIELD: But, to me, you bring the community together, you get an academic partner to help put it together, you identify the stressors, and then you start to understand. That would provide a beautiful blueprint if catastrophe struck to have that in place. To know what the problems are for that

particular community and, hopefully, you knock off some of the vulnerabilities, which is really the point of the whole project.

So, I am a tremendous fan of it, I have been unable to get it done yet. But Shirley tells me she is going to get that done. So that will be done, we will get you Shirley's phone number, and we can all follow-up.

(Laughter)

MR. STARFIELD: Another idea that headquarters -- the agency hasn't made a final decision on, but that we are talking about is -- there were a lot of charts up there. One of the charts is the Incident Command System. I don't think you saw the letters "EJ" on that flow-chart. EJ is not part of our textbook Incident Command System.

We sort of added it on. You know, we sort of stuck it into the side, and I think it worked pretty well. I went through some of the things that I thought were success, but it wasn't part of the flow-chart. And I think it ought to be.

It is important that every morning at 7:00 when our team gets together to hear what the plan is for the day, that if somebody says, I am going out there to sample, or I am going out there to check the landfill, that somebody who is in tune with the communities, has talked to the communities and says, do you know, while you are going out there, I have

talked to that community.

They have a specific concern here, you ought to touch base with so-and-so while you are out there. And bring EJ into the thinking of everybody in the Incident Command, not just our little EJ person who is down there for a month.

And we did get some of that going, but I think if we can make it institutionalized, it would be even better. And we are working on that with Barry and his folks, and with OSWER, and Dana, and everybody. And I am hoping that is going to come out.

And then the last thing I would just throw off as an idea is worker protection. Dana mentioned it. A big concern for us is our own people, obviously. We are going to send them out there to take samples, to rescue people, to do other things, to work with debris. They have got it where they have got to be protected. That is really important.

One of the things that we also found in this response is a tremendous number of volunteers came down to New Orleans. Are continuing to come down to New Orleans. And are they protected, the workers, the contractors that come down. We have encountered a number of folks who are Spanish-speaking workers who are not aware of some of the protections that they should have. So we need to do a better job, and we really need to get OSHA working with us in a big way. And I think we

are going to make an effort to make that connection tighter so that OSHA can sort of step in to play an even bigger role there.

So those are a few ideas. I think you have a lot of good recommendations, and I applaud you for that. As I said at the beginning, I think we did a really -- our people did a really good job, but it has been a learning experience. I don't think, even though people have been predicting for years if the hurricane ever hits New Orleans, I don't think anybody was really ready for exactly how it played out. So we are definitely interested in hearing your suggestions, and I hope we can have some back and forth about it. Thanks.

MR. MOORE: Well, what we wanted to do, Wilma, if we could, and we know that some of you have to leave a little bit early -- we wanted to kind of open it up for some discussion. Before, we would like to thank you. Start by thanking you for your comments and your presentations. And would like to open it up for discussion amongst the Council members, if that is agreeable, Wilma, with the process.

MS. SUBRA: First of all, thank you for the great presentation. We from the south have been accused of being too polite. We say please and we say thank you too much. And I think the job that EPA did, and all the other agencies did, is really important, and was really great. But all of us were

being pushed against the wall, and it was at a time when we couldn't look and say, thank you for doing that. All we could tell you is, we desperately need this to move forward to the next second.

So, because people didn't say thank you enough, and because people didn't say great job, because we were in such need. And Mayor DuPree will tell you, all the people on the workgroup will tell you, we were really pushed and we were looking to anybody who could help us. So, don't take offense that the issue is that you didn't do a great job, because you all did a fabulous job. And the people who were working were always more than willing to help out. But it was just no one was in the thank you mode, everybody was in the we desperately need mode.

Open Discussion

So, having said that, Sue, you are up.

MS. BRIGGUM: Thank you. And as one of the companies that were kind of the service provider when waste is generated by others, we have to pick it up, and really appreciate what you did for communication.

In the discussions yesterday, one thing that I think we all agreed with that the community near Chef Menteur mentioned was we really could use ahead of time some understandable explanation of who does what. I think because

of the National Response Plan gives this coordination for a national incident that suggests, perhaps, that maybe EPA, for example, is now going to come up with an EPA federal debris standard, as opposed to the way in which you deal with the states. That is, I think, not well understood.

It is not well understood in terms of the way the statutes are set up, where sometimes you have 404 Permits, or state programs where things like the emergencies that this clearly was, there are already established emergency procedures. Where, for example, at our site we could operate before we had the final permit. We had to comply with all of the standards and, in fact, we have to get that permit in order to continue to operate. And I don't think that that is understood as a consequence. That people aren't fully informed as would be helpful in terms of what the procedures are. So that would be really helpful.

And as one of the companies that has done this all over the place, and we talked within the NEJAC, it would also be helpful to know what is it that your contractors who provide these services should do to work with local, state, federal government in terms of public outreach?

I can tell from what you are saying, you have some excellent procedures that you have been learning as you have to respond very quickly. It would be helpful if you would

share that wisdom with us. You know, we really want to follow the rules, and the better the rules are, it would be most helpful to us.

MS. TULIS: To me, it sounds like a lot of what you are focusing on is the whole communication, and making sure that as -- what I was thinking, so let me know if I am along the lines that you are asking -- is that as we are working on the public communication aspect here, these are things that people need to know in advance, and that may help the communication later on.

EPA is not going to come over with an overall EPA debris policy. We work with the states, they have policies and procedures set up, and that is the way the process works. That type of thing?

MS. BRIGGUM: Yes. I think understanding that existing system. Because sometimes the intersection between the National Response Plan, and the actual statutory authority to do things isn't well appreciated.

