National Environmental Justice Advisory Council

Wednesday, April 14, 2004

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Charles Lee (DFO)

William Sanders
Larry Starfield
Thomas Voltaggio
Larry Weinstock

Also Present:

Sue Briggum
Timothy Fields
Hector Gonzalez
Patricia Hynes
Shankar Prasad

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KEYNOTE: "---" denotes inaudible in the transcript.

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

2 (8:47 a.m.)

3 **Welcome**

4 **by Veronica Eady, Chair**

5 MS. EADY: Welcome again to the 19th meeting of the
6 National Environmental Justice Advisory Council. The NEJAC is
7 a Federal advisory committee that was established to provide
8 independent advice to the EPA administrator.
9 Please remember that the meeting is being recorded
10 by a court reporter and, therefore, it is very important to
11 always speak into the microphone.
12 Executive council members, please note, your
13 microphones do have on/off buttons. If you wish to speak,
14 press the button on. A red light must be on for you to speak.
15 Are there red lights on your microphones?
16 (Chorus of no)
17 MS. EADY: Mine doesn't have one.
18 MS. : I don't see any on here.
19 MS. EADY: Mine doesn't have one either.
20 (Laughter)
21 MS. EADY: Okay. That was a joke.
22 (Laughter)

1 MS. EADY: Okay. So, never mind that. For those
2 who wish to offer public comment, there is a public comment
3 period sign up desk outside the room by the registration
4 desk. Please follow the public comment guidelines posted by
5 that desk. There are also guidelines in the binder.
6 The public comment period will begin again tonight at
7 7:00 p.m. And last night, we had the comments on the
8 cumulative impacts report. Tonight will be general
9 environmental justice comments.
10 If you have not already checked in with the NEJAC
11 registration desk, please do so. This will ensure that you
12 receive a copy of the proceedings.
13 Tomorrow, Thursday, the NEJAC's six
14 subcommittees will meet. You can review the agendas of the
15 subcommittees in the binder to determine what the start time is.
16 And I imagine that the location of the meetings will also be in
17 the binder or else somewhere outside.
18 Let me just repeat for you again the telephone
19 numbers for the hotel, 504-525-2500, and the fax number is
20 504-595-5552. Any messages or faxes that anyone receives
21 will be posted on the message board outside by the NEJAC
22 registration desk.

1 So, with that, those are our administrative
2 announcements for the day. So, I will hand the mic to Charles
3 to recap some of the things that we discussed yesterday.

4 ***Review of Key Concepts***

5 **by Charles Lee, DFO**

6 MR. LEE: Good morning everyone.
7 MS. : Good morning.
8 MR. LEE: I hope everyone had a nice evening. And I
9 wanted to just kind of go over a little bit of some of the key
10 things that were talked about yesterday.
11 First of all, I want to thank everyone for, I think, a
12 really great and productive discussion yesterday. Arguably
13 speaking, cumulative risks and impacts is not an easy subject.
14 And what took you to do -- this workgroup at least 12 months
15 to kind of get a handle around, I think we got -- we made a lot
16 of progress yesterday.
17 And I wanted to kind of begin to recap this by going
18 to a point that Hector had made when he gave his
19 presentation. And that was around the fact that if there is a lot
20 of consensus around the need for a bias for action, a much
21 more effective and proactive approach towards addressing

1 community risk issues, then it does not automatically translate
2 into action.
3 That there are a lot of questions that has to be
4 addressed. There are a lot of underlying questions in turn,
5 which are thinking in nature, philosophical, policy, institutional,
6 which are -- have to do with modes of analysis and
7 assessment, whether or not there is a capacity and
8 resources, whether or not there are the tools and methods, but
9 whether they are legal and regulatory, or whether they are
10 problem solving in nature, a dispute resolution in nature, an
11 analysis of risk reduction, all of those kinds of things are things
12 that have to be addressed.
13 But it is fair to say that the cumulative risks impacts
14 workgroup has always been, I mean from the very first day
15 that they met, they have been very unequivocally and
16 unapologetically about paradigm change. That that is going to
17 be needed in order to really get -- to really extract a value of
18 this whole new way of thinking about risk comprehensively
19 and cumulatively.
20 And that there is a very -- a lot of groundwork and
21 foundation for moving forward, which is represented in that

-- in the May 2000 document for EPA, which is the framework for cumulative risk assessment.

And so that is where the workgroup said, but in and of itself, all of those great concepts in there, which are very important, particularly for communities, are not going to translate into reality all by themselves.

That there has to be another approach towards this that is overlaid on that that is merged with those concepts. And that is intentionally and proactively. And that is that collaborate problem solving -- community-based collaborate problem solving. So, I think that that is -- so, that is the first part of the discussion yesterday.

In order to get to those kind of changes that I had talked about before, there also has to be a new way of thinking about a cumulative risk analysis or risk analysis.

And there is several questions, there is a lot of questions, but several of them that really kind of came out in this draft report in the discussion yesterday.

The first one has to do with a relationship between assessment and action. And that is what the part of the report that talked about proportional response really is very important

because -- and the thing that is said there is that you don't need to do --.

One of the CEQ's principles around doing cumulative effects analysis is you don't want to -- you don't need to analyze the universe. You need to analyze that which is meaningful.

And the kind of assessment that is necessary should be -- you should do assessment in a way that it is calibrated to the action that is intended to be taken. If the action is much more coercive or much more wholesale, you need more analysis.

But if you are going to do something that is much more related to the action that is taken, if it is something that most people can agree upon and can move forward with, then you need to do assessment only that to which is necessary. And that develops, over time, to be a much more deeper process.

What the second one is it has to do with qualitative analysis. And that was talked about a lot yesterday. The third one has to do with community-based participatory research. And the last one has to do with this whole discussion about vulnerability.

(Slide)

MR. LEE: And I just want to kind of recap this. And if you look on the slides on the PowerPoint, the point is made that -- from the point of view of understanding environmental justice, the concept of vulnerability goes to the very heart of the meaning of environmental justice.

And as Hector said, there are certain communities that will come to the table. They are, essentially, disadvantaged or under served and overburdened communities. And that is another way of describing what is a so-called environmental justice communities with preexisting deficits. And it is important to note of a both a physical and a social nature.

And that is the point that is really very, very important to note about the framework for cumulative risk assessment, which says that the kind of structures you have to address when addressing cumulative risk are both biological, physical, and social in nature -- or and socioeconomic in nature.

And so what these do, obviously, is make the effects of the environmental pollution more burdensome. And, in some cases, unacceptably so. And this is one way of differentiating certain types of communities from another.

And, actually, that, as I said yesterday, adds another dimension of understanding what does a -- what one means when one says disproportionate impacts.

(Slide)

MR. LEE: What the framework for cumulative risk assessment, if you go to the next slide, does, and this is actually the first time that got articulated, is a framework for understanding vulnerability in the context of environmental risk.

And those are these four categories, susceptibility of sensitivity, differential exposure, differential preparedness, and differential ability to recover.

And this is actually very important because what this framework -- these four categories offer us is a framework for being able to link certain types of things such as social factors or socioeconomic factors which are so important to the meaning of environmental justice.

(Slide)

MR. LEE: If you would go to the next slide. So, there is a -- I wanted to point out one place where some research has been done, has been done by Manuel Pastor who is a professor at University of California, Santa Cruz, who found that a strong correlation between periods of greatest

community demographic change and the introduction of noxious land uses.

And they surmised that the reason for this is that there was a period when the community's social capital, in terms of stable leaders, networks, and institutions, is, perhaps, the lowest. And they even coined a term for this. They called it ethnic churning.

Another place where the relationship between the ability to prevent, or withstand, or recover from environmental exposure and social factors come into play, you notice in terms of things like employment, and income, access to insurance, the healthcare system, discrimination in the healthcare system, language ability, et cetera, is in to say an area say like isolation.

And isolation can be economic, or racial, linguistic, or otherwise, which leads to less connections, less access to information, less influence, and thus less ability then to prevent, withstand, or recover from environmental stressors.

And so, this raises -- and like the last sentence in there says indexes such as measures of -- which measure such isolation like the similarity indexes, like the ones that Pat Hynes were talking about, are very useful because within the

public health and social science literature that is -- there is a very robust amount of literature.

(Slide)

MR. LEE: One of those areas of literature, if you go to the next slide, has to do with the relationship between vulnerability and health disparities.

One way that the workgroups thought about cumulative risk is what about cumulative risk over time. And if you were to follow that, the meaning of that cumulative risk over time within an environmental justice context is, perhaps, the legacy of racial and economic discrimination.

And there is, of course, a great abundance of literature around health disparities. And so, the relationship between health disparities and vulnerability in environmental hazards began to show itself.

And if you think about health disparities in the context of as an outcome of vulnerability -- of environment hazards and vulnerability and also then as a contributor to vulnerability, it becomes a, perhaps, a very important and powerful analytical concept.

(Slide)

MR. LEE: So, then you get to the next slide. And this relationship then is, perhaps, seen in this next slide. If you will see those four boxes of the four categories of susceptibility, differential exposure, preparedness, and ability to recover in a way that interacts with each other, over time, this expresses itself in terms of health disparities.

And then, that is the same relationship that then, if you look to susceptibility, then one of the areas of susceptibility, which is an acquired susceptibility, is preexisting health conditions, which are health disparities.

And articulating this relationship is, perhaps, the first step then to laying the groundwork for a very rigorous exercise of identifying which of those indexes then can come into play when doing analysis around disproportionate human health and environmental effects.

I wanted to kind of walk through those set of concepts because this is a very important foundational piece of work that is -- I think the workgroup had done in laying the groundwork, not just for cumulative risk assessment, but also for environmental justice.

And the larger context of what this -- where this is all going, I mentioned before that the framework for cumulative risk assessment that was published by EPA in May 2003 was really a monumental step forward, a real milestone.

What it is a milestone in is not only -- it is a milestone at looking at what would the next generation of environmental protection look like. Because the framework basically says that in the past environmental protection --and a lot of advances were done through, essentially, technology-based controls and single substance approaches.

And as much as those have produced a tremendous amount of progress, it also left pockets of disproportionate impacts or hot spot -- environmental hot spots or your so-called environmental justice communities.

And this is where I think the two areas of cumulative risk analysis and environmental justice really comes together.

And in order then to address these requires not just a paradigm shift in terms of the things we talk about in terms of, perhaps, the agency, but also in the very method of doing risk analysis. And so -- which then would require the

community-based approaches to participatory research, the qualitative analysis, et cetera.

What you have -- what this does is lay the groundwork in a very cursory way of a lot of thinking and work that the workgroup had done. And what the workgroup did was to translate this then into eight overarching proposals -- proposed themes or recommendation themes. And this is what is going to be talked about today in a broad context.

It is very important to note that all these kinds of paradigm changes that the workgroup was unequivocally and unapologetically advocating is not going to happen overnight.

And it is not going to happen outside of the context of the present realities of different groups, the EPA and its partners, the states and local government, in terms of the communities, in terms of a busy industry, and other stakeholders, it is not all -- there is going to be -- all of these different areas are going to have to be changed -- has to be addressed.

And so, translating these concepts into a context in terms of -- that it calls for changes in terms of thinking, in terms of capacity, and in terms of action is what the discussion today is going to be about.

The discussion today is going to start with a presentation of the eight overarching proposed recommendation themes. These eight overarching themes should -- has to be looked at together.

The workgroup also said you can't look at any single one of these without looking at the whole thing because these aren't going to -- all of these are interdependent.

And then, the hard part of the discussion then is translating these into real action items. And Tim is going to -- Tim Fields is going to lead us in a discussion around the more than 60 action items.

We are going to walk through and try to figure out a way to make those presented in a way that is realistic as practicable, and is going to be effective, and within the context of the institutional realities of EPA and the other partners that we are talking about.

So, that is the intro -- the summary of yesterday and the prospective look at what is going to happen today.

MS. EADY: Thank you, Charles. That was a great comprehensive summary of yesterday leading us into today. And before we get started, and I am going to hand the microphone back to Charles, we have another panelist who

has arrived. So, if you don't mind introducing yourself and where you are from.

MR. PRASAD: Thank you. My name is Shankar Prasad. I am the Health Advisor to the Chairman of California Air Resources Board. And it has been a great pleasure to be working on this community impacts document.

And as Charles pointed out, that the Institution of Bias For Action will be the primary thing that has been the theme between all and equivocally agreed upon. And I am happy to be here to participate in the discussions today.

MS. EADY: Thank you, Shankar. We missed you yesterday. So, welcome. We are glad you are here. Charles, if you don't mind, would you introduce the next presentation.

MR. LEE: I kind of introduced it already. So, the co-chairs of the group, Judy Espinosa and Sue Briggum, are going to present the eight overarching proposed themes.

<u>Overarching Recommendation Themes</u>

by Judith Espinosa and Sue Briggum

MS. ESPINOSA: Madam chair.

MS. BRIGGUM: You are first.

(Laughter)

MS. ESPINOSA: Thank you. And good morning to everyone. Sue and I are going to do this dog and pony here. But very seriously, I want to say -- I want to thank everybody who came last night to provide us public comments and public comments on the cumulative risk assessment report. We appreciate those very much.

Again, to reiterate what was said yesterday, we want to make sure that we get all the comments we can from the NEJAC. And I appreciate that. And from those members of NEJAC so that we can look at them, and digest them, and incorporate them into the report.

We also want to get the public's comment, as well, so we can do the same. And I understand there is 30 more days of open public comment on this document. You can do it by calling, or trying to reach any of us, or e-mailing to Charles or to Sue and I.

And however you can get them to us, we would very much appreciate that, however formally or informally. We take bullets. We take paragraphs. We take written statements. We even take calls. So, I want to make sure that everybody has the opportunity to do that.

I also would ask that NEJAC members, as well as the public, to please disseminate this report and the fact that this report is out to as many people as you can in your states, and in your tribal communities, and in your neighborhoods, and whoever else you work with because we would like to get that disseminated and feedback from as many people as possible.

So, I also want to assure you that we are taking the public comment we get and we will be looking at it. And if nothing else, Connie is going to make sure that the community's comments are brought to the table with the workgroup.

The workgroup will continue to do this for the next three or four months, hopefully refine all this, and have a final report out in September. So, we are continuing to work. In fact, I think we have a meeting scheduled shortly after this meeting so that we can digest all of this.

As Charles mentioned, the themes today are the basis for the recommendations. And we believe that they are important themes.

(Slide)

MS. ESPINOSA: As Shankar just said, one of the most important ones is the bias for action. And we have

thought about the word bias for action. Some have said maybe we should use a different word than bias.