MS. TULIS: Right. Right.

MS. BRIGGUM: Even those of us who do it sometimes, you wonder is EPA going to come in and change the standards. And if you could just understand exactly who you should be looking to, and if you have input who you should call, that is something you could prepare for ahead of time, and then refine

as you got into an incident.

MS. TULIS: Okay.

MR. MEIBURG: Yes, Sue, I think that is right. I think Larry and I both in Louisiana and Mississippi sort of observed where there was a lot of potential for communication. It was essential for us to work very closely, especially, with the Mississippi DEQ -- which was terrific, by the way, in handling the kind of things they did in separating out the who did what. And, particularly, the hazardous materials versus the regular non-hazardous stuff. Or vegetative --- or see a need to read where it could go, and this sort of thing.

And we did rely very heavily on Mississippi DEQ and structured our actions, as did Larry, in support of the work they were trying to do to make sure the right waste went to the right place.

MS. SUBRA: Thank you. And thank you, Larry, for the items you teed up. I think those are the ones that really need to be focused on, to help not only in this long-term response and recovery, but preparedness for the next time.

So, I know I will be glad to work with you on those issues. And those are the issues that I have been up against, being in the field right after it happened. So, thank you. And then we will have to see if the Council is going to take that under advisement. Okay, Connie, you are up.

MS. TUCKER: We applaud you, and allow me to show the regional bias. Stan, you sure are sharp.

(Laughter)

MR. MEIBURG: I should leave now.

MS. TUCKER: You know, it may have been a challenge for you in the field, but for those of us who were helpless, and all we could do was sit back and watch this play out on TV, it was a lot, I think, more frustrating.

And immediately, when we saw the flood waters, the first thing CNN said -- and I think it should have been EPA -- said, there is lead in the water. Well, anybody that knows the area should have known that probably there was lead, but there was a lot more in that water than lead.

And although I know you covered the so many complexities to an emergency response, I just didn't really have any idea how complex and how much it was. But it seems that elementary in the process was understanding that there had been human beings who were exposed to toxic materials in the flood waters.

And my first response would have been a bullhorn to say, let's try to protect children, and women of childbearing years from those flood waters, if possible. And where that did not occur, once EPA determined the toxicity of the flood waters, it seems to me the health authorities, the CDC, and

ATSDR, should have at least established a database of all of the people who might have been exposed to those waters, so some follow-up testing could be done, if nothing but targeting children and childbearing years.

And I was just wondering if anything ever happened with that? Because those people who were, if they were exposed, there are going to be some long-term health affects, and probably some social affects as well.

MS. TULIS: That is a determination that would be by all Health and Human Services. It was a short duration of time that people, if they were wading through the waters, or whatever. And we did work with them on that. They had said that there was no increase -- you know, they have various monitoring systems, and I don't want to get into this too much, because it is way outside of EPA's purview.

MS. TUCKER: No, but what I am asking is, did EPA notify the appropriate health authorities that, in fact, the flood waters were contaminated, and could pose a health problem? And should be assessed.

MR. STARFIELD: That absolutely did happen. And there were discussions going on, it just took longer. And I think Dana said it, we probably should, in hindsight, just because we knew it had to be contaminated, to have issued earlier warnings. But we certainly did once we got the data.

But it took us six days -- seven days.

MS. TULIS: Actually, if I recall right, we had a press release before we actually -- this is the first time we had ever done this before we validated the data. When we realized, we did a preliminary press release.

And I can't remember the exact day, I would have to go back. But as soon as the data results came in and we saw those high fecal -- and, particularly, the high fecal chloroform, that was what was concerning us more than anything, frankly -- that is when we had a press release.

And that was, actually, a joint one that we did with CDC, Julie Gerberding, and Steve Johnson did a broadcast. And I know it made national news. Right out of our Headquarters Emergency Operations Center. And that was actually -- for me, who is very into QA and data validation -- was the very first time that we had ever done something like that, because we realized what was going on. We instantly released it through that venue.

Now, again, as I said, and as Larry said, in retrospect, we probably could have done something on day one or two because we could see there was wastewater problems going on with the flood water. But we waited until we got the data, because that is generally how we try to operate. We were in close coordination and consultation with CDC and

ATSDR.

MS. SUBRA: Richard, and then I would like to do the Council members who were on the workgroup, and then -- okay, Richard, and then Shankar, and then the Council members, and then Mayor DuPree and Gloria.

MR. LAZARUS: I just have a question. The EPA emergency response was severely criticized in the World Trade Center. The sense being that for political -- I don't mean Democrat/Republican reasons, but for political reasons, scientific information was given out before the real research had been done to suggest things were safer than they might have been.

And I guess the question is, it sounds like that didn't happen for Katrina and Rita. And I guess the question is, were specific safeguards put into place to change the kinds of decisions that were made and the timing that lead to that kind of improvement for Katrina and Rita, or was it just a question of better people happened to be involved? Or, is it structurally this time better?

MS. TULIS: I think it all comes down to risk communication, and learning a lesson on that. And I don't want to defend prior administrators or anything, but there was extensive QA of the data for the World Trade Center. I was, personally, involved with that. So I think some of that was

-- that criticism may not have actually been appropriate, frankly.

But regardless, I think we have learned how to improve our risk communication. And when we say something, and I think that was part of the struggle we went through with the hurricane. You know, we are waiting for the data to come in. From a technical perspective, we have always valued our quality assurance of our data. It is very, very important to us. It is the scientific integrity of our agency.

And, yet, we didn't feel like we could say something until we had the data in. In our heart of hearts, we probably could have done a flood warning earlier on, and I think that was part of the struggle, is do we communicate something before we can technically validate it, or do we say something earlier? And it was a similar struggle with the World Trade Center.

MR. PRASAD: I want to thank you all for your time and sort of shedding your perspectives on this aspect. And also, coming from northern California, and this disaster has really raised the awareness within the state in terms of this water damage ---, as well as the levy breakdowns.

And Region IX, and also the Office of Emergency Service are also planning to put together some things. So that is nice to see.

One thing that, Larry, you mentioned was about the need to have a response in terms of the SAB, or anything as a consensus group. There is the recommendation we made, and we discussed that as a way that it is probably not feasible with this group.

So I think we have to sort of as a Council, we may have to rethink is that the right recommendation, or is that an alternate avenue for that? It is something we have to think, because just this morning we concluded on that aspect of it.

But could you let us know as to why you are expecting a consensus opinion?

MR. STARFIELD: Yes. Well, first of all, I do think it is worth looking into how the SAB did it, because that is a model that might be useful. My sense was that they had a smaller group, a focus group -- I don't know what they called it, but that they had a subset of their larger FACA that was able to have a telephone conference and get back to us with comments.

You know, worst case, we get five individual opinions rather than a consensus from five. But, hopefully, I mean, it just would be nice to be able to say, we need to get something out, we need to get it out quickly. Or, we put it out, and we want to put something better out, tell us if we

have missed the mark. Tell us where our blind spots are. Tell us if this is useful.

And there really wasn't an organized mechanism. And NEJAC seems like the right place to me to go with that type of an issue. And I don't know what the total number is, but it is a big group. So if there was a way to make a little group, and maybe for us, a New Orleans group. To have a few people - - or, in Louisiana, there was nobody in New Orleans -- but a Louisiana group that was sensitive and knowledgeable about the communities.

Because I really do think you need people who are in the community to give you that kind of advice of how do you find people, is it the right level -- how do you get some trust with the people that this is what they need, this what they want.

MR. PRASAD: In a way, is it not something that you want to establish more at a regional level, as opposed to being at a national level? Is that not more in tune with your response and your need is where the disaster struck, or strikes in the future.

So you are looking at a community, or an action, or a knowledge base within that area. Which may be more keen to develop at a regional level that kind of a group -- and not even get into this, but you can subsequently communicate with

this bigger group. You might think of that as an option too.

MR. STARFIELD: It just seems to me, I mean, just looking around the table, Juan from Texas, and Wilma from Louisiana, and Richard from New Mexico. We have got a lot of people from our states who are already on NEJAC, and then there are other -- in effect, what would be nice is to have a NEJAC -- if you don't have enough people from NEJAC to form a little three, five person group, that they help us form a little group.

We get into trouble with FACA, that is why this is probably an idea that has some problems with implementation. But from a needs perspective, it would be really helpful to the Agency to have a recognized, reputable, established group with credibility that we could go to and say, help us.

MR. MEIBURG: I would just add to that, not to embarrass the person sitting next to me, but we depend pretty heavily on Gloria and Mississippi DEQ for advice on these kind of things. And have worked hard to try to build up the programs of our various state partners on environmental justice. And rely a lot on that kind of advice and support that we get, and that we can exchange with them.

Because your point is well taken that, sort of like the old saying, that all politics are local to some extent. Having good, on the ground, local communication, there is just

no substitute for. And it is hard for a national FACA to be able to do that. It is a little bit different than it is in the science arena.

MS. SUBRA: Jody.

MS. HENNEKE: Well, I kind of like to have both my cake and eat it too kind of approach. I know that is shocks you, Stan. But having been in a lot of those emergency kind of situations, and I know it was the case in our regional office in the Beaumont-Port Arthur area, I know it was the case in Louisiana, and across Mississippi and Alabama.

Those folks that you are depending upon that you have built those relationships with have their houses blown away. They are struggling, their families are spread all across the country, and at times, I think it is helpful to also be able to pick up the phone and call a group and go, okay, take a breath and tell us from what you are looking at, what do you think?

I think you do have to depend upon that on the ground, talking to Gloria, et cetera, but she is way behind the eight ball on all kinds of stuff. And sometimes I think it is helpful to be able to get a little bit of a distance at the same time; which, to me, is under that having your cake and eating it too. Sorry.

MR. MEIBURG: No, no, not at all. I think that is

entirely consistent and you are quite right that it is -- it somewhat is, as always, situation dependent, but it is always useful to have an independent set of eyes.

And the one thing the NEJAC does bring to that is a clear credibility as a spokes agent, spokes unit, spokes something, for people who have a very thoughtfully considered perspective on environmental justice. And that is always useful to EPA.

MS. HENNEKE: But I also want to be clear. I think we have to do that in a way that is very timely, and if it is not timely, it is not worthwhile to you. And you wouldn't be asking if you didn't need it.

The other thing that I wanted to throw out here, and we haven't exactly talked about this, so if this is brand new, I apologize. It kind of goes to me along the same lines of some of the things that Sue was talking about, and some of the things the state regulators have seen as well.

I think it would be helpful -- I don't know where it should come from -- but I think it would be helpful if there was something produced in advanced along the lines of what I think of as a best practices kind of fact sheet. To be able to hand to the providers, the waste companies, the water providers, those kind of -- you know, the utility companies.

Those folks that have got to hit the ground running

and provide services, but that would give them some guidance along the lines of outreaching kinds of things to be thinking about to help work their way through the mine fields of issues that are going to be in front of them.

Much along the lines of what Sue had said about permitting, we all know as companies and regulators how to go through a public participation process to get a permit. We are not so very good about how do you do that in an on the run and gun emergency situation. But, you know you are going to pay for it at the end of the week if you haven't done something.