But, frankly, this is not an objective statement. This statement is a bias. It is a bias that we need to institutionalize. It is a bias that we want to see EPA extend upon. Because EPA, I think, in its framework for cumulative risk has also stated that they want to commence actions as well.

This is something that we have heard from communities for decades. Do we have to wait until every study is completed or how many people have to die or become sick before we realize that we need to do something?

And so, we want to make sure that we, as NEJAC, and we who serve the public, as well as EPA, are proceeding towards this bias. And it is a bias.

We want to show that we have a clear and urgent need in our tribes and in our communities to look at overburdened, and disadvantaged, and environmentally overburdened communities and tribes.

We want to make sure that we do have the scientific authority that we need to proceed. But before we do that, we want to make sure that we also are working within the

communities to get the evidence that they have gathered over the years.

And we want to make sure that we institutionalize this environmental collaborative process and this model that we have set forth in the cumulative risk work plan that we have done over the last year.

So, you will be hearing more specifically about some of this as we go along. And, hopefully, we will get some good dialogue with the council.

(Slide)

MS. BRIGGUM: Our second theme is necessary in order to institute a bias for action as well as to begin to look at overall comprehensive long term ways to address cumulative impacts. And that is to utilize statutory authorities that are already on the books.

One of the easiest ways to get somebody to the table is to say yes, there is in fact a statutory obligation to consider cumulative impacts. And we know that there are a number of individual aspects of statutory environmental programs that require that, for example, risk assessment in air permits, adverse impact analysis in water permits.

RCRA has been construed to have an overall authority to protect human health and the environment that provide some opportunities.

EPA's General Counsel, Garry Guzzie, had sent out a memo on "Implementing Environmental Justice Through the Use of Existing Statutory Authority". That is a really good beginning. But it would be helpful to have the General Counsel go back and refine that in terms of cumulative risk.

The workgroup wanted to stress that they don't expect that this search will come up with one silver bullet, the one statutory authority that solves everything. This is a complex subject matter.

We appreciate the differences is it is statutory authority, the limits in jurisdiction. But we also think it is extremely important to come up with a whole cookbook of the ways in which you can say to the various sources this is an issue that we need to address.

And so, we think that not only do we need a memo from the General Counsel, but we also need something that is going to be user friendly in community situations and, frankly, more user friendly for business as well.

So, we also suggest that we need guidance and practical means to implement and assessment and recognition of cumulative risk in the permitting and enforcement authorities.

(Slide)

MS. BRIGGUM: Our third theme addresses the fact that we have a pretty healthy appreciation of the fact that the second theme will probably reveal a number of gaps and short comings.

It is very difficult. Here we have statutes that address different facilities, different media that we are trying to mesh together into a place-based approach. We have a regulatory system that is divided among three jurisdictions.

I mean you have Federal statutes. Most of the implementation by the State, sometimes under Federal authority, more times not. And then we have, actually, quite an array of regulations that are implemented under local ordinance. All of which are quite different from one jurisdiction to another.

So, we suspect that as we start implementing the bias for action, we start the dialogue, we look at the existing authorities, we are going to find some holes and gaps. And

so, we suggest that rather than just acknowledge them, those should be collected and analyzed.

We have, in other portions, some suggestions for multimedia pilots and cumulative impact pilot programs. We think those will be great learning tools in order to appreciate where the statutory authority or regulatory authority appears to be lacking. And we need to know this if we are ever going to attempt to address that. And Judy will talk about the community.

(Slide)

MS. ESPINOSA: So, on our theme number four, we are talking about incorporating the concept of vulnerability, particularly as it relates to social and cultural aspects.

I think we had a wonderful discussion yesterday about vulnerability and the importance of that to this work and setting it out in a way that, as Charles said, is unabashed and unapologetic.

Because we do feel that vulnerability is a key theme throughout this report. Because the recognition of that is really what we are talking about when we are talking about cumulative risk assessment and environmentally overburdened communities and tribes.

So, we have acknowledged that in our report. EPA has acknowledged that in the framework. And that social vulnerability, in particular, which includes health factors, and the public's health, and as well as cultural issues, which were brought up last night in some of the public comments, and as well as the living conditions under which people have to maintain themselves is all part of the social vulnerability aspects of that.

There is a lot of criticism, and there always has been, about the qualitative aspects of vulnerability. And how can you possibly quantify vulnerability or measure it? I don't believe that is probably true.

I believe that you can do some scientific analysis on vulnerability. And that comes out of a lot of social literature that we are seeing now. As you see, we are suggesting that we look at some of those pieces of literature. There is a lot of social science literature and a lot of public health and health related literature where we can look at measurements of vulnerability.

I know that communities know that they can measure this. And I know that they have a lot to tell us about how scientists and others can look at the aspects that they see

everyday and can begin to look at how you assess and evaluate vulnerability in the community.

We want to see vulnerability incorporated into EPA's research agenda. And that will, of course, will require a collaborative approach, the model that we have been talking about throughout this report, as well as a community-based approach, which is one of our big themes and which we talked about yesterday quite a bit.

(Slide)

MS. BRIGGUM: Theme number five, to promote a paradigm shift to community-based approaches, particularly community-based participatory research and intervention.

Again, we added intervention because of the fact that this is a bias for action. And we don't need to do just the research, whether it is community-based participatory research, we need to do something about what it is we find from the research that we do. And we need to do it quickly.

But of course we truly believe, as I have believed for years, that community-based focus, and utilizing the community knowledge, and the community expertise in that particular community or tribe is very important to risk assessment. And

doing that will ensure that we can incorporate social, and cultural, and public health issues into our risk assessment.

This is much different. And I think we heard last night the concerns that community members have and tribal members have had over the years with a totally scientific risk assessment. So, this is a different model.

The community-based participatory risk assessment provides for a strong foundation for effective collaborative problem solving initiatives because it comes from the community because the community has not only participated in the research, but they do the research and have done this --.

Again, you can call it CBPR, and I have a hard time with that, but the fact of the matter is is that communities have been collecting evidence, and facts, and information for decades on what is happening in their community's. It is just a fancier word now that we have been using for the last decade.

This will help scientists document and disseminate what has been happening in the community. Case studies, we believe, our totally relevant to what happens in CBPR. And it will help utilize an evaluation process and gain evaluation process so that we can improve the effectiveness of how we

look at community prevention aspects and how we do our intervention.

So, as you are doing the research, you are also looking at the evaluation of what is going on and you are also looking at where you are going to go to intervene with the community on behalf of those who are environmentally overburdened.

(Slide)

MS. BRIGGUM: Theme number six, to incorporate social, economic, cultural, and community health factors, particularly those involving vulnerability and EPA decision making.

I think EPA has come a long way in the last several years to begin to do this. It is not something that, by nature, has been in the organization or in the agency, but I believe that they are beginning to understand this concept quite well. And those of us who are on the workgroup, I think, really began to appreciate that.

I don't understand what the problem has been between the environmentalists or the environmental scientific community and the health community and the social science community 'cause I come from a public health background. So,

it was always natural for me to talk about environment and environmental health and public health. And so, this disparity was kind of different.

But now that we are moving on this issue we believe that EPA can look at just not -- just quantifying individuals, single substance kind of toxicities in communities, but look at the comprehensive understanding of human health and environment.

Again, this necessitates looking at various factors, including social, economic, and cultural in the tribes and in our communities.

Communities can be characterized by comparing both social and physical factors. And it calls -- this report calls for a greater understanding of the use of both quantitative and qualitative analysis. Again, as we said on theme number five, this is an important direction to go.

(Slide)

MS. ESPINOSA: In order to begin quickly and continue on, you need to have some tools in order to understand how you can use the information that is available already in order to identify all of the cumulative impacts in a

community as well as prioritize the communities that are most lesser and least burdened.

And we think that there is actually a lot of stuff our there, which is why we don't think our bias for action is unrealistic. We think that there are number of tools that have been developed and, primarily, just need to be collected by EPA and disseminated in a helpful way.

You see the matrices there. Shankar brought to us something from California that was extremely useful. Risk assessment provides some fundamental tools. There are a lot of ways to assess in re information that are helpful.

And we think EPA could do one of the things it does best and most usually by simply collecting it, making it freely available, and also translating it into kind of practical plain English where it needs to so that the stuff is useful. But we also recognize -- that is pretty easily done.

(Slide)

MS. ESPINOSA: But in them eight, we also recognize that we need to have resources and capacity has to be built. And we acknowledge that at this point we really are asking for those who budget at the agency to take a look at this project and consider its usefulness.

If you are going to do an analysis of cumulative impact, you really need to know how to do it so that it is done correctly. And people buy into the fact that you need results once you have done that analysis.

That means that, as Bob said yesterday, it is really important that the regulators understand this process and how to facilitate. It is not obvious how to do it or how to use these tools.

There is going to have to be training modules that are developed, much like the EJ training tools, that say exactly how you do this kind of work and then how you maneuver the negotiations in order to incentivize, and encourage, and otherwise enforce practical real world response to improve quality of life.

This means that communities are going to have to get the resources necessary in order to fully participate as partners in this process. And, frankly, business is going to need some training too. It won't be obvious to them how they can participate constructively.

And it is also important, I think, to recognize that in business you really do need to build the case. It is not just the person who is most familiar with the community situation. But

in a medium or larger size company, you are going to have to make the case to spend the money in order to respond to the community concerns.

And so, training modules that help members of the business community to appreciate the importance of this issue and to understand the good examples that have been out there of coming to the table and improving community quality of life. That will be very important to organize and fund.

And we also recognize that there is an important role for the research arm of EPA to play. There is a long term research agenda, additional work on vulnerability, in particular, that is important. And so, we want to support those in the agency that are doing that important work.

MR. LEE: Thanks Sue and Judy. What we are going to do is have different people from the workgroup, who are particularly responsible to different ideas in these eight themes, and so we just want to give them an opportunity to elaborate a little bit about why they think these things are important.

Bias for Action

MR. LEE: And, actually, the phrase that institutionalized a bias for action came from Tim Fields. And so,

Tim, did you want to add anything to what they have presented?

MR. FIELDS: Well, I just think this is a critical element in the overall agenda that we have put forward for EPA and as this goes forward. EPA has been excellent over the years at studying, investigating, conducting research, but we are really emphasizing the need to really take action for the future.

There are some things about necessity that have taken a long time, the docs and reassessment, 10 years, the children's health study that build centers and folks are embarking on to look at 20-year data on children and their health effects.

But the workgroup clearly emphasizes here that when you are dealing with the health and lives of communities, there needs to be a real bias for action on the part of the EPA.

We need to change the tendency from studying things forever toward taking proactive action to deal with the health threats, the environmental stressors that are impacting those communities.

The workgroup believes that to initiate this we are putting forward for EPA the suggestion of doing some pilot activities in each of the 10 regions, picking communities that

we would designate as having priority focus because they are under served, disadvantaged communities that need to be addressed.

We are developing -- recommending the development of a short term research agenda to focus that activity. And we are recommending that EPA pull in other partners, Federal, state, local, private sector interests to help deal with those problems in the short term.

Larry Starfield always shared with me when he was in general counsel that it is a lot easier for the EPA to do things starting off as pilots. So, we are recommending that pilots will be a very effective way in which the EPA to demonstrate real risk reduction in communities that are being impacted by multiple stressors here.

Existing Statutory Authorities

MR. LEE: Thanks, Tim. The second theme has to do with existing statute -- Use of Existing Statutory Authorities. And Sue gave a great kind of overview to that. But when the idea of collaborative problem solving came up, Judy Espinosa said well, that is actually a great idea, but what about the communities, in communities she is familiar with, where the responsible -- or potentially responsible parties just won't come

to the table. So, Judy, you wanted to add a few perspectives from the community side.

MS. ESPINOSA: Thank you, Charles. I am always concerned about the recalcitrant folks. And it is recalcitrant sometimes on the part of local governments, as well as it is on the part of business and industry, and also state governments as well.

And I am always looking for that hook as to how you can utilize statutory, regulatory, or policy issues to bring people to the table. Also, incentives, of course, help.

But in regards to statutory and regulatory authority, I think that what we have outlined and some of the action items would be very important.

EPA has, as Sue has mentioned, a plethora of statutes that can really assist environmental justice communities and overburdened tribal communities. And I think that guidance is really important here and a refined guidance from the Office of General Counsel.

I think this would not only help the tribes because they stand in a special relationship to EPA and the Federal Government, but I believe it would, as a former state regulator and local government person, I think it would really be helpful to

the states and local governments on how to proceed in a lot of this because that guidance would show the authority that is existing.

Because many states, I know in New Mexico this is true, have taken a lot of the statutes from EPA and just folded them into whatever it is that they are doing as well as the regulatory authorities for that. So, it kind of flows down from the Feds into the states and the locals.

The other thing is, I think would be very helpful, is the guidance would be helpful as a road map for what can be done in the future.

We heard a lot of comments last night about EPA's role. You know EPA can't do everything. We would like for it to and we wish that you could 'cause it would certainly make the communities and tribal folks a lot happier if they knew that they could just go to one agency and get things done.

But this would give a lot of direction, I think, to other agencies as well and would assist EPA in pushing for the collaborative models that we are talking about in the workplace. It would define what EPA can do.

And it would assist, I think, in looking at okay, we can't do this, but we can certainly assist in pushing for a

collaborative approach with maybe some of our sister agencies who are maybe a little reluctant to come to the table.

Programmatic and Regulatory Fragmentation

MR. LEE: Thanks, Judy. The third theme has to do with overcoming fragmentation. And the presentations that Wilma helped put together just are replete with issues of how the environmental protection regime, both at the Federal and state level, are just fragmented. So, Wilma, did you want to add anything?

MS. SUBRA: Sure. Yesterday and earlier this morning, we have been discussing how to broaden the base and include into the process a lot of factors that lead to cumulative risk and cumulative impacts.

I would like to back up a little bit and look at where there are missing gaps within the regulatory, the statutory, and programmatic implementation of the rules and regs that are on the books and point out where the communities are being impacted because not all the sources of pollution are considered when the various departments of the agencies make their decisions.

We are all familiar with the stovepipe approach at the Environmental Protection Agency, which then is passed down to the state agencies.

We have rules, and regulations, and statutory authorities that deal with media such as air, water, and waste. And Tim was the one in charge of the waste issues. And then we have special programs dealing with like a large number of toxic waste sites, such as the superfund program. And that is the one that Larry, and Sue, and I have been working on for advice to EPA.