So, I think that is something that we should maybe think about a little bit. Not necessarily at this very moment, but I wanted to mention it before I forgot it.

MS. SUBRA: Ken.

MR. WARREN: Yes. Grant spoke to us yesterday about the notion of hardwiring environmental justice considerations into disaster response. And I have heard today a lot about the fact that disaster response is supposed to be integrated. That EPA has one role, but certainly far less than the full response role.

And I am wondering what that means in terms of the tasks that EPA is prepared to perform. And by that I mean I would think to hard wire EJ into disaster response, there

would first need to be an examination of the demographics and vulnerabilities of the areas that have been impacted.

There are tools on-line that EPA has prepared that are very good, which allows that kind of analysis to be done. Is that something that is in the early list of steps for EPA to perform, and then to share with other agencies who may not have the sensitivities, or resources, to perform that analysis.

Then there is the question of, how have the affects actually been distributed? We now know that EPA has done a lot of sampling, there are some accedences, but certainly a lot of samples that have come back within acceptable limits. Have you done a demographic analysis of where those accedences lie so we can determine geographically, and by concentrations of vulnerable populations.

Whether those impacts have fallen disparately or proportionately. And if there are, in fact, disparate impacts, what agencies have the resources to respond to those vulnerable communities, and who is focusing the resources on communities that most need those kinds of responses?

So, I mean, it is a heady task because of EPA's limited role in the response, and yet my sense -- and I think one of you mentioned it earlier, is that EPA is farther along in terms of its resources, tools, and thought processes in

these areas than other agencies are. And how are you going to go about this and when does the public see the results of that analysis?

MR. MEIBURG: Let me take the first part of that, at least. Again, one of the things we have tried to do in our action review is to recognize that it would have been helpful to us if we had had more readily right to hand better GIS databases of all of our R&P facilities, RCRA facilities, ones that were covered in CERCLA, or potential CERCLA candidates, things like that, just to make sure we had that. Especially, in zones that are prone to hurricanes, so that you could get that up quick, and then overlay it with some of the kinds of analysis you mentioned.

So that you would at least know what you were dealing with in terms of potential risk, or exposures to communities. And that will help shape the response and operations that, inevitably, in the first sort of days of a hurricane response, probably the first priority is going to be an assessment to find out where there were acute or chronic kinds of spills, which the Murphy Oil spill is probably the single example in this particular hurricane, but.

So, that would inevitably be first, but as you go out and try and do some kind of assessments, it is very helpful to have the analytical data that tells you, here are

communities you need to give special concern to because of background.

Some of that you have through local knowledge, or past experience with folks in the region, or in the state partner agencies, or local agencies and knowledge. But, to have that analytically and systematically is one of the things that we have been trying to improve as we look forward to more opportunities to deal with hurricanes in the future.

MR. STARFIELD: It is such a mammoth question, I am not sure how to approach it. You know, it was sort of interesting when the long-term recovery work was being begun, and the parishes were interviewed about what are your priorities. And environment was not up there. And housing, levies, jobs, those were the big things. People wanted to know, can I come home, can I rebuild, am I going to get flooded again.

I mean, those were very dramatic, high-priority issues; none of which EPA really has much of a role in. There are other federal agencies that deal with -- the Corp. deals with the levies, HUD deals with housing. So, there were -- it is sort of complicated. I think the positive role we did play, which we ought to play again, was having an inter-agency group to talk about it with the communities, as members. To the extent people had time, this was a very difficult

situation.

I mean, it is sort of easy in this room to talk about how you should do things, but if you put it in the context of an emergency, a disaster where people are displaced, it is just very hard to get your arms around it. And the amount of energy that was going in all different directions, it is hard to imagine.

I think we know pretty well our communities, where they are, but even in the context of this, we had an Indian Tribe, the Houma Nation, which was devastated, and had special needs that we hadn't really incorporated into our traditional EJ picture, that we had to adjust to and make provisions for.

So, it is just one of those issues I think there is no substitute for awareness, and for partnering with the other agencies, and trying to bring them into picture with whatever resources they can. Volunteer organizations were huge in this response, continue to be in ways the Federal Government was unable to play in terms of helping people rebuild, and things like that.

MS. SUBRA: Charles.

MR. LEE: Why don't you have Richard and Ben go first.

MS. SUBRA: Then Juan and then Richard. Juan.

MR. PARRAS: Again, I want to repeat what everybody

else has said, thank you for all the tremendous work that you did in the entire region.

What I am concerned about is, in retrospect, maybe you are thinking about this, and maybe you are not, but are there any EPA enforcement regulations, or permitting, or anything that has to do with powers that the EPA regions had that were delegated to the state, that maybe hindered your rescues or your efforts, and that now, thinking about what happened, it is like, we shouldn't have delegated this authority to the state, or we shouldn't have given this to the states? Is anyone looking at anything that might have hindered your efforts as far as EPA is concerned in dealing with the state enforcement powers?

And I am thinking about the emergency situation in New Orleans right now, where the Mayor decided that, you know, this is an emergency situation that we are going to create this landfill and that is it. So I am wondering, has that authority been violated, in a sense?

MR. STARFIELD: Well, too bad Chuck Carr Brown isn't here today to join us. But I don't think there were any situations where anything that Louisiana did called into question -- we called into question. We were, and continue to be, tied at the hip with LDEQ. We lived there. They hosted us for the first six or seven weeks of the response. They

gave us half of their 10th floor of their building, they gave us their conference rooms to sleep in. So we were totally connected.

When we moved to ---, we gave them office space, and they put some of their staff in with us. So there was no decision that the region and the state were not talking about in terms of where we had areas of joint responsibility. Any federal program, if it is delegated, we have oversight responsibility and authority. We can always over file.