But then, you have other agencies. You have like the Department of Agriculture whose main focus is the promotion of agriculture. But they also regulate the use, and the prohibitions, and the lack of buffer zones of the application of both pesticides and fertilizers.

You have the conservation agencies, such as oil and gas, that, at the state level, all the regulations for oil and gas are at state level, nothing at the Federal level. And their main focus is the promotion of the extraction of oil, and gas, and other minerals.

And as is an aside, they deal with the waste issues sort of as a real aside. It is not their primary focus and therefore the waste gets short shrift.

One of the best examples is a new, what I call, the sin of today. Historically, we have looked at a lot of oil and gas waste issues as sins of the past. But coalbed methane is one of the big issues of today.

And it is all over the West. It is in some of the Eastern states. And it is in Alaska. And we have heard over and over again, before NEJAC, the huge impacts on the tribes in Alaska.

While coalbed methane is coming into Alaska, it lacks Federal regulations. In Alaska, it lacks state regulations. It lacks consideration by the state of what it is going to do to the other natural resources. And yet, it is coming in there like gang busters.

And then, we have the public health agencies. And we have heard a lot about how they provide primary care but, frequently, not environmental care. But they also are not a part of the permitting and the enforcement processes.

They are not consulted when you try to determine are there health impacts or if they are consulted, they do a

health assessment at their own pace. And so, suddenly, out come this health assessment which isn't timely for the regulatory program implementation that is occurring relative to the issues.

Then we have audits of the state programs, like in Louisiana, where the audit resulted in the lack of enforcement in compliance, a huge number of expired permits, and a lack of oversight.

And to Larry's credit, he has included the environmental community in Region Six addressing the shortcomings of the state programs. But there are state program shortcomings all over the country that also lead to the burden on the community.

Where agriculture doesn't necessarily address the right issues, you have pesticide runoff, pesticide drift, you have surface water impacts, you have burning of agricultural crops that are exempt from every regulation in the country.

And oil and gas issues, you have waste streams that are not properly addressed. You can regulate hazardous waste. You can regulate solid waste. But oil field waste is like way down here, don't regulate us, don't put requirements on how we deal with the waste.

You have air emissions from like glycol dehydration units, huge quantities of benzene. And these units are usually in people's front yards, backyards, agricultural fields. And then, all the compressor stations.

And these are all a large burden on these communities. But these burdens are not addressed when the environmental agency is doing the processes that they are designated to do.

On the Mississippi River, we have transportation. We have air emissions from the boats. We have bilges discharged into the water. That water is what you drink here in New Orleans.

Two-thirds of the nation dump into that water that passes between the levees here in New Orleans. And New Orleans uses it as a drinking water source.

Then we have agencies such as fish and wildlife. And they have the authority over posting water bodies for fish contamination. And in the whole United States we have huge numbers of mercury postings. In Louisiana, we have PCBs.

But no agency is responsible for the posting of terrestrial organisms. These organisms are located in many areas where people do subsistence hunting and fishing. And

that burden is never included in the regulatory processes when you are looking at permitting, enforcement, whether or not to put these kinds of ad advertents on the community.

So, the fragmentation of the regs, and rules, and authorities that exist on the books now result in a lack of consideration of all areas of contamination. And they need to be addressed so that when you look at a particular area and you are considering some issue in that area, you are looking at all the sources of contamination.

Vulnerability

MR. LEE: Thanks, Wilma. The next theme has to do with Vulnerability. And we were really fortunate that Hector Gonzalez agreed to be part of this group because Hector is the Health Director for the City of Laredo, Texas. And so we not only get a perspective on this from a local government official, but also from a public health person. So, Hector, do you want to add a few words?

MR. GONZALEZ: Yes, a few. I said it yesterday, and I want to -- I think it is important to say it again. That from a public health perspective, to me, this is just very simple and logical.

We have communities all over, under served rural communities, tribal communities, border communities, that face a whole spectrum of public health and environmental health needs from just basic wastewater treatment to have potable water to the overt exposure to contaminants. And that is the gamut.

I think EPA has a wonderful opportunity for those who insist on validation and scientific foundation to create the science of vulnerability. This is the opportunity to do that because it is there.

And yesterday, I think, our community panel said it very well. A lot of the issues that we are now saying to develop a framework process-based on vulnerability is already out there.

And so, again, I think EPA has that great opportunity to -- if we need to develop this that there it is. This is the opportunity to develop the science of vulnerability.

We didn't know a lot about chemical and contaminant exposures a year ago, five years ago, ten years ago, twenty years ago that we know now. And there is a lot that we still don't know. The ever ever question of what happens to low dose chronic exposure.

We heard yesterday that even normal levels now may expose. And what does that mean to health? And we just don't know. There is a lot that we don't know. Given that, then it behooves us to look at that -- all those parameters of vulnerability that come into play. And there is already models.

And I, again, applaud EPA for partnering with others. There is this interagency group. And that is one of the strategies that we are proposing. Because, again, and all of us emphasize, that we need to act now.

And I applaud EPA again because they developed this Federal interagency specifically for the border. And all the Federal agencies are on there. But that is the model to jump off, and look at, and address vulnerability and cumulative risk as well. For every agency is already talking together, how do we address this?

And, specifically, when you look at vulnerability, we don't have to reinvent. ATSDR has a basic model. NIEHS has, NIH. All of them already have some facets that incorporate vulnerability as the foundation to environmental exposure.

Well, EPA, I think right now, is taking the lead by putting it into the agenda. And as a final note, I think being proactive, one of our recommendations is to include

vulnerability and cumulative risk into the EPA agenda, but immediately we are saying to incorporate it into the environmental justice agenda as well.

And the last thing is that we have the opportunity to develop whatever indicators and guidance to serve as the framework to measure vulnerability as we start. Because the issues of exposure to all of the new data that we have on environmental contamination, it is ever going in its transition.

MR. LEE: Thanks, Hector. You know Hector used a term, and is a term that is in the draft report, this science of vulnerability. And it occurred to me that there is a workshop that EPA Region One is going to host in the end of May called "The Science of Environmental Justice".

And my question with exactly -- if they were actually talking about the same thing? And, actually, in a lot of ways, they are talking about the same thing. And Pat Hynes is going to be the keynote speaker. And Boston University is going to host that. And so there is a lot of connections here.

There are several aspects to this. One of which has to do with the vulnerability not just from the point of view of how you assess impacts, but also how you respond to impacts. And that is also part of the science. Right?

Community-Based Approaches

MR. LEE: And so, that is where the question of community-based participatory research becomes very, very important. And so I know Connie will -- cannot ever stop talking about CBPRs. So, if you want, Connie, here is your chance to say something else.

MS. TUCKER: Well, I am a little concerned that we may have some -- a differing understanding of CBPR. The CBPR that I know is not the community coming together to collect data, rather -- in fact, I -- the burden of proof has always been on the community. I want to --.

We are hoping that the CBPR process gives an opportunity for the community to work with researchers to ask questions through a quantitative method as well as through other methods. But we don't want to lose -- we don't want people to have the impression that CBPR means no quantitative analysis. That is not it.

MR. LEE: Great. Thanks. And, actually, the other point that Connie always makes is within the context of a larger collaborative problem solving process, the community's participatory research brings a whole lot of, not only tools for community engagement in doing assessments, but also

1 providing them the kind of pathways to solutions that comes as
2 a result of that kind of research.
3 ***Social, Economic, Cultural, and Public Health Factors***
4 MR. LEE: The other part of this then has to do with
5 the sixth theme, which has to do with social -- incorporating
6 social, cultural, and public health factors in the EPA decision
7 making process.
8 And Pat Hynes talked a lot about that yesterday.
9 And I don't know if you want to add more to that, Pat, in terms
10 of the decision making process.
11 MS. HYNES: Actually, Charles, I just wanted to refer
12 -- a number of people asked me about the -- where I got what I
13 talked about from. Where is the information from, the analysis,
14 the studies, et cetera?
15 And I just wanted to say that for those interested,
16 there is an Appendix H in your binder, which has the articles
17 that I have drawn from. I mean there is 10,000 others. But
18 these are useful for what I talked about.
19 Actually, Charles, what I would prefer to address
20 -- I mean I would still like to address the issue -- the basic issue
21 that I spoke about yesterday, which is that I think
22 disproportionate exposure to toxics comes from the similar

1 place that disproportionate exposure to poverty, to inequality,
2 isolation, et cetera comes from.
3 And that is being unequal, those who are least equal,
4 basically, are the easiest targets, you might say, whether it is
5 conscious or not. And consequently, they are also the least
6 healthy of the society.
7 So, what I would like to do, I talked about that
8 yesterday, is rather from my own experience, I am not a
9 regulator, I don't work in government, although I did work for
10 EPA in the early '80's in the superfund program as an
11 environmental engineer in RCRA and I did industry inspections
12 and used regulations to the best of my ability as an
13 enforcement engineer, but currently the work I do is
14 community-based research.
15 My partners are government, nonprofits, I know
16 many of you come from those, and community organizations,
17 and community people.
18 And so, what I would like to describe very briefly is
19 the principles of community-based research as I understand
20 them and work with them and how that -- in doing this, my goal
21 -- our goals are both to improve environmental protection,
22 improve public health, but also reduce inequality, which I think

1 is at the core, as I said, of why some people bear
2 disproportionate burdens.
3 So, let me walk through quickly what I see as the
4 principles of community-based research. And, Connie, I hope
5 we are on the same page here in terms of what you just said.
6 And let me know, if not.
7 The first is -- I mean, first, I think the first premise is
8 people do not come to the table as equals. People aren't
9 equals. And so, I think EPA has a very special charge when
10 they bring people together.
11 Whether it is alternative dispute resolution or it is
12 community-based research, I feel the same obligation, which is
13 when you bring people to the table to work together, you work
14 in every way to reduce inequality, to bring people as equals
15 even though they come from unequal places.
16 So, first of all, you bring together community people,
17 generally the people who are suffering the problem that you
18 are coming together around, nonprofits, public agencies, in my
19 case, university people, government.
20 And you set some rules. Rules about everyone's
21 chance to talk, who chairs the meetings, typically rotated so
22 that it isn't always, symbolically, someone in charge and the

1 others not. You give people a certain amount of time to talk so
2 that everyone's voice is heard.
3 Secondly, another principle that we use is that we
4 really, without saying it, but I think try to enforce it, that there
5 are many kinds of knowledge, expertise that people bring.
6 And technical knowledge, scientifically-based
7 knowledge, whether it is environmental knowledge, or legal
8 knowledge, or social knowledge, social science knowledge,
9 public health knowledge, they typically have more privilege
10 than other knowledge. I mean it is the way this world works.
11 There is a hierarchy of knowledge.
12 And so, what we try to do is reduce that hierarchy
13 to different shapes, sort of like a web or something like that.
14 And so, you can speak about the expertise, lived expertise, of
15 people.
16 And that expertise, maybe you want to call it
17 qualitative, whatever, it is not quantitative, but the fact is that
18 people we have worked with have improved our surveys,
19 these are scientific surveys, but then we pilot them. And the
20 feedback has changed the questions, has added questions
21 and added more rigor and validity to the surveys.

Focus groups, I think, are very important tools to use in order to elicit the key insights, key information, key data, you might say, on the part of people from the community who bring the sort of lived knowledge of what they think they have been exposed to, what they think the impacts are, et cetera.

Having focus groups where you then systematize the ideas that have come out of that and then match those to the research questions has been a very good technique for, again, leveling, you might say, or equalizing the discussions around sort of who is expert on these issues.

We actually train community people as our researchers in the case of surveys and also health instruments that we have. Even spirometry, that is measuring lung capacity, we have taught our researchers to do.

And so, in doing that, you are both building skills, you are building capacity, you are building social assets, personal assets. I think it makes for a better research project. It is not the detached trained researcher versus research subject. It becomes a mutual project in which we are all invested in success.

I think that this also -- I mean training the community as your researchers involves them in the more scientific side

of this. You are building science skills, science knowledge. And in that regard, too, I think building, investing in equality.

Next, after you have done this, we get data, data analysis. Our data people run it through the computers, bring it back to us. And this is a hard point because you have statistical analyses and things like that that people -- many people at the table weren't trained for.

And so, we are really struggling, at this point, to find ways to discuss our findings without having to mystify them and at the same time be true to them.

I think the value here, in having community with us, and this is back to EPA, I am thinking when you are doing community-based pilots or studies, is that the community are the people who have the bias for action.

We have a bias for knowledge. It is our training. And it becomes a habit. And so, bias for perfect knowledge, actually, and -- or better knowledge, I should say.

And so, to have others near you who are impatient with the question -- and bring the question so what, so what does this mean, so what would you do with this, or how do we turn this into an intervention, or remedial action, or improvement, you need those things sort of pulling at each

other, knowing to know a little bit better, at the same being prepared for actions.

So, I think community-based research is actually necessary in order to have the bias for action because you need people who are pressing for action, need action, want it, and to offset the tendency towards more knowledge before you know how to act, which becomes the groove that those of us who work like that, work with ideas, becomes deeper and deeper as we sort of spend time in doing this.

Another criterion of community-based research, again, thinking of equalizing relationships, is sharing financial resources. And I think there should be contracts between community partners and whoever it is that approaches them to work with them, whether it is university, whether it is public agencies, contracts around the money.

And we have had a lot of tensions in our group around this. Our group is three universities, two city agencies, housing and public health, three nonprofits, and a bunch of public housing residents and their tenant task forces, and a couple of consultants.

It is a huge collaborative. And money is shared. But is it shared equitably? I mean we spent years trying to get there.

And I think I have come away from it thinking there should be sort of transparent contracts at the beginning. If you have a million dollars with which to do something or 50,000 to do a pilot, it should be clear and it should be clear who that money is going to. And everybody's time is valuable.

So, I don't have a formula for it, but I just think that it should be as clear as possible that some are not expected to give sweat equity and others are expected to be paid for their time.

And, again, I think -- I mean it is a form of employment. And, again, a very small incremental way of reducing inequalities.

A couple of other points that have been made by people work -- doing this kind of work is, number one, don't be opportunistic. Don't just go in for the pilot, in and out. Don't go in for the opportunistic grant, in and out. 'Cause three years later, you partner with others over an entirely different issue with funding. Commit to your community partners.

Continue to look for other opportunities to sustain working together five, 10, 15 years. Consider that what started as an environmental science or a public health project, pilot project, is a community development project. And looking at it that way, you are in for the long term.

And also, you cannot just put blinders on. Community development means not just solving a particular environmental blight or health issue, but it also is an underemployed community, a community with poor schools, poor housing, et cetera, a lot of vacant land.