But I don't remember any issues. If we identified a problem, we talked to LDEQ, and together we worked through it. So I didn't see any areas like that. In the solid waste area, we have less of a role, statutorily. RCRA doesn't give the Federal Government a role, really, in the sub-title world except to set some basic guidelines. But in terms of enforcement, and permitting, and siting, the statute doesn't give us much of a role there.

But we do play a role in terms of -- and I mentioned to you before were -- twice a week we have landfill observers going around. It is not that we regulate the Sub-Title D, C&D, in --- and debris landfills, but we do regulate hazardous waste. So, part of our role is to make sure hazardous waste isn't going into C&D landfills.

But we do that jointly with the state, so I can't

say enough good things about what the state has done and how great they have been to work with on this. Stan said it earlier, you know, you can't build a relationship overnight, and they were just tremendous to us in terms of helping us help them. And we just worked together really well.

So, I can't think of a situation. And I certainly wouldn't like Congress to decide that we should cite landfills. It is probably one of the most difficult jobs any state and locality have to deal with. And I can't second guess what they decided to do on that, but I didn't have any problem there.

MS. SUBRA: Okay, I have Richard and then Ben, and then I have Chip, Mayor DuPree, and Gloria.

MR. MOORE: I just wanted to -- I am much more familiar, actually, with Region VI, XIII, and IX, just because of where our organizations that are affiliated to our network come from. So, any comment I make in regards to Region VI, I would if I could in Region IV, but I am not going to have the luxury to be able to do that.

I think one of the experiences with Region VI, the tremendous -- and I say that in the most sincerity, that the tremendous work that the region under the leadership of Larry, and the regional administrator, and the EJ team, there is just a tremendous, tremendous a commitment to environmental

justice.

And I think in terms of one of the several examples of what happened there because of that relationship that has been built within the region, amongst many of the grass-roots groups, but not only amongst the grass-roots groups themselves. There was several conference calls, for example, that we were called to be on.

And I know there were state folks that were on there also. With FEMA and some of the other agencies. And I just have to say, really, actually those calls were initiated by the region. And even in some of the discussions we were having there, although we weren't seeing each other face-to-face, you could understand, you could hear some of the hesitancy on the part of some of the other agencies, quite frankly.

I mean, you know, I am just speaking for myself, but what am I doing here with these people, on this phone. I mean, we are talking about environmental justice. What does environmental justice have to do with what is happening in Louisiana, or in this case, Mississippi, or any place else.

But I just want to say when those kind of things happen, and that both moral and political authority is given, and then that moral and political authority is unleashed in terms of the employees within those regions, then we begin to

see the kind of things that we have seen here.

I don't think, for example, that the region would have needed to try to call other people to interact with FEMA, and many of the other agencies that were on those conference calls. But I am just flagging that because I think it is the kind of example.

And some of the things when we talked about focus groups this morning, some of the recommendations that we are making, I don't think, Larry, that we had a name for whatever we called the group that was on the call, but -- except that we need to be on the call and get your input and put it in. We have got an emergency situation.

But I think some of our recommendations when you read them, and we complete our final report, you will see that some of what you spoke to is actually some of the things that we are making recommendations about.

And, lastly, I would like to thank Larry, both personally, and professionally, for your commitment to environmental justice, and the incredible job that you are doing in Region VI.

MR. LEE: He has a Region VI bias.

(Laughter)

MS. SUBRA: Ben. Ben, you are up.

MR. WILSON: Okay. I noticed when you went through

the list of items for which EPA is responsible, I think you pointed out there was only one of those for which you were the lead agency. And I have done a lot of work for a number of years for the Sewage and Water Board of New Orleans, and as you know, they have water drainage, and wastewater.

And when you think of issues that affect vulnerable populations, that one resource without which you can't live, is water. And I, personally, observed several of the engineers from Region VI who were on these three, or four week stints, and our primary wastewater treatment plant -- which has a building 30 feet above the ground. The water was approaching the top of the building, and we got people in there to pump that water out.

There were people from Region VI who were there, who were very helpful. And I think were able to explain to the Corp., which I think you said had the primary responsibility there, what we really needed, and why we really needed it.

The other issue that affects communities, of course, is money. We all want to do the right thing, but when you now have a third of your population, a third of your revenue, pre-Katrina, and yet several times the problems, how does one respond? And then, timing is everything. How do you get that reimbursement in sufficient time that it makes a difference?

So, I say all that to say that it occurs to me that

one thing in terms of preparation for next time, I think it might be useful, particularly, within say your specific region, but something that could be done throughout the regions, is to at some appropriate time -- because people are still focusing on their regular work -- but to be able to train and demonstrate to others how the local, and state, and Federal Government process must work.

You talked about contracting, presumably you lined up your contractors in advance of the storm. Well, I think that local entities are now understanding they have to do that type of thing, where they might not have known that before.

So, being able to -- it seems to me there are a lot of examples. The Mayor of Hattiesburg is here today. If I would shut up, I might give him a chance. I suspect he could tell us a thousand things that they have learned, some presentation that then might make -- Ms. Tatum, with you I think would help, not only the environmental justice community, or vulnerable community, but also help those who have the day-to-day responsibility of delivering whatever that fundamental service is. Whether it is electric power, whether it is water, whether it is handling solid waste. You name it.

So, I think these are the types of things that we can help others prepare for, and I think you could be very instrumental in that.

MS. SUBRA: Thank you, Ben. Chip.

MR. COLLETTE: I really don't have anything to add at this time, except one thing. Florida, we are Region IV, so I am a Region IV fan. I hope you are a Florida fan.