Then try to figure ways in which one good that is achieved builds on or sparks another good. And Spartanburg is a favorite example. I don't know it. So, I am not vouching for it. But people like to say $50,000 leveraged, is it four million or four billion?

MR. LEE: Five point two.

MS. HYNES: Five point two billion or million?

MR. LEE: Million.

MS. HYNES: Million. And so, it is kind of that idea is that pilots leverage and pilot partnerships leverage community development partnerships.

And I think that if keeping these principles in mind and trying to do them as best as one can, I think they are also -- it is my only way of understanding how to reduce what I said at the beginning. People do not come as equals.

So, the goal of the project is not just to solve a particular issue, but it is really to sort of undo the imbalance to the degree that we can in the time that we are working together. Thank you.

MS. TUCKER: Could I make a couple of quick comments on that?

MR. LEE: Okay. Go ahead, Connie.

MS. TUCKER: Well, first, I think that the report itself needs to have some sort of diagram that lays out the CBPR processes. And I concur with most of the things that you say.

But in the beginning, I would -- I propose that how you address inequality is not to bring them altogether at once. You start off, actually, with a dialogue amongst the community, the impacted community first and prepare them for having dialogue sessions with researchers and other stakeholders. You do the same thing with the researchers too --

MS. HYNES: Yes.

MS. TUCKER: -- so that they are prepared. The process I would propose is you start off with separate. Create meets, researchers and other stakeholders meet and then they come together.

And when they come together, it is very important to do some sort of training for the researchers and other stakeholders on CBPR, on the equitable relationships so that you move forward with informed participation about equitable partnerships, et cetera, et cetera.

Now, in that dialogue process, the community in the first round gets an opportunity to surface its concerns. Those are documented. And when the two groups get together that is what they, in addition to the training, they are looking at what the concerns are of the community.

And it is through that process that they begin to prioritize. Because the communities are marginalized communities, you are going to have a gamut of stuff.

But what is good about doing and getting it all out is the community has an opportunity with other partners to prioritize problem solving. Because when they see all of that, they themselves get an opportunity to say well, woah, there is no way that we can do all of that.

So, once the problems are prioritized, you can then set up teams to address the prioritized problems that are multi stakeholder teams. And everybody has a role in that. That is all.

Now, one other principle that I would add to what you said -- and those teams, by the way, seek funding. And so, both the community partners and the researcher partners have an opportunity to joint fund raise together for whatever problem that they are trying to address.

One thing that I would add to what you said. And that is that results are shared. All results are shared. That is a big problem in environmental justice communities now is that folks do all this research and people never see the result or they don't have an opportunity to review the result before the results are published.

MR. LEE: See, I told you Connie couldn't stop talking about this.

(Laughter)

MS. TUCKER: Yes, well, I didn't -- all right. But you had asked me.

<u>Screening, Targeting, and Prioritization Methods/Tools</u>

MR. LEE: The next theme has to do with Screening, Targeting, and Prioritization Methods and Tools. Shankar was not able to be here yesterday. But he was the one that really stressed the importance of this. And so, Shankar, I know you wanted to add a few words in terms of perspective on this.

MR. PRASAD: Yes, I want to go back to the question of bias for action. I think we are all around the table here have heard it enough number of times and we all concur that it is what the communities want. And that is what, anyway, most of the government and others says also want to go in that direction.

It actually causes concern. It requires a kind of a paradigm shift, not only from the government, but also from the community as well as from the business side.

And having agreed upon that, we need to be able to act in an area of a geographical area. And to do that, while, one, vulnerability and the other aspects of risk assessment are anything -- has sort of a research agenda attached to that, we need somebody to go and identify those areas which are hurting most.

Because in the question of equality and which is -- the target area must be the one that requires immediate

attention. That means that I must have a biggest disproportionate impact in relation to another area.

So, we need a screening tool which is kind of a comprehensive, but at the same time it goes beyond the concept of the current quantitative risk assessment based on a single pollutant and a single source. In that context, I have explained this concept much more in Appendix L.

And so, that was the reasoning for my stressing this point that while bias for action is intended, it is also important in a short term goal over one year time frame for EPA to act or at least collect and review the material and give some direction of these are the minimum criteria that need to be used in applying it and a screening tool for the identification of the areas for action. Thank you.

Capacity and Resource Issues

MR. LEE: Thanks, Shankar. All of this comes together in the very, very -- this is the theme I think the workgroup really had a hard time getting its handle around. Because everything that has been talked about has implications for capacity questions, the needs and resources. And so, on the part of all the different stakeholders involved.

And those are not only legal, but also -- and technical, but also organizational, financial, institutional, social, et cetera.

So, Tim wanted -- we asked him, because we figured he was the one that actually understood all this the best among all of us, to say a few words about this in terms of capacity and resources.

MR. FIELDS: I am not sure I understood it any better than anyone else, but, obviously, it is a critical issue. And I know that the folks at EPA and on the other end of the table this is the one issue that probably raises the biggest concerns for them internally is where they get the resources to take on the additional tasks that we are recommending to them as a workgroup.

But it is a critical issue for all stakeholders, EPA, the states, local governments, tribes, community organizations, the private sector all need adequate capacity and resources in order to carry out this agenda we are recommending here.

To institutionalize this bias for action that we have been chatting about, you have got to have adequate resources to address it and to carry out the recommendations.

Within EPA historically, as Tom, and Larry Starfield, and other fellows all well know, the superfund program has historically had resources to engage in risk assessments, and to provide community involvement coordinators to support communities, to provide technical assistance grants, to fund the TOSC program, technical outreach to support communities through universities, to provide technical advisors to the communities.

So, in superfund at least, there has been some infrastructure capacity to deal with community issues. The other programs that EPA have not had as much or, in some cases, very minimal capacity to address the issues that we are putting on the feet of EPA in this report.

Some companies have provided resource support. There are some companies across America who have actively provided some resource support to communities.

They have set up community advisory panels around their facilities to involve communities and pay resource support for communities involved -- involvement in addressing environmental protection and environmental justice issues around their facilities. But that is the exception, I think, rather than the rule.

Recently, the Office of Environmental Justice within EPA has gotten and provided funding support to communities through this collaborative problem solving grant program that will allow the creation of collaborative problem solving partnerships.

That will bring a resource base to communities in dealing with issues of risk, including cumulative risks as they deal with addressing real problems in their communities.

So, I think that we are going to have to find a way and make this a greater priority across EPA, for example, at the Federal level, to provide resource support in other program areas to provide for this capacity building that communities need to really address the issues that we are suggesting in our report.

We are going to have to find creative ways for communities to obtain the ability to participate in community-based participatory research. I think Mary suggested yesterday that connections with universities might be one way in which communities could get some support.

But I think that the other programs in the EPA are going to have to make this a priority and find a way in which they will implement the public participation policy and find ways

in which they will see that involvement of communities in the decision making processes, in the risk assessment processes is a critical element of implementing a successful program in those programs as well.

In the private sector, one of the biggest challenge is, I was talking with Sue briefly, is to just try to provide more incentives for the private sector to really get engaged on this issue.

I think, obviously, EPA can give out grants, EPA can provide support, but the private sector can do a lot to really allow resources to be provided for communities and other stakeholders to really participate in the way to address cumulative risks and cumulative impacts in those communities.

So, we really want to work -- one of the things that Barry had suggested is trying to find some -- form some sort of private-public partnership around environmental justice that would help leverage private sector resources being brought to the table to support this type of activity as well.

So, I think that this is a big challenge, this eighth theme. And the associated recommendations we will be talking about further. But all of the key players here are going to have to find ways in which we can increase the resource

base, provide appropriate resources so that the recommendations that we are suggesting in this report can really be carried out.

Obviously, there are going to have to be priorities established, but -- for how you allocate those resources. But we believe that as this workgroup has deliberated for the last year, we believe this is a priority set of activities.

And that we believe that all levels of government, the private sector, and the communities need adequate capacity and resources to address this set of activities that are needed to better the lives of communities across America.

MR. LEE: Thanks, Tim. We are going to take a break in a couple of minutes and then open it up for dialogue. But before we do that, Larry Starfield had wanted to make a comment. He has been waiting really patiently.

(Laughter)

MR. STARFIELD: Thanks, Charles. Actually, I think waiting was probably a good thing because it sort of built. It started, I can't remember, I think it was Judith who first talked about the issue of getting the General Counsel to talk about our statutory authorities. And that made me think about well, a comment I wanted to make about the states.

And then, Sue talked about trying to bring industry in. And that led to a thought about industry. And then, Tim sort of wrapped it all up just now.

The thought is, and this may not be appropriate for the NEJAC to do, but I recognize that you are an advisory council to EPA, not to the world, to EPA, however, I do think that the reality of the world is that most of the Federal programs are delegated.

That the states are really in the front seat of most of these programs. And that it is important to get the states, not only to do it because EPA passes a law, that is really not the best way, but to do it because they agree with it.

And it is unfortunate -- I don't know other than I know we have three states represented here because we are in -- it is our home region. I don't know if there are -- I don't think we are close to having 25 states in the audience today.

And so, the thought was maybe one of the co-chairs with someone from OEJ meet with ECOS and give a presentation for a couple of hours. The thought was maybe Sue Briggum with someone from OEJ to talk to some industry associations for a couple of hours about these ideas. Maybe the Department of Agriculture, as Wilma mentioned.

If you want to -- the concept is very good, but it requires more than just sort of telling people you should get on board. It does require a little bit of explanation, an outreach in salesmanship.

And so, that was my thought is to try to really bring in these -- we keep saying we need these other people, we need these other people. So, what I am suggesting is some sort of a strategy. Because I don't think EPA can do it alone.

I think if we go out there and try to get people to -- it won't have the same power as if members of the NEJAC do it.

And the other way to do it, maybe in addition to this national level consultation, and we would be happy to work with this, is to have the region with any of the various workgroup members, we certainly have a number from our region, that in New Mexico, Judith, we would do something together to talk to players in New Mexico.

We have a lot of Federal facilities. Maybe we want to talk to the Department of Energy about this idea. And it would be a great thing to partner on and reach out.

So, just the concept of an outreach strategy involving the NEJAC members, especially the folks who are working on the report.

MR. LEE: Okay. Now, we have a process question here because we were going to take a break because we had to -- we were asked to take a 10 minute break. Now, do we want to just finish this round and then take a break or do you want to take a break and come back?

MS. : Finish the round.

MR. LEE: I am sorry?

MS. EADY: Break and then come back.

MR. LEE: Break and come back. Well, the chair said break and come back.

MS. EADY: I am in control.

MR. LEE: Okay. So, why don't we leave the cards up. And then, we just follow -- there is a 10 minute break, which means that 10:25 -- no, 10:20.

(Short recess, followed by discussion)

MS. EADY: We have our quorum. So, lets get started. We are taking public comments. I think I have most of the cards that are up. I am going to start by taking Tom Voltaggio. Tom has to leave. And so, Tom, I am going to ask you to give the first comment. Then, let me just tell you what I have after Tom, Judy, Connie, Jody, Andrew, And Terry. So, Tom.

MR. VOLTAGGIO: Thank you. I would like to pick up on two things. One from what Larry had said and one with what Tim had just said right before the break.

With regard to the point Larry made, I agree. And as a Federal regulator in a regional office, I am conscious of the strains that we have in trying to make a new project come out and be staffed and meet the community's needs.

But Larry's point about how many programs have devolved to the states is a very important one. And I recognize there is a significant role for the Federal Government for EPA to play. And we, obviously, should stand up and take that responsibility.

States are here. I think the states are very important partners and willing partners as well, to a large extent, not to every extent, as everyone knows.

But there is another level of government too. That a lot of the issues of stress come from a lack of either recognition or lack of will to enforce requirements. I am talking about county government level, local government level.

Why can't we have some involvement of actual association of county governments, and municipal governments planning associations, zoning associations,

zoning boards? A lot of the permitting issues deal with zoning issues, deal with local governmental issues we can't touch here, not even the states, many times, can touch them.

And that is another thing that we found from the Chester study is a lot of it had to deal with is local government doing the right thing with regard to that.

Now, recognizing there are thousands of local governments and you can't get them all here, but, perhaps, some associations of these organizations can be a part of this process. So, that is one thing that I wanted to mention.

The second thing is picking up on Tim's. Tim, you may not be aware, and a lot of the people here may not be aware of that, that over the last year, year and a half, regional offices have been asked to put together what is called regional strategic plans. Plans which are -- reflect priorities in the regional office that may not be reflective of what national priorities are. And that will be subtle.

There may be particular situations in regions that we just want to take some time and resources to deal with and that just couldn't be recognized by the national program managers.

So, this is coming along. We are coming -- we are developing what is called regional plans where it takes some reasonable percentage of the resources that we are given by the national program managers and direct them toward some regional specific priority that we have.

There is no reason why some particularly important project on the EJ fund, on the cumulative risk fund can't be factored into that regional planning process.

We are just finishing up that process for FY05 now. Our priority planning has FY06. So, it is very -- while that seems far away, it is from a planned planning cycle. Tim knows it is not far away at all.

So, maybe there can be some looking, Charles, Barry, and others, about within the EPA planning process itself. The ability to get resources into some of these things may not be as difficult as it might first seem when we are almost totally driven by what national program managers ask us from a national basis to look at. So, those are the two points that I wanted to make.

MR. FIELDS: Just a very brief point of clarification. Tom, your point, the FY2005 strategic plans, are you saying -- are they almost done?

MR. VOLTAGGIO: Yes, pretty much.

MR. FIELDS: All right.

MR. VOLTAGGIO: But that doesn't mean they can't be changed though.

MR. FIELDS: Okay. So, there is still an opportunity to put more resources in the 2005 plan?

MR. VOLTAGGIO: Less likely, but possibly, yes.

MR. FIELDS: Okay.

MS. EADY: Judy.

MS. ESPINOSA: Thank you. I want thank Larry for saying what he did because he read my mind, as I told him a while ago. And it was prompted by a graduate student who interviewed me yesterday regarding environmental justice issues. She was doing her dissertation on this.

And one of the things she asked me was what is going to happen with this report, and how do you get it out, and how do you communicate it to folks, and what does the NEJAC do about that, and where do you go with it?

And as I said, in thinking about it, it seems to me, based on what Larry says, there is a lot of appropriate means to do that. Also, what Tom was just saying on getting

cumulative risk issues into the EPA regional plans would be well thought out.

But it seems to me, Charles and other members of the NEJAC, that we ought to have some kind of a plan or I would at least like to get your ideas on what you think we can do to communicate and distribute this as well as responsibilities that all of us will take to be able to do it.