(Laughter)

MR. COLLETTE: But what I am interested in is how the cooperation between the two regions went. Many disasters occur simply within one region, and I wondered what you all have learned. Florida is within Region IV, but this won't be the last one to cover two or more EPA regions. And I wondered what you learned, where you may be heading in that regard.

MR. MEIBURG: Larry, maybe you should speak, because I know you have got to go. Why don't you answer that first, and then I can stay. I can stay and rebut them afterwards.

MR. STARFIELD: Yes. Let me just say that, if it wasn't made clear, this was a national response. There were 1,500 EPA people who responded in Louisiana. About 470 from Region VI, and thousands from other regions. We had people from Seattle, from Boston, from Atlanta, from all over the country. And that is what we have to be able to do. This was too big to deal with one region.

Region IV, Region VI were on the phone with headquarters. Dana talked about those twice a day calls, 7:00 a.m. central time. Not so convenient for us. Headquarters

ought to think a little bit about that.

(Laughter)

MR. STARFIELD: And then whatever it was in the afternoon. Seven days --

MS. : Good thing you were not in San Francisco.

MR. STARFIELD: Yes, when we have a catastrophe in San Francisco, I pity the poor people who have to get on the phone to meet headquarter's schedule. But we had twice a day, seven days a week, Region IV, Region VI. What are doing on debris, what are you doing on -- you know, we exchanged a lot of information. But we drew on all of the expertise around the country.

I mean, I just can't tell you how impressed I was by the volunteers, and we did not force people to go. There are certain people that work on emergency response. That is like a small percentage of the people who went down, who were deployed for weeks and months. So, coordination was really excellent. The one place I have seen EPA work as a whole, as compared to the stovepipe you hear so much about. So, I think it was great.

Let me just apologize for having to catch a plane. I am just over booked on too many things. I really appreciate the opportunity to have been with you all for a few minutes,

and I can follow-up with anybody if you want to talk about it some more. But I promised my family I would get home tonight. So I really do have to go.

MS. SUBRA: Thank you very much, Larry.

MR. STARFIELD: Thanks.

MS. SUBRA: Thanks for all your input.

MR. MEIBURG: Chip, I will just echo that. Because it was a national response, it actually was a lot of good opportunity for communication between the two regions. And we worked very hard to be consistent on things where consistency was called for.

At the same time, we recognized that there were circumstances that were very, very different. The nature of the flood in New Orleans created issues that we mercifully didn't quite have in Mississippi. So we were trying to be consistent and, yet, not so straight-jacketed that you did things that didn't make sense. And I thought that worked very well, and we had good support, as Larry said, from all over the country from staff who came.

It was pretty funny, we tried in Region IV, as much as we could, to stay self-contained in our response because Region VI needed so many support folks. But we had great support, especially, from Regions III and V. And I found that the communication was very good.

And for me, of course, as some of you know from my personal background, I had been in Region VI for five years before going over to Region IV. And knowing the people and something about the context and circumstances was very helpful also.

MR. COLLETTE: That was my impression, that in Region IV, there were some things you had to do pretty much that were peculiar. But there was some sharing.

I was kind of in the background aware of the communication, but not entirely.

MR. MEIBURG: It was intense. Larry's comment about the conference call was quite right. And the good part about that was that it did give you a venue immediately to exchange information. If some issue came up, you would get it up to the Administrator just like that. And we got great support from that standpoint from headquarters here.

MS. SUBRA: Mayor DuPree.

MAYOR DUPREE: I do have a lot, but I will be brief. First, a couple of things that I would like to tell Dana that I think she made mention about worker protection, clothing. That is one of the things that we tackle in the workgroup, and I think that when Wilma talks about that, if you are here, or if you have got a copy of it, you will see that the workgroup did talk extensively about worker protection, and uniforms,

and those kind of things.

As far as Stan, Stan and I have known each other a little while, and I do appreciate the work that you do for EPA. As I said earlier in one of the workgroups that I think that EPA is one of those organizations that the community actually looks to. Those federal organizations that the community looks to for help. When they need someone, or they need someone to come in as an advocate, you are there to do that.

And saying that, I kind of want to follow along with what Juan said, and the attorney. Your response, or your primary responsibility is for ESF-10. But I think that you made mention that one of the things that you did, and you did more effectively than anyone else could do, and that was recovery, or actually getting people out of New Orleans.

And I think that if you were to look inward, and I would hope that some of the other agencies would do the same thing, that you day in and day out, work with vulnerable communities. Day in and day out, you work with those kinds of things that we have been talking about.

And I would think that you would have more primary responsibility than just one ESF team. That you would look at some of the other responsibilities that you have, as Dana listed them, or talked about in public health, and

agriculture, and energy, and emergency management, and public works. All those have to do with best practices, and I think all those have to do with lessons learned.

And I think if we go back and actually look at that, that you should have a more primary responsibility or duty in doing those things.

And, lastly, I would talk about, I would want to thank our Environmental Quality DEQ, Mississippi DEQ, and Gloria and her staff. Because some of the problems I heard of in the other areas, we didn't necessarily have those. Our vulnerable communities did not suffer the same fate as having landfills that were constructed next to them. And that is because we didn't allow that to happen. And that was because of working with DEQ.

Lastly, I will say that I was surprised when I was asked to participate in the workgroup, because I am certainly not an environmentalist. That is the last thing I know about. I do know about people calling me about a landfill, and I know about people calling me about oil spills, and those kinds of things. I get the telephone calls, so I know about that.

I would think that it would do this workgroup well if they would involve more mayors, or more elected officials. Because, ultimately, they have the last word working with the environmental people as to where things will be located, and

what happens, and what doesn't happen.