And that can start immediately. And, obviously, when the report is finished, finalized, and out, we can continue to do that work. Because I think that is really important.

And if we could layout some kind of a strategy based on some of the ideas that Larry said, and I know a lot of ideas that many of you have, that would certainly be very helpful to me to go back and know exactly how to go from here. And I think that would be important for the tribal folks and for members of our communities.

MR. LEE: Yes. A point of process. I mean this is a -- I just want interject here. There is a certain amount of complication in all this. I mean the -- what Larry is suggesting are things that can be done by a lot of different people in all different kind of venues.

And all of you have individual venues that you can do this on, like, Lori, you are very involved with ECOS. And Sue, and Wilma, and I had a conversation with, recently, with the Coalition for Environmental Economic Balance around some of the issues that have been core, which is an industry group in California. So, there is a lot of that. Right?

Now, the question of the implementation is going to come up in terms of these action items. The NEJAC itself is an advisory body. As a body, there is no implementation plan for the advisory body because you exist to provide advice and recommendations.

But the thing is is that you should have advice and recommendations that speak to the kind of things that Larry is suggesting. And that could then be carried out in a lot of different venues. Some of which you don't even need to worry about right now because it is going -- opportunities are going to arise.

And, certainly, from the perspective of the Office of Environmental Justice, one of our roles is to promote the thinking and the advice and recommendations that come out of these NEJAC reports, not only within EPA only, but within other Federal agencies, with our state partners, and with local

government, and with business and industry, among communities, et cetera, et cetera.

So, I just want to make sure that you don't get into a discussion around what is the NEJAC, per se, going to do because that is the --.

MS. ESPINOSA: Well, but let me interject a couple of things. Are you saying then that we should develop a recommendation that deals with these strategies to disseminate, communicate, and promote this?

MR. LEE: That is right.

MS. ESPINOSA: So, we need another recommendation in that regard.

MR. LEE: Right. I mean I think some of the recommendations speak to that already.

MS. ESPINOSA: No, I don't think so. Not in the way that we are talking about here, I don't think.

MR. LEE: Right.

MS. ESPINOSA: And I, as the co-chair, that would be good. I think we can take that back to our working group and develop that. But I personally would like to hear from some of the members of the NEJAC what that could be because that would be important, I think, for us to leave here with.

The other thing is -- I mean I was the chair of the Good Neighbor Environmental Board. And we actually did do implementation -- not implementation, but communication and dissemination strategies.

We actually had a plan after we did each of our reports, annual reports, that each of us would take responsibility to go out and do certain things. And we would report back to the advisory group what we did with that.

And I don't think -- I think there is a comfort level there to leave here, particularly since we have emphasized the importance and the new paradigm shift that we are proposing in this report, to do that.

Because it gives the public a sense that we are not going to leave it all up to OEJ to do it. It gives all of us a sense of responsibility as to what we are going to actually put on the table and tell each other that we are going to do about this.

And I think if it is documented, it helps the work of the NEJAC generally because people know that we are not just giving advice. Here is our report. Thank you very much. And we will do what we can later.

I think that is always a concern with these advisory councils is that people do not see that you actually do something after you leave other than give advice.

MR. LEE: Right. I mean that is okay. But the thing is, I have got to understand, I mean that was being done by individuals who happen to be on an advisory committee.

MS. ESPINOSA: No, and I think that is true. What I am saying is can we not formalize that a bit before we leave here?

MR. LEE: Well, that is -- we don't need to get into that discussion right now. But the point here is that there needs to -- I mean as individuals, those of you who think that these are very important concepts should be actively promoting them through all different kinds of venues.

MS. EADY: Connie.

MS. TUCKER: I am clear that EPA has to do the implementation. And I think that once we complete the framework, then that will be the backdrop for implementation by EPA.

I am more concerned about the states. And I like the idea of a presentation to ECOS, but often, most of the states

are not even attending the ECOS meeting. So, we have to do more than that.

And I want to propose that we develop a strategy of outreach to the states, including regional meetings, so that they are informed and trained on cumulative risk. That is one of them.

But I don't think that it is a good idea for us to just talk about it here. That we probably ought to have just a focus group of folk who really look at implementing -- well, no, outreaching to both the states as well as EJ communities on this document.

I am really concerned about the states. Because the bottom line is that is where the brother needs to roll. We can sit up here and target EPA forever and it never gets to the seal. And so that is a very, very important comment.

MR. LEE: Well, one of the things that grows out of this would be -- I mean I think, as a -- just as a start, I mean those of you who are members of the NEJAC who has an interest in communicating the ideas in the report to states, we could all get together on a conference call and discuss this idea and then go from there. And then, I think a lot of

opportunities that just grow from there. And I think that would naturally grow.

MS. HYNES: Charles, I think another world of people that it would be good to develop this strategy to reach is the risk assessment community. And the reason they come to mind is that, for example, in this couple of weeks, there will be a conference of the Massachusetts Risk Assessment people and EPA is co-sponsoring it.

They did, by chance, call me and ask me to be on a plenary session to present, actually, this study. I was amazed they were aware of it. But perhaps you have done that.

MR. LEE: Yes, they had talked to me about it, yes.

MS. HYNES: But that is a state. You know that is a state, one state. But I think, ultimately, even if we disseminate to the states and locally, the people who do this on paper that are hired or work within the agencies also could, perhaps, best of all most of all benefit from the sessions.

MR. LEE: Yes, I think there is going to be a lot of that -- opportunities. And, Pat, you are actually right. I mean last week we spoke at the Johns Hopkins School of Public Health. And there is a real interest on Johns Hopkins' part in pulling

together a workshop around cumulative risks and vulnerability. So, there is another -- that is a whole --.

There is also a communication -- we sent the draft report to the Society for Risk Analysis. And they want to engage on this as well.

MS. EADY: This is great discussion. And I just want to keep in mind the time because it -- just about everybody wants to say something, which is wonderful. And I apologize if I have gotten the order wrong. Jody, I have you next.

MS. HENNEKE: Thank you. First of all Larry, I love you again. And there is no but behind it.

(Laughter)

MS. HENNEKE: We had quite a discussion last night about the relationship, the partnership, between EPA and the states.

And one of the things that I -- being part of this workgroup and being in a management position in my agency as well, I have been thinking about this for quite a while.

And one of the difficulties, and I guess maybe I can describe it with the old analogy of the meatloaf that is made in a square pan because it has always been made in a square

pan, we kind of go through some of that with the work plans that we develop as an agency.

Our priorities are developed more than a year in advance. And those priorities are developed in conjunction with what, frankly, EPA wants us to do. Part of that is based upon what has traditionally been risk assessment, part of it is what we loving refer to as being count-based.

As we have these discussions, both within our own state, state-to-state, and among EPA regions, frankly folks, it is going to come across as pretty touchy feely. And as regulatory agencies, we don't know how to do that very well at all. We don't even know what that means. We don't translate those words well.

So, I think as we talk about, not just the need for a plan about how to discuss this with partner states, et cetera, we really need to put some thought into how to describe it.

Because listening to what all was said this morning, Pat, my agency would have, even though we -- they would have stopped listening about five minutes into community-based research stuff because it is not words that we know how to translate. Not that we don't agree with it, not that we don't support it, but we just don't use those words.

So, I think there really has to be some thought into, and I don't mean this this bluntly necessarily, but I think there has to be some thought put into the incentives for the state government as well, not just incentives to bring industry to the table.

But what is it going to get the regulatory agency if you make this kind of shift? Is it saved resources? Is it better environment for that community? We have to be very careful, and thoughtful, and mindful about how we articulate that description as we go forward or I don't think we will hear it well.

MS. EADY: Thanks, Jody. Andrew, I have you next. Pat, was it on this? Okay. Why don't you go ahead and respond.

MS. HYNES: Just a quick --. It is hard not to respond when someone says Pat, you know --. I think if I was asked to speak to your agency, I would probably sort of pitch it differently.

I would take the scientific questions we were trying to address -- the study, I should say, the study design. And then, within that, I would walk through the same principles, but

then show exactly the tools we used, the research tools, the results, and things like that.

So, I think sometimes it is not so much the information itself, but the way that it is packaged. And you package it differently for different audiences. But it would be good for me to be briefed ahead of time by you before I would present to your group.

MS. EADY: Thanks, Pat. Andrew, your turn.

MR. SAWYERS: Thanks a lot. I was actually going to say something about Patricia, but I probably shouldn't because she would have to respond.

(Laughter)

MR. SAWYERS: I wanted to sort of -- there is a few things I wanted to talk about. I started with the concepts that were discussed this morning. And I thought the concepts were sort of covered in very comprehensive manner.

And I think as we move ahead, there is going to be a need to prioritize the action items within those concepts. And I think that in itself will get to one of the points that Judith Espinosa talked about, the implementation plan.

I looked up -- I look up there and I see the implementation plan. And I think we need to have sort of a

much more robust implementation plan, something that sort of -- and it goes hand-in-hand with prioritizing those action plans.

There has to be sort of an effort for distribution, dissemination, and communicate any of this information. And Larry Starfield, Lori, and I am sure Jody, mentioned this previously and I will also.

I mean the states is where most of the environmental justice issues are trying to get resolved. And in a lot of cases we have a very difficult time trying to address it.

So, the role of states and other stakeholders, I think, is fundamental here. ECOS certainly has a role to play, but I think, very importantly, we need figure out ways -- Tom Voltaggio just walked out.

But as a matter of fact, as we are speaking today, the secretary of my state is meeting with the RA. And there is several different environmental justice issues on that agenda.

So, we have to figure out ways to get the RAs, the DRAs to understand what the report is trying to communicate on other type of EJ related concepts. And I think that in itself -- if that is communicated from the RAs and Deputy RAs to the states, the states will, in some ways, try to figure out how to address these issues.

I can speak in Maryland, we are doing some very innovative EJ related issues which people, and as Jody just says, it is -- we are thinking about issues related to diesel retrofits, ultra low sulphur fuel.

And these are providing tangible benefits to communities. But it is not the traditional EJ rhetoric. It is a different way of communicating tangible on the ground benefits or improvements to communities.

So, the way we communicate the language and the rhetoric of this report is very important. And we need to make sure that it is conveyed in a manner that ultimately will sort of encourage states to take action.

Connie and several others have talked about this idea of the community-based participatory research. I won't go through that. I pretty agree with the points that were made.

And I am going to mention Pat. Pat doesn't have to respond. But the concept of social capital, which I think has been covered in part, is one of the things which I think is extremely important here.

I have done a lot of work on social capital. And a lot of research has shown that communities that are -- that sort of

exhibit stronger social capital tend to have the ability to build capacity to do a lot more.

And I think -- and I would love to see the report sort of engage the idea of social capital a bit more to see how best we could sort of encourage it, if you will.

It is a difficult concept for environmental agencies to sort of wrestle with. But I think it is a very important concept.

And I think that concept can help to address some of the issues that Graciela talked about yesterday in terms of and how do we build social capital, how do we build capacity within agencies or communities to address some of the many issues that we are dealing with here.

And finally, and this is sort of separate, Connie, last night when we were doing the public comments, Connie said something, which I have sort of internalized and have struggled with over the last few months, about some of the difficulties, if you will, in addressing some of the concerns that communities raise and you are -- at times you think you are, frankly, hopeless in doing so.

But I think I have -- I have sort of reconciled that struggle and realized that a lot of what we are doing here and sort of reflecting on how the EJ movement has actually sort of

grown over the last few years, we have the opportunity now, I think in states like Maryland and others, we have started to do work that have sort of initiated on the ground improvements. And that in itself is an accomplishment.

And I think when you hear some of these very sad stories and you start to think how can I address some of these stories, and you sort of feel hopeless to a certain extent, but then you start to think about some of your own work and some of the improvements and advancements that have been made.

So, Connie, I guess this is for you, that I -- that struggle has been internalized, but I think I have reconciled that struggle and understand that we are doing a lot in the states.

And we just need to make sure that the commitment, the leadership commitment, the RAs, the DRAs, the state leaders, are somehow -- that commitment should somehow be embrace, if you will, either through different mediums, if you will, to communicate this.

So, I just want to say again to you guys, I think this is really good report. And I am going to submit some other remarks -- or some other things that I would like to see be added to it.

But I just need -- I want to emphasize, if nothing else, the implementation plan needs to, and Judith talked about this, we need to have a much more robust implementation plan. This should not be a shelved report. We just need to make sure that it is done.

MS. EADY: Thanks, Andrew. Pat, did you--?

MS. HYNES: No, thank you.

MR. SAWYERS: She is not responding. So, that is fine.

MS. EADY: I just wanted to say, I don't mean to discourage you from commenting because, of course, that is why we are here. But just sort of be mindful of the time.

We are going to extend this conversation until about 11:15. So, Juan, I noticed that you put your card down. If you want to put it back up, we would love to hear from you. Terry, you are next.

MR. WILLIAMS: Okay. And I will try to keep it brief. Again, I want to commend the workgroup. The more I look at this work, the more impressed I am and just encouraged that there is a direction here that not only, I think, has great potential, but something that we can build on.

I do have four comments from a tribal or indigenous perspective that I think may be helpful. And, first, I am looking at the paradigm shift. I heard the terms creative ways of moving. And one of your priorities or areas of interest had to do -- deal with fragmentation.

And with that, I think because of the way our Federal law works, and especially what tribes said, we need to have the EPA incorporate a more formal way of having a recognition of tribal law and customary law.

And that may, as Larry indicated on different sides of statutory authorities, it may take a statutory authority to do that.

I am reminded of a conversation I had with a Department of Interior attorney one time who said the only thing that they really had to implement or enforce was that that was a statute. And if it is not a statute, then they could successfully ignore it. You know it is something to think about in this process.

Secondly, on the capacity issues, in the document, it mentions science and social science. But as we have heard last night in testimony and from comments from me yesterday,

incorporating traditional knowledge is going to be an important part of the tribal discussions.

And where you have social science and science, we should also incorporate the language traditional knowledge and then be able to talk about the cultural paths in terms of sorting out for the tribes their own way of distinguishing the difference between science and traditional use and the spiritual side of the information.

Thirdly, in the collaborative process, again I somewhat mention this the other day, but EPA has the opportunity in this process to bring the tribe in as a co-lead in the process as cooperating agency. And I think that that status should be more formally instituted in this process.

And what that does is that allows for, in the setting up of a process initially, the agency and the tribe to sit down and think through how to set the stage for this discussion with others, whether it is local government, state government, or communities.

'Cause certainly there is a difference between tribal communities and surrounding communities, a historical difference in culture, that would benefit from having that time to make preparation.

And along with that, to develop strategic plans or to look at how to structure alternatives in the planning process that could deal with on reservation or off -- excuse me, on reservation or Indian lands as a focus or off reservation or off Indian lands that are being affected in ways that affect the health of the people.

Off Indian lands, we still retain trust resources, plants, and animals, fish, birds, things like that that are used for subsistence in ceremonial uses. And those are generally the species that are impacting the health because of all the pollutants. So, we need to have a way to address those.

And that leads me, fourthly, to the implementation -- or implementation plan. And personally, I see this more for tribes as recovery or restoration.

Because of such large use of species and large use of species that are off Indian lands and they are subject to all the communities surrounding them, the impacts from the different types of unregulated pollutants on plants that are used for -- the roots for medicines or for consumption of different sorts, the ability in a plan to be able to address how you reduce risk.

And some of that may be regulatory, some of it voluntary. But the ability for a plan to pull together how to reduce the risk, what specific steps do you need to take, and how could that be accomplished to improve on the health of our populations.

And I am referring to things like basket weavers, who have a direct impact on their health through pesticides, herbicides, and things like that that get into the plants that they use to make the baskets, especially in ceremonies, the different roots that are collected, the fish and wildlife that are consumed or worn, the different skins and things. And all of that affects our people's health. And the majority of that is not regulated.

So, we need to have a way of having access to ways to reduce those types of problems and reduce the risk to the health. And then I will stop with that. Thank you.

MS. EADY: Thank you, Terry. And to the panel, I also don't want to discourage you from -- if you have a response, Shankar, I noticed that you had your card up a while back, just let me know whatever you need to do, that you want to respond to that. Thank you, Terry. Graciela.

MS. RAMIREZ-TORO: Yes, I have a series of comments to be presented to the panel to be considered, but I did it in writing and Judy offered to get them photocopied. And most of what I presented there we have discussed in one way or the other during the morning.

But I wanted to make a special comment on what we are talking now in terms of the relationship with the states. We are talking of inequalities and equalities.

Where I represent Puerto Rico and Puerto Rico is not a sovereign nation and is not a state, in terms of EPA, well, we have a lot of primacy programs, delegated programs, that might be tracked through a government environmental protection division or through the region. And talking about fragmentation, it is case study.

So, I think that while we have been dealing with this report as a whole to EPA, it is that it is very important to do a systematic examination of issues related to programmatic and regulatory fragmentation.

And judging by the number of cards that went up here, primacy is one of the things that are important to look at.

We just went through -- through this experience, we have a collaboration in Puerto Rico that go out to health agencies, and nonprofits, and, at this moment, 27 communities. And many other communities want to join.

And one of the commonwealth agencies wanted to participate in promoting the use of state revolving funds from the water programs because we haven't had a single project in a small community in Puerto Rico under that fund, and though the interpretation is that the primacy agency cannot collaborate that way with the state.

And it went all the way to our legislation. And there was many --- interpretation of the agreement, the primacy agreement.

So, I think that the primacy agreements should have the tools to include ways and to incorporate interagency, intergovernment approaches. And I think that we should look into the negotiations of the agreements as opposed to a tool to include environmental justice.

And I know that this another, like she said, ---. It is going to step on some people's toes. But I think that the relevant capacity of those people dealing with the problems and talking is the way. And I think that the report brings that, if

you really look into it, it brings that idea. But I think it should be more direct in mentioning it.

MR. LEE: Well, one point that I wanted to ask of all the council members, all of you who have made comments specifically, it would be great if you could write them down, even if they are bullets. Because that would just help make sure that the -- it gets included in the next draft.

Also, if you have suggestions of language. Because some of this, as was clear, particularly like in discussing relationships of tribes and trust relationships, it is not just the matter, it is how you say it is also really important. And so, you know best how that should be said.

MS. EADY: Thanks, Charles.

MS. ESPINOSA: Could I just?

MS. EADY: Yes.

MS. ESPINOSA: What Graciela said, I think was important in that we have the background in the report to talk about this primacy issue.

But I think that is really important because that starts at the very top. And I think it goes to what the tribes are speaking about as well.

If you can start at the top with those incorporating the ideas of environmental justice and cumulative risk -- well, not cumulative risk, per se, but with a collaborative model that we are talking about, that would go a long way to start the tribal-federal,
state-federal relationship towards that collaborative model.

MS. EADY: Andrew, is it on? Yes, it is on this time.

MR. SAWYERS: Yes, this is just sort of in response to Graciela's comment. I know, actually, as we speak, several states, including Maryland, are renegotiating their performance agreements, in some cases, the environmental partnership agreements. And I think we should consider how to sort of integrate some of these issues into that and with resources.

We are trying to do that in Maryland. And I suspect that the Office of Environmental Justice could play a proactive role in encouraging the RAs to think about, as they consider performance partnership agreements and PPA agreements with states, to think about adding some of this stuff there.

MS. EADY: Thanks, Andrew. I have Mary, and then Ken, and then Lori.

MS. NELSON: Thank you very much. I just again want to say that it is really great a report that is as deep. It is a

paradigm change. I just have a couple of comments on several different things that I wanted to make.

One is in this whole notion of vulnerability. I think it is really important that we have that in there. But I am concerned, as I see also in the matrix that Wilma has done, that sometimes in a community's perception, you are not speaking on it as a community development corporation.

In a community's perception, if we see ourselves as this vulnerable deficit oriented kind of place, it sort of saps the capacity for us to say we got to take some action here and not just protest things.

So, it would seem to me one of the things that needs to be added -- you use the word capacity on the matrixes. Okay. But there is very little of the wording in there. It is mostly deficits.

And it seems to me one of the tools we need to put in the hands of community groups is identifying those opportunities, those positive things that are there in the midst of all the negative things because those become some handles.

And it seems to me -- and in helping EPA officials and anybody else working with the community, not just to think as communities as deficit laden places, but as both people who

have some capacities and communities, geographic communities, communities around special interests that have some capacities. And we need to keep encouraging that kind of thinking around that.

So, it is very, very important. It is sort of an attitude adjustment. And I think the social capital notion. But we tend to always come at it from a negative. It is a deficit model.

And one of the interesting things that in the business world is this whole notion appreciative inquiry where you build on -- you say what worked. What in the last five years worked in terms of a management structure or in terms of a way of solving things.

And so, I think the more we can build those tools for moving forward into our processes the better off we will be, both for the communities as well as for EPA and everybody else.

Secondly, on the issue of resources, and I love, Pat, your notion of the equity things. We have done contracts as a community development corporation. We have done contracts with universities. We have had universities do -- include us in their contracts. And I don't know about -- I am not talking

against universities, but they oftentimes have a 50 percent overhead factor, okay, which it eats up all the dollars.

And so, the things -- the times that it has worked best is when we got the grant, we were able to contract with the university, and we were able to articulate with a contract saying here is what we want you to do, here are the issues. And that changes the relationship of the research. We incorporate the research, but it changes the relationship. And it puts the community in the driver's seat.

So, I think as often as possible we need to deal with that issue of equity, the fact -- because then universities don't get to take that 50 percent overhead when we do the contracting with them because we are managing it and we are handling it.

And there may be some community groups don't have the capacity to do that, but you can do a subcontract with administrative services or some group in your community that might have that capacity to manage the fiscal relationships of that so that the power is in the community's hands.

The other thing I wanted to say in terms of the resources is we have been going through a struggle right now

in our neighborhood with Brach Candy Company, who moved everything down to Mexico or wherever it was.

And we are saying that, not only Brach Candy Company needs to leave in the community, because of what it has left beyond, a commitment of dollars, but we are saying to the city, you put some money into that plant to help them do some infrastructure things, et cetera, et cetera, those dollars need to stay with the community.

And it would seem to me when there is EPA fines, when there are other mechanisms, another resource opportunity would be to have some mechanism that would say those dollars need to stay in the community and be available for doing this community-based kinds of stuff that need to happen. That that would be a direct way to get some other resources in there.

And there are some governmental examples of fines being made available back in the community. We got four of our brownfield sites cleaned up because the city was fined for its incinerator as dumping particulates in the air.

And that fine -- and the great negotiations that happened said that those dollars have to be spent in cleaning up sites in that immediate neighborhood. And we got those

dollars to clean up these brownfield sites and return them to good use. And that wouldn't have happened otherwise.

So, I think there may be some mechanisms to make those connections that would create some more available resources.

MR. LEE: Yes, they are called supplemental environmental projects. So, we did have a long discussion about that.

MS. NELSON: Yes, but let me just finish. I have two more points to make. One is on the use of research. We as a community-based group have done -- have said what are -- what makes a healthy sustainable community? And we have identified four things.

One is economic integrity -- environmental integrity, economic viability, high quality of life for all, and public participation in decision making. And then, we have gone about saying those are the indicators.

And then, how do you measure that? And so, we publish every so often, every couple of years, an indicators report that says how are we doing as a neighborhood towards being healthy and sustainable.

One of the most interesting things that we have had to really work hard on is how do you take the data that is there, now through the internet and through this good website that EPA has put together, the data is there, but how do you take that and make it useable to the community? Because we all go to sleep when we get these pages and pages of long reports and even some graphs.

So, we have had to take these young, bright university students and folks from our neighborhood and say how do we take that data and make it community friendly? And it is in larger graphs and charts. It is in more visual kind of things.

So, we need some graphic artist in some sense to be able to help us do this data in ways that make sense to a community that gets the information in useable format. Otherwise, we all get overload.

And then, finally, I just wanted to say on the implementation issue, I know, Charles, that the EPA -- and this committee is only advisory to EPA and that the implementation, for much of it, rests with EPA.

But we could have rump group. We could have a little caucus tomorrow evening, or this evening, or whenever

we decide and we could make commitments to each other about what can we do to help implement this in our various frameworks.

And we could do that so that there is some mutual accountability of what we are going to do taking this good stuff that is here and helping to see it go somewhere else beyond the regions of just through the EPA. We all have arenas.

And I would hope we would figure out -- well, today, figure out a mechanism for us making some mutually accountable commitments to each other as NEJAC on how we are going to help take some of those next steps and what they might be. And then, we could report back next time on what we are doing.

MS. EADY: Mary, I think that is a really good idea. And I will talk with you sort of between -- on a break or something. We can see if we can organize that. Ken.

MR. WARREN: Thanks, Veronica. We have heard a fair amount about marketing this morning. And in my view, the workgroup is really as sophisticated in its marketing as it has been in its substance. It is really a terrific report.

And some of the words that are used in the report, I think, have excellent marketing resonance. This notion of a

new paradigm certainly gets my ears perked up. What is the new paradigm? What is that all about? How is it going to get implemented? A bias for action is really wonderful as is this notion of considering community vulnerabilities.

When you put together the themes of the report and look at the language used, I think it really does set an excellent foundation for marketing this to all of the various stakeholder groups. And I commend you for considering that as you did your work product.

My bias, as many of you know, is that of a lawyer. And when I read that report, I start to think about what kind of institutional structures are necessary to implement this new paradigm. What types of regulatory changes may be needed?

Because when a new paradigm is being set forth, there is lots of I's to be dotted and T's to be crossed. And you may not even know where all the I's and T's are, let alone where the dots and lines go. And so, I have been giving that some thought this morning as the discussions have gone along.

This notion of a multi stakeholder process, of course, is not new. It occurs in a lot of different contexts.

One of the clients of mine is a Federal interstate agency called The Delaware River Basin Commission, which manages water resources in the Delaware River. And it relies upon multi stakeholder processes very heavily in its regulatory capacity as well as its planning capacity.

And we do this in several ways. One example would be the TMDL that we have recently set for PCBs in the Delaware River. There was a technical advisory committee that looked at the science of the TMDL setting process.

And that technical advisory committee had stakeholder representatives, environmental group representatives, conservancy group representatives, as well as business and industry representatives, and representatives from the various states that comprised the DRBC.

And there were give and takes between this multi stakeholder group and expert panels where the expert panels educated the multi stakeholder group so that it could provide meaningful input in the regulatory setting process.

Now, I think while that isn't the only model that can be used, it, to some extent, answers the question that I thought was very valid from the states, can you talk the kind of language that we talk so that we know how to integrate these

kinds of concepts in what we do? The DRBC model is one way in which that has happened in the regulatory setting process.

And, of course, it can also be done more easily, perhaps, in the permit and review process. Pennsylvania has committed itself to do outreach to communities and involve communities in dialogue when the regulatory agency is issuing the permit.

That doesn't mean that ultimately the regulatory agency won't rely upon the statutory and regulatory requirements for permit issuance. But it will consider stakeholder input in a way that might influence the outcome of the permit determination.

So, I would commend the workgroup on bringing these thoughts to bear, but also say starting to talk about the kinds of things that resonate for lawyers, institutional changes, regulatory language that may be needed. Really, it is going to be very important in making this permanent and having it implemented.

Two shorter points, multimedia is a word that appears throughout the report. And when one is looking at

1 cumulative risks, certainly risks don't come from a single media
2 and, therefore, it is pretty much an essential word to use.
3 And as you know, our environmental statutes are,
4 for the most part, not multimedia statutes. They are single
5 media statutes. And EPA has struggled with how to solve that
6 problem, not only in the environmental justice context, but really
7 across the board.
8 And my suggestion would be that you sort of grab
9 the coattails of the work that is already being done in the
10 agency on multimedia approaches. It could be facility-wide
11 permits, other types of techniques that are multimedia in nature.
12
13 I really encourage the agency to move forward on
14 paths that it is already going down. Because I think, at least in
15 some corners of the agency, that would be well received.
16 And, finally, the intriguing notion of a bias for action
17 raises in my mind the question of what types of actions and
18 who is supposed to be taking those actions?
19 If the administrative agency is supposed to be taking
20 the action and the action is regulatory in context, then there
21 need to be rules and regulations probably going through the
22 public comment process that support it.

1 If the agency is simply motivating others to participate
2 in a voluntary process, then that may not require a regulatory
3 change. But it certainly requires a cultural change.
4 And cultural changes in agencies often don't happen
5 unless you have some very strong topdown dictates or you
6 have regulatory or statutory changes that mandate those kinds
7 of cultural changes.
8 So, I would ask you to consider, perhaps, a little bit
9 more carefully than you have how it is that the agency is going
10 to have this kind of cultural change to adopt the new paradigm
11 and what types of either leadership roles, or regulatory
12 changes, or both are going to be necessary.
13 And, finally, we get to the business community. And,
14 certainly, some of the bias for action needs to be action by the
15 business community. And I think Sue's involvement certainly
16 demonstrates that the business community is willing to step
17 forward and consider these types of options.
18 In my view, it is important to have some sort of credit
19 that is given to the business for voluntary action in any
20 subsequent regulatory proceeding. And that has come up in
21 the Clean Air Act a lot when business takes the proactive step
22 of reducing emissions.