And I think it would also give us a better understanding of what you all talk about, and that whole environmental justice issue. Because before I sat in some of these meetings, I had no idea what that meant. I just know that they didn't want it in my neighborhood. So, now I understand really what that is all about, and it is more than just I don't want it in my neighborhood. There is a lot more to that.

So I would think that it would be good in the future sessions, or future workgroups that you are talking about having, instead of the subcommittees, that you would involve more decision-makers. And that is not to say that you all are not decision-makers, but more people on the ground that get the telephone calls, that have to work with the city that are sitting behind us that come knocking on our doors at 3:00 in the morning, or whatever. That we can actually give them some input as to what can happen. So, I would entice you to do that. Thank you.

MR. MEIBURG: Mayor, I just say thank you very much for the kind words, and I would echo your comments about Mississippi DEQ. You look at Charles Chisholm, or Phil Bass, or Richard Harold, Jerry Cane(*), and Eric, and all the other folks who worked on this. You can't say enough good things

about them.

And I am also very appreciative of your kind words about EPA. And there is an internal sort of approach to avoidance that we struggle with in EPA. And that is when we, EPA, see a mission, we do want to help. Whether it is rescuing people, or the other kind of things. And, yet, we struggle to make sure that we are staying within the things that we could do. Because if we tried to do everything, we wouldn't be able to do the things we are supposed to do, and do them well.

And that discussion on that balance was going on throughout the response, just as in the rest of our work. And it is one of the reasons why the recommendations in the report that I think are helpful. And for EPA to work with other agencies on their responsibilities to try and help increase their own both awareness, and effectiveness.

Debris -- one, I think that, again, give Larry the credit he deserves. They have worked effectively, the Corp. of Engineers on some of the aspects of their debris work so that it will be better the next time around. The contracts they write, with disposal companies on their practices and disposing of debris so it can be even better than it was.

So, we do struggle with that. One of the great things about working in EPA is that you have a very mission-

oriented group of employees. They do want to get the job done, they take their responsibilities very seriously. And part of what we find ourselves occasionally is to make sure that in doing that, that we make sure that we focus on getting the job we have to have done, and enabling others, or compelling, or encouraging, or whatever the right verb is, to do their job more effectively as well.

MS. SUBRA: Gloria.

MS. TATUM: I would just like to say, Mayor DuPree underestimates himself when he says he is not an environmentalist. He is nothing but that. He was on the ground running from the first day that Katrina hit. And he did just as well of a job as MDEQ could have ever possibly have done.

Of course, the State of Mississippi had great devastation and, again, it was totally different from Louisiana. We are happy that we managed to get through the situation as best as possible. We did set up the ready room for people to be able to contact us, and for us to try to contact our local authorities, and to try to talk with the communities.

We also talked with EPA on a daily basis. Those were not in town, we would set up environmental justice maps, we also looked at the areas where we had environmental waivers

in place, to make sure that we were not permitting sites in communities of colors where they would serve a disproportion to what we were putting in place.

So we were happy that we could come in and look at what we were doing, and be evaluated by that. We sent those maps to Region IV, Cynthia Peurifoy, in her group who questioned us on some of the things that we were doing. We communicated over it, we talked about it, and then we moved on which a decision that was made by Region IV, and Mississippi DEQ.

So, I have my praises, of course, for Region IV for assisting us in every way possible, and for the local government, not just Hattiesburg, Mississippi. But when you look at the entire Mississippi Gulf Coast area, who needed our assistance. And when we first deployed going to the Mississippi Gulf Coast, my first thing was, I was in tears, and then I had to immediately get up and dust myself off and say, they need you here in Mississippi, you don't have time for that.

When I made the trip over to New Orleans, I said, thank God for Mississippi. You know, we have always been rated as last on everything. We are going to be a first in this, we are going to make sure that we respond to our community, we are going to make sure that we respond to the

citizens of this state.

They need us, and our first and foremost job is to try to clean up the environment so we can protect the human health in this state. And I am happy to just have been a part of it, to work with the Federal Government, and the local government, to make sure that we were protected in Mississippi.

MS. SUBRA: Okay, last up is Connie.

MR. LEE: Wilma, I just want to follow up with a question.

MS. TUCKER: Well, I have to say, I am really proud of you in Region IV, both local, state, and federal. Well, for all of the work, but also for making a conscious decision not to have communities of color. And low-income communities bear the burden of -- you had probably more waste, because you had more destruction of hosing, and somehow you were able to do that without targeting already over burdened communities. And I really want to applaud you for that.

I raised my card to go back to the original question I asked, because it continues to gnaw away at me. And the young lady -- I am forgetting your name, I am sorry. Dana. You said that your major concern was fecal matter. I am curious, what were the other contaminants in the water there? And then I may have a follow-up question after that. What

were the other contaminants, other than fecal matter?

MS. TULIS: To be fair, I don't want to list out what we had because you would find things in a major urban area. And we had a tough time, because we don't really have flood water exposure levels, so that is why we had to work with Health and Human Services on what we had.

So the only thing we could compare it to, was drinking water levels, which really -- you know, no one is drinking this stuff, and it was a struggle. So we worked a lot with HHS to come up with health recommendations based upon normal contact of the skin. But it was very hard to come up with values to say, this is a problem for "X" metal, or whatever. I think that was part of the struggle. It is a little clearer for the fecal chloroforms. We have regulatory standards in place.

So that is why we could say, we know these levels exceed it, and that was our concern. On the others, it was much more difficult to say clearly what the problem or concern was. That is why we consulted so closely with HHS.