1 And then we get to a regulatory context in which
2 everyone is being ordered to reduce emissions. And is the
3 voluntary emission that occurred proactively by that particular
4 business going to be considered as part of the mandatory
5 revisions or are you going to get no credit for what you did and
6 sort of be caught between a rock and hard place on account
7 of your proactive conduct?
8 I think that there ought to be credits for this kind of
9 voluntary action. And to the extent that the credit was more
10 than a wonderful one credit, it might provide some real
11 incentive to the business to take voluntary action promptly as
12 opposed to waiting for the regulatory mandate that inevitably is
13 down the pike.
14 And then, finally, coupling that, and this is a point that
15 Sue had made in conjunction with the pollution prevention
16 report that is equally applicable here, some sort of recognition
17 that is given for businesses that do step forward, engage in
18 these collaborative processes.
19 And to the extent that the collaborative process is
20 successful and that there is measurable improvement in the
21 environmental justice community, that that business be

1 recognized for what it has done seems to me to be a terrific
2 incentive and one that really doesn't cost very much.
3 So, those are just some thoughts from this morning.
4 But it is a terrific report. And I commend you for all of your
5 efforts.
6 MS. EADY: Thanks, Ken. I know we have some
7 responses from the panel. So, Hector, why don't you go.
8 MR. GONZALEZ: Just a quick response to -- and I
9 agree with all of your excellent points. On the issue about
10 vulnerability and how that is incorporated into the EPA agenda,
11 I made a statement, and we discussed it as a panel, about
12 adding to already the whole notion of the science of
13 vulnerability.
14 And there is a lot of already substantial information
15 that links, not just within EPA, but other Federal agencies that
16 we need to look at as well. And that is why we said we need
17 to look at those other models.
18 One of them, for example, when you look at lead
19 exposure, now we know that anemia has factors that play into
20 it as well. And so, the model now looking at lead exposure is
21 not only pure from the single source environmental side, but
22 also on the health side, what other factors play like anemia, the

social environment as well and the overall nutrition. That is important.

And in order to be fixed, while there is a lot still that points to social factors as being a cause, we know after years of studying, especially in the cluster that happened in South Texas in the Brownsville/Matamoros area, is that we, after years of studying and some of it coming from ATSDR, and CDC, and EPA, is that pesticides may have been linked to a fungicide who caused malnutrition and diarrhea in moms during the first trimester of pregnancy and led to mal-absorption of folic acid.

The treatment is still folic acid. That is the best thing we know in good nutrition. But I am saying -- what I am trying to get at is if there are multiple factors that now play into it, and you are absolutely correct, EPA now has the opportunity, as the lead agency in looking at environmental issues, to go away from a single source to a multi source because I think there is enough data.

And then, last, what I had said earlier in the discussion, is we know a lot more now, but environmental and contaminant exposure that we knew in the past and how do

those play into an exposure at the molecular level as well that we didn't know.

And science has already and data is pointing to that there are a multitude of factors that need to be considered as well.

So, an excellent point. But I wanted to point out that, again, I think that EPA is at a -- has that opportunity to be at the cutting edge in developing -- further developing this science.

MS. EADY: Great. Ken, it is great to have you. We missed you yesterday. You are really knitting together the conversation. So, thank you for your comments. Lori, final comment.

MS. KAPLAN: Okay. And I am -- I have also been sitting here thinking about the bias for action issue. And I am coming at this, not only as a state regulator, as a lawyer, and as a lawyer who in my private -- or previous life defended agency permitting actions, and there recognizing the need for legal certainty in order to move forward in issuing permits or taking enforcement actions.

And so, I think that in that arena is where you see a bias for inaction where people in the regulatory arena are very

concerned about not moving forward unless we know we have got all the pieces we need.

So, I am wondering if in the document and in the section for bias for action, there is no reason not to move forward where you have a cooperative, collaborative, voluntary effort to bring people together and do things at the community level so that those people who are regulators don't read that section and say we can't do that and then they shut it out. That they recognize there is another piece.

And then, that leads into the next theme. And from the state regulator perspective, there is nothing more valuable that could come out of this than if EPA were to put together a better guidance piece on what our tools are that already exist on how to move forward. Because we face that all the time. Where is the backup?

So, if we had that guidance piece, we would know we would have the backup from EPA, we know that we have the tools that we need. And then, I think we would also see more consistency from state-to-state and region-to-region.

So many of us in the states share metropolitan areas, not just with other states, but with other regions. And if different regions are approaching from different perspectives,

we have got a problem there. If it came from headquarters, we might eliminate that. So, those are our two pieces that I wanted to comment on.

And then, finally, it was mentioned that I am involved in ECOS. And, actually, I go from this meeting to the ECOS meeting. And I will bring to that group that the comment period is going on right now for the document and ask people to take a look at it and get feedback.

MS. EADY: Great. Thanks, Lori. Unfortunately, we have run out of copies of the green --.

MS. KAPLAN: And you know what, I couldn't carry them all anyhow, just the website.

MS. EADY: You couldn't carry them? Okay. Great. Well, lets move on.

MR. LEE: Okay.

MS. EADY: Charles, did you have any --?

MR. LEE: No, no, no. I think we should just move on.

MS. EADY: Okay. Yes. So, it is time to start the next conversation, which is the Implementation Framework and Action Items. And so, I will hand it back to Charles to introduce that.

Implementation Framework and Action Items

by Timothy Fields

MR. LEE: Okay. The next section is actually where a lot of the hard work gets done. Because as you alluded to, seeing is how do we implement all these concepts, in general, on all different kinds of levels, with all different kinds of parties involved, and through, I guess, a prism of the group that you are advising, which is the U.S. Environmental Protection Agency.

And this is an entry that the workgroup has actually struggled with very mightily. And so, we are going to have a discussion that focuses specifically now on the actual action items, which are part and partial of each of the eight proposed recommendation themes.

However, I just handed out a piece of paper that has the actual action items by itself so it makes easier for following this discussion.

(Slide)

MR. LEE: And if you note on the PowerPoint, you know there is a framework we are trying to figure out how to address this, which has to do with, at this point, trying to just

do a process that obviously seeks to prioritize them within three categories.

One in which is short term, which is between now and the end of fiscal year 2005. That is one year. The second is two to three years, which is fiscal year 2006 and fiscal year 2007. And then four years or more. And Tim is going to lead in that discussion.

Now, we have said, and it is in the report, that as we move into this meeting and into subsequent discussions that a lot of the focus has to do now with translating these concepts into action items. And in a way that is really doable. And, obviously, in a way that is doable in the immediate sense, but also doable in the long term.

And so, it is not an easy discussion. You know that we want to -- the report says that the workgroup is trying to promote changes in terms of agency action, and agency thinking, and agency capacity. Do you mention it in a different way as culture change, regulatory change, statutory change? All these kind of different things that are -- may or may not be involved.

However, what probably will happen is that -- is another question, which -- just to put this in terms of how this

is being projected, that the eight themes with the specific action items is very hard to read.

I mean one of the problems with it is that it is just too much. That we are going to have the eight themes as a chapter by itself. And they all hang together. And then, move all these action items structured in some new way in terms of specific actions that grow out of them just so that it makes it easier for the reader to understand that.

So, with that as an introduction, I will turn over to Tim. It is expected that we will not be able to go through any of the -- each of the action items in there. There is about 60 of them in there.

But we will spend, as Tim said before, a half an hour on each. And done so in such way as to try to get as much out of it as possible.

At this point, it is nearly 11:30. We will probably be able to do the first one before lunch, take an hour break for lunch, and then be back here and expect to go through the rest of them. So, with that, Tim, we will turn it over to you.

MR. FIELDS: Thanks, Charles. And thank the members of the council and EPA folks for giving the workgroup

feedback on the recommendations already in the discussion we just had prior to this segment of time.

There has been some excellent ideas. Thoughts were communicated. And the workgroup will definitely reflect on those as we move forward on to modifying this report to make it even better.

But as Charles said, we want to focus this next bit of time on getting some real feedback from the council, EPA, other workgroup members as well on really developing some sort of implementation framework.

What is the reality priority in terms of time frame by which we want to implement the recommendations that are here? Which to our suggestions do EPA be regarding the relative focus of its resources, of its priority on the various recommendations in this report? Short term, intermediate, and long term, SIL, for use of another word, another term here.

And the process we will use here, as we go through the recommendations, which for those who are looking at the green document begins on page 43 and goes through page 66 of your report, the recommendations therein, we are going to focus on those.

1 And as we talk about a particular recommendation,
2 briefly, I am just going to provide a brief synopsis of the
3 recommendation that you all have right in front of you.
4 But we really want you to raise your cards,
5 members of the council, EPA, and let us know how you feel. If
6 you have a strong feeling that something is definitely a short
7 term suggestion, something should be more intermediate, two
8 to three years out, or something should be longer term, four or
9 more years into the future, let us know that.
10 I will call upon that person and get a sense also as to
11 whether most people agree with that commentor or whether or
12 not there is a contrary view on that particular recommendation
13 or we will know when to have a little discussion.
14 We will obviously add additional recommendations as
15 some of you have already suggested to this list that is already
16 before you. We will also make some changes, as appropriate,
17 as we review the document and the comments that come in
18 after this meeting.
19 ***Bias for Action***
20 MR. FIELDS: We have 30 minutes, roughly, that we
21 will devote to the Bias for Action theme, which is in your

1 report. And we will get input from you on those key elements
2 of the Bias for Action recommendations.
3 All right. That is kind of the process we will use. If
4 you have a comment on a particular recommendation, put up
5 your card as to what your view as to whether it ought to be
6 short term, intermediate, or long term.
7 Keep in mind, one thing, this report will go to EPA at
8 the very beginning in lets say September, early October at the
9 beginning of FY2005. So, we will have short term means it is
10 something that we want EPA to initiate in FY2005. Okay.
11 Now, Mary, do you have a process question first?
12 MS. NELSON: Yes.
13 MR. FIELDS: Yes, go ahead.
14 MS. NELSON: I thought that the other good thing
15 about the process was not just this short term, intermediate,
16 and long term, but was this thing that was here that we could
17 separate them into things which are in action items, things that
18 are a change in thinking, and things that are a change in
19 capacity. I think that other cut would also help us.
20 MR. FIELDS: Okay. Good. Lets think about that as
21 we go through. Yes. And some of the -- and we have talked
22 about this internally. Some of the recommendations need to be

1 made more crisp and we recognize that. And there is some
2 duplication. We will have to deal with that as well. But we will
3 talk about that as we go through.
4 The first recommendation under bias for action is that
5 we initiate these multimedia toxic reduction pilot projects in
6 each of the 10 EPA regions. Thoughts from the council or
7 anyone about what category that should fall into? Graciela, I
8 think -- do you want to comment on that?
9 MS. RAMIREZ-TORO: Yes. I think that the pilot
10 projects, I realize, is really important in terms of promoting new
11 collaborations and getting people engaged because they will
12 have the way to participate.
13 But I wanted -- and I don't know if that answers your
14 question, but it is the comment I wanted to make. I wanted to
15 bring the issue of the lack of capacity, but this time in terms of
16 personnel and resources in the different programs to do the
17 work related to environmental justice.
18 And I think that we should add a recommendation, if
19 possible, in the direction that EPA should designate personnel
20 and resources at the regional levels to support collaborative
21 initiative acting either as an initiator or as a channel in
22 communication.

1 Meaning that maybe various people that want to
2 come together and the only thing they need is who joined them.
3 And they have, maybe, the resources because they are from
4 different agencies and maybe the community has to identify the
5 agency that is going to help, but doesn't have that somebody
6 that can be their channel of communication.
7 So, what I am saying is fortifying the Office of the
8 Coordinator of Environmental Justice might be a way or within
9 the different programs.
10 MR. FIELDS: So, you are suggesting a new
11 recommendation be added to this list that includes the
12 designation of someone in the regions and the headquarters
13 offices that is a coordinator for collaborative partnerships to
14 focus this effort on?
15 MS. RAMIREZ-TORO: Exactly.
16 MR. FIELDS: Good. We will make sure we consider
17 the addition. And you have given us some specific language
18 which we will consider as we move forward on this topic.
19 Does anyone have a particular view on whether this
20 multimedia toxic reduction pilot project ought to be a short term,
21 intermediate, or long term effort?
22 MS. ESPINOSA: Could I just clarify something?

MR. FIELDS: Yes.

MS. ESPINOSA: Graciela, were you talking about an action item on this particular recommendation or a new recommendation?

MR. FIELDS: A new. She was talking about a new recommendation.

MS. ESPINOSA: A whole new recommendation?

MS. RAMIREZ-TORO: Yes.

MR. FIELDS: In her language, she is suggesting an addition of a new recommendation which would designate someone in EPA and regions and headquarters offices to be a focal point for collaborative partnerships and to ensure that bias for action really would occur. That is what I heard.

MS. RAMIREZ-TORO: Yes, and I want to clarify it. This is because we, in the pilot projects, we have got one thing. We might be selecting for the collaborations that are already established and that can do the obligations, and the paperwork, and all of that. And the other communities that are possible collaborations wouldn't be able to join. So, that is why I am recommending as a different recommendation.

MR. FIELDS: Okay. We have three cards up. I want to see where people are. Terry, what are you feel -- how do you feel about this first recommendation?

MR. WILLIAMS: Personally, I would like to see this as part of the short term. And as you have been hearing from our tribal communities, tribal health issues are a critical issue with them right now for numerous reasons in dealing with pollutants and other types of problems.

But one other comment is that, and I don't know if I should make that here or later, but you have at least one tribal --.

MR. LEE: Terry, can you at least speak into the microphone. Just speak closer to the microphone.

MR. WILLIAMS: You have listed at least one tribal community should be involved. With 572 some tribes in the country in varying types of impacts, I would like to see more participation in the pilots of different regions to be able to address the different types of problems.

MR. FIELDS: This was obviously meant to be a minimum. And obviously in some parts of the country, there will be more tribes than one, obviously, involved. But your

point is well taken. And we will make sure we add that consideration.

I want to make sure -- Andrew, do you have a different view on this particular recommendation? Are you going to comment on this one as well? I was just going to ask for one comment.

MR. SAWYERS: I do.

MR. FIELDS: All right. Go ahead.