MS. TUCKER: Well, you know, I just -- well, not just me, but a number of people keep expressing concerns that hundreds of people may have been exposed -- and, particularly, to reproductive and developmental toxins. And although fecal matter can cause some diarrhea and make you sick, it doesn't

have long-term affects if treated.

MS. TULIS: Right, right. That is true.

MS. TUCKER: Early and properly. So I am just really, really concerned that we may see over the next few years health affects from exposure to reproductive and developmental toxins that can have very broad social implications. And I am just surprised. I think that we have got to fix that particular process if, in fact, we know lead - - it doesn't take a lot of lead to create reduced learning, and behavioral dysfunctions, especially, violence.

And I would think that whenever that was present, the agency that does the testing would immediately alert the appropriate health officials to at least try to do some testing of vulnerable groups to make sure -- so that something can be done if possible about those exposures.

MS. TULIS: Yes, yes. I mean, as we consulted with HHS, we were all pretty convinced there wouldn't be long-term issues at all. It was more of an acute problem. But, again, I do feel the need that we would -- to reach back out to HHS if you want to pursue this further and have conversations with them. Since that is their lead on that.

MS. SUBRA: Thank you. Charles.

MR. LEE: Yes. I had a question before, but I think you spoke to it. It was the question that Ken Warren asked,

and Mayor DuPree spoke to. And I just want to, not by way of a question, but by way of a short comment to underscore to you the frustration that members of the workgroup had around the multiple kind of issues that they confront. And then coming to, as Mayor DuPree said, an agency that is willing to listen. Like EPA.

And then so that puts us in a very difficult situation because EPA has very clearly defined statutory responsibilities. So, I think it is not a question that requires a response, but more importantly, is it is a point that requires appreciation.

And I think everyone, as they move forward, will figure out ways to better address that. So, that is just something I wanted to underscore.

But I really want to say thank you to you, Stan, and Dana, and I guess to Larry in his absence. But I am sure Shirley will go back and tell him how, on behalf of this Council, grateful they are for your taking your time out to have this discussion.

I think it was really important for you to do this, because it is important to understand the actual experience of EPA, the actual responsibilities of EPA, in order to be able to provide the kind of advice that is going to be meaningful to you.

MR. MEIBURG: Charles, thank you very much for that. And I am sure I speak for Larry in this, just to express my appreciation to the members of the advisory committee and, especially, to the members of the workgroup. That I have the privilege of serving as the Designated Federal Official for one of the other federal advisory committees, for which Andrew Sawyers is on. And I am sorry Andrew is not here, I wanted to see him.

And I know that members who serve on these advisory committees do so at their own expense. That the great financial reward that people get for doing this is that we get to pay your travel. And that that in no way -- that does not at all compensate for the wonderful help that the advisory committees give the agency, by providing insights that we can't get just from our own offices. And we are always grateful for that.

And I, especially, enjoyed as well the workgroup meeting in Biloxi. And found that to be just really, really helpful to me in continuing to frame, and for the agency as a whole, in framing our overall perspective on responding to these disasters. That, sadly, the one thing we can anticipate is that there will be other disasters ahead of us in the future, and we always want to improve upon things that we did, even when we think we had, as we did in this case, we think a

pretty successful response.

So, the members of the committee, just please accept my gratitude for your time and for your service.

MR. MOORE: Just if I could, Wilma. I know this may not necessarily be in the area of the EPA, but I need to say that those, both documented and undocumented, workers that are being recruited to go into Mississippi, and in Louisiana, and --- Texas, and some of the other places -- but in this case, particularly, Mississippi and Louisiana -- that many of those contractors that are recruiting those employees in, that are turning them in before payday so that they won't have to pay them their paycheck. And additionally, that have put them in some of the most unsafe, and unhealthy conditions that we have seen in quite a long period of time.

And then, to add insult to injury, housed them in some of the homes that were abandoned that even the residents of those homes still today have not been able to come back to, that that is an incredible injustice. Whether the EPA has reasons, or whoever has the purview, or whatever it is, is that we cannot just say that is not our area.

We have got to say that this is not the right thing, and this is not the way people should be being treated. And we need to stand up together against those kinds of injustices. So I just wanted to, on behalf of the Council,

thank you all for your presentations.

(Applause)

MR. MOORE: And then also, and I know we will continue tomorrow, but to also thank the working group for a tremendous, tremendous job. So, on our behalf, thank you. Dana.

MS. TULIS: I think it is always valuable -- invaluable actually -- to be in forums like this and to hear -- that issue, for example, I wasn't personally aware of. Of course, at the regional level, I am sure Stan and folks may have more hands-on. But it is always enlightening to hear these types of things, and certainly pass these stories on. At minimum, when we talk to our other sister agencies to alert them of these issues if they haven't come up through their own mechanism.

So, everything that you folks say today is valuable, and gives us additional insights. So I did want to echo what Stan was saying about that. That this is very valuable for us, and a learning experience for us. And we have come a long way since the World Trade Center.

We had never, ever faced something like that before in our preparedness, but we also need to continuously improve and listen to folks, and figure out how to improve as well. So we do appreciate the recommendations, and your feedback,

and your time.

MS. SUBRA: Thank you.

MR. MOORE: We are going to get back tomorrow morning at 8:30, and I guess we will dive into then the specific recommendations. I thought this was really great to have been able to hear an overview of the report, as well as have this dialogue with Stan, Dana, and Larry.

MS. SUBRA: I think that the theme for the discussion tomorrow -- and I would encourage you, if you have comments, to come with specific language to address your comments. I would really appreciate it. Thank you.

MR. MOORE: Great. Thank you all. Have a good evening, and we will see you in the morning. The meeting is adjourned.

(Whereupon, at 4:53 the meeting was adjourned)