MR. SAWYERS: And I wanted -- and I probably should have raised my card when Mary did just for process purposes. And I am going to respond to whether this should be a short term or a long term.

But just for process purposes, I think Ken Warren's point about the sort of institutionalizing this ideas, whether it is going to take an administrative integration or a voluntary integration, administrative, I suspect, will be very difficult because of the regulatory process.

Voluntary, perhaps, in the context of the media, say with -- it is much more palatable. And it is going to take leadership.

And maybe the Office of OEJ could consider, frankly, translating a lot of these action items into guidance for the rest

of the agency to think about how to integrate this bias for action and the other themes, if you will.

But the specific response in terms of short or long term for this, I think it should definitely be a short term. And I think there is an avenue, if you will, with the collaborative grants. And some projects that are going on in the regions could, frankly, be leveraged to illustrate what some of the bias for action here.

So, I think it is a short term. It could easily be mid and long term too, but I think there are opportunities that are currently available to leverage this into a short term exercise.

MR. FIELDS: Did you want --?

MR. COLLETTE: It is Chip, by the way. Chip Collette for the Department of Environmental Protection. When you are shifting a paradigm or going to a new paradigm, you need to have pilot projects in order to measure it.

I think the critical part of this recommendation is developing measures for success of these pilot projects. I am much in favor because I could guarantee you things are going to shift and orientation is going to shift depending on what is found out from pilot projects.

So, I would support, again, short term initiation. I realize they cannot be completed, but at least the primary process, the primary focus should be starting pilot projects because things are going to change when they are done.

MR. FIELDS: You ought to be aware of this point, Chip, that, the points you made, that EPA, the Office of Environmental Justice, is as they award these new collaborative problem solving grants, they are going to be developing performance measures with the grantees for what they want to be achieved during that partnership effort.

Lets move on. Thanks for those comments. We will move on then to the second one, which is the designation of at least five under served, disadvantaged, environmentally overburdened communities per EPA region. Thoughts anyone would have on this particular --? Yes, Wilma.

MS. SUBRA: I think it is critical that this one be intermediate following immediately after the initial pilot projects.

MR. FIELDS: So, you are saying the short term?

MS. SUBRA: Intermediate.

MR. FIELDS: Intermediate. Okay. Any contrary view on this particular one? Does everyone agree this is --? Yes, Larry.

MR. STARFIELD: Actually, I wanted to make a general point and also specifically about the last one. Just in general, I think as you guys go through this, you need to be careful. I did kind of a quick count, and maybe I was off by a couple, but I have 64 recommendations here.

MR. FIELDS: Yes, that is exactly right, sir.

MR. STARFIELD: Okay. And I am just concerned that there needs, besides breaking it out into a time frame, some things -- there needs to be some kind of prioritization just in its own sted.

And I realize everything is important, but an organization can't really deal with 64 recommendations. And if the package becomes too large, then the reaction is to kind of ignore it. And I don't want -- I would hate to see that happen.

And then, the other part of it is that I think a look -- something that you need to be careful about being overly prescriptive in kind of methods. And that is what is literally referred to the priority in that I think that what you guys should be recommending is that we have EPA develop a program of community-based projects to deal with EJ communities with a bias for action.

And it is really, I think, our decision whether we start that out with a pilot in each region or that we feel like. And this is my own personal view. You know others in the agency may disagree.

But there have been enough pilots. We don't need more pilots. We need to get -- take the lessons from all the things we have done and put together a system of doing. But that is really a management question.

I think you need to say this is a priority. You need to go out and go do these things with this bias for action. And let us figure out what is the best way to do that. And then, it becomes kind of a smaller set of recommendations that people can really wrap themselves around.

MR. FIELDS: I would respectfully disagree on pilots. I mean the focus on -- I think the real thing the agency needs to do though is action. Action is the issue. It is not so much the pilot. The pilots are a mechanism for facilitating action.

And sometimes I have seen that if you don't give people a specific commitment that you want them to achieve, you will not have action.

So, that is why I think that we suggest as a workgroup that pilots were a way to ensure that everybody

was going to be stepping up to the plate and committing to a set of activities out there.

But I agree with you that we can look at whether we would be more flexible regarding what we would suggest EPA do. But in some cases, we have got urge pilots as a way of effectuating that action.

MR. STARFIELD: Well, my only -- I just want to -- I think that that actually is important. And I just think by putting in it as a pilot is it goes to in the short term need to go do this. It becomes a way of delay.

Because while we are going to do some pilots and while we are not going to do anything until we -- we are going to measure the pilots. And then, we will get the lessons from the pilots. And then, we use the pilots to develop a program. And that is like four years from now as opposed to go do this.

MR. FIELDS: All right. Well, we will move on and we will debate this later. But I am -- I have a different view. Bill Sanders.

MR. SANDERS: Thank you. I don't disagree that sometimes we seem to have more of a bias for pilots than a bias for action since we want to have a bias for action, certainly.

It is on the second point and whether it should be intermediate or long term. My sense is that it would serve us better if this were a long term. Long term in the context of how this is displayed, which is to say three, or four, or more years from now.

Two years might be too soon because we want to have the opportunity to get the first bullet item going, which are the pilots going, develop capacity within the agency and within our other stakeholders at the same time, take advantage of lessons learned, and taking those lessons learned into the second bullet. And then we could do more of a wrapping up. And I think we could be more efficient doing it that way.

MR. FIELDS: Are you willing, Bill, to live with Wilma's suggestion that this be intermediate, two to three years?

MR. SANDERS: If it is two or three years, I think more towards the three years might be okay. It might be sufficient to have us do that, that wrapping up that I think we will need to do.

I think the other thing we need to think about within the agency is whether or not we need to put something into the budget out years to accommodate this wrapping up that

we want to do. And that would work for a longer term in the context of this as well.

MR. FIELDS: Veronica.

MS. EADY: I think Andrew was --.

MR. FIELDS: Oh, I am sorry. Andrew, you are next, go ahead.

MR. SAWYERS: I will respectfully enter the debate. The issue about pilot projects, EPA probably has done a lot. But I think from a state's perspective, this is necessary. We have to do these projects to illustrate to the program administrators the need to do this. So, I would say that this is necessary from a state's perspective.

I wanted to go to the second point. I agree with Wilma. It should probably be a two to three year exercise. But the one thing that I would recommend here is that states should play a critical role in designating these communities and not just the EPA.

Because in most cases, again, as we have talked about previously, the states is where most of these concerns are heard or voiced. So, I would encourage -- and, again, I think this would really help to sort of strengthen the partnership

in collaboration with states if states are allowed to do this with EPA support.

MR. FIELDS: Thanks, Andrew. Yes.

MS. EADY: I am ready now. I am just a little bit confused. I really like this second proposal. And I want to encourage you to think about ways that we can sort of do this actually more immediately and make it short term.

Is there some way that maybe these five disadvantages communities can be incorporated or these two bullets can be sort of put together so that we can start thinking about these five disadvantaged communities more immediately?

MR. FIELDS: Yes. In fact, some regions have done that. I know in Region Four they have designated -- some communities they have designated as under served, disadvantaged, environmentally overburdened that they are focusing on. And they will be the subject of their pilot or pilots in that case.

So, in some cases, it is kind of a chicken and egg, which comes first? Do you look at the designation, which is number two, before you pick the pilot or do you do some pilots, as some are suggesting, and then looking at using that

information to choose communities? I can see, Veronica, how it can work either way.

MS. EADY: I would just encourage a little more thought, at least not rule out doing it in the short term.

MR. FIELDS: Okay. All right.

MR. SAWYERS: Tim, if I could just sort of elaborate on Veronica's point and, again, with the state's role. In Maryland, what we -- we have a new sort of program to help address EJ issues called environmental benefits district.

And part of what we have done, we are targeting, we have sort have avoided using the word designate, we are targeting certain communities to integrate, in some cases, air related projects. These are retrofits, ---, electrification, and so forth.

So, I think we could easily use those communities for archives, central Prince George's County's, East Baltimore. So, you are right, Veronica, there is a process.

And I think in most states, if you talk to the state regulators, you could easily find projects with active collaboration with EPA where this effort could be sort of elaborated.

MR. FIELDS: Just to pick up on -- I am sorry, Charles, go ahead.

MR. LEE: No, go ahead.

MR. FIELDS: I was going to say in terms of Veronica's point, it may be appropriate to go then to then the bullet that talks about in selecting pilot projects. This kind of gives to Veronica's issue.

It says in selecting pilot projects with EPA will include in the selection criteria the utilization of community-based participatory research by pilot project candidates.

EPA will consider diversity, and will consider strong community-based support, bias for action, multiple stressors, collaborative problem solving, potential for significant risk reduction.

This gives to the point, Andrew, that you were making yesterday about the need to involve guidance about -- around the pilots in the future.

And so, in choosing pilot candidates, there will have to be some general information about that community in order to decide whether or not something is an appropriate pilot candidate for a particular community. As EPA regions look at

candidates across our regions, those types of criteria would be looked at as well. Yes.

MR. LEE: Tim, Charles here.

MR. FIELDS: Go ahead.

MR. LEE: The point I wanted to make, does this second proposed action item -- got a lot of response from EPA management. And there was a number of people that looked at it in response to questions by EPA senior officials.

And the response that was given was that if you look around at the regions' work presently, there are actually a lot of communities where this is being done. And this is more around the idea that whatever lessons you are getting from the pilots or other types of things, it would be integrated in whatever way. And so, this begins to move it beyond just doing pilots and things of this nature.

I think that one of the big issues here -- and if you were to go back to what Mary Nelson said about looking at capacity and this whole idea of asset -- building from an asset perspective, which is an asset building perspective -- which is a view that came up several decades ago within the community development area, which is saying you don't look at

communities just as a set of problems of deficits, but you look at the assets and opportunities.

Well, actually, why not look at the agency like that? There are a lot of opportunities for this. There are a lot of things being done in the agency that are already in this way. Andrew mentioned a number. Graciela knows a number. Things of this nature.

So, I do think that -- you know I wanted to share with you that response, which I think is very much in line with what Veronica said.

MR. FIELDS: Good. Going back to number three up there for a minute. EPA should, and this is really Hector's baby, EPA should develop and implement efficient screening, targeting, and prioritization tools to identify communities in need of priority attention. Thoughts on this particular item? Council, workgroup, is this an intermediate, short term? Larry.

MR. WEINSTOCK: I think it should just include gather in one place the existing and then develop as necessary because I think there is a ton of stuff that is there.

And if you start with developing, then people go around and often do things. And I think the first thing we need

to do is collect what we have and then see where gaps remain.

And I am sure there are gaps and things that need to be developed, but I don't think anybody could tell you what they were because every office knows what they have done.

MR. FIELDS: Well, it is not -- yes, lets at least look at what is already in existence before we move on. Other? Andrew.

MR. SAWYERS: I disagree with -- no, I agree with Larry. I mean there is enough stuff out there. Frankly, they just need to make sure they work. And if there are ways to improve them, lets do it.

MR. FIELDS: So, time frame?

MR. SAWYERS: Short term.

MR. FIELDS: You think it is short term. Okay. Any other contrary view on this one? All right. We go on then to talk about this tool kit.

EPA should develop a tool kit for early implemental -- implement able actions that can be taken to reduce pollution in lower income communities of color and tribes. Thoughts on this particular item? Chip.

MR. COLLETTE: I think that has to come. It has got to be intermediate and long term. It has to come after the pilot projects because the pilot projects are going to be determinate of some of the tools that are developed.

MR. FIELDS: All right, intermediate. Any other thoughts on this particular --? Andrew.

MR. SAWYERS: You know I am going to stop. It seems like I am sort of taking up the mic time here. But I actually think this is a short term exercise too. I actually think their -- EPA has a tool kit. There are several states that are looking at different ways to do this.

And like Larry just said, again, you evaluate some of the things that we are all doing and then sort of compile that into a comprehensive tool kit.

So, it could easily be sort of a longer term effort. But I think there are enough stuff going on for us to think about sort of putting together a tool kit. So, I would say short to midterm.

MR. FIELDS: Graciela.

MS. RAMIREZ-TORO: Yes, short. But I also would like to recommend that we add something. Low income communities comma communities of colors and tribes.

MR. FIELDS: Okay. All right. Add that to that item. Okay. Shankar, do you have comments on this?

MR. PRASAD: I think is a short term. But it will be an ongoing process. I agree that this will have to be modified as it moves to the second year or third year.

So, it will be a short term because if you want to address those five communities or any of those, some method has to be already out there. So, that becomes almost a step one by default to go and select how do you -- how did you select those five communities and how do you deal with them?

So, some uniformity of approach will be necessary. So, that automatically it forces it to become a number one item that has to be followed through. But as certainly, depending on the results of the pilot project, that tool or the screening method may have to be modified. So that is how I view that.

MR. FIELDS: All right. So, Chip, at the time, most people say they would like to move it up into the short term category. Sue, thoughts?

MS. BRIGGUM: I am just a little worried that if everything is short term, they will choose, not us. And I think it is going to be really hard to organize, figure out where you can do the pilots, get all of the screening tools, which, after all,

those things will be information-based, and do the tool kit because they are going to try and organize and get it.

And then, I mean they can throw something out there, but I am afraid it won't be very good. And my fear is that if they waited until they got the pilots organized and as part of that got some information and they did it in year two, it will be a lot better than if they did it in year one just in order to meet the deadline.

And then, they will say well, and then we will get back to it in year seven because we already did that one. We clicked it off. And so, I am just a little worried about, I hear the sense of importance on everything, but I am just a little bit worried that we think about workload.

MR. FIELDS: Chip.

MR. COLLETTE: Being from a state agency side, I have basically got a little bit -- I would say a little bit of --- attitude as Sue. It is very -- the urgency on everything. But if you try to do everything at once, from the regulatory side, from the agency side, there is a lot of stuff that is not going to be done well.

MR. FIELDS: Hector, could I get you to weigh in on this one? Your thoughts in terms of the time frame, intermediate versus short term? Or Shankar as well?

MR. GONZALEZ: Well, I think we dealt with it within the panel because of the urgency. But I think some things in getting the pilots going will include some of these action items because they have to.

As Shankar was saying, some of this is ongoing because we will have to have some methodology. But in this specific one, it may -- I agree that it may have to be a little bit more intermediate.

MR. FIELDS: Shankar.

MR. PRASAD: I think --- comments with Sue. So, I will ---. And coming from a hypocrisy, I will change myself and say that it is two to three years.

MR. FIELDS: Jody.

MS. HENNEKE: I really think, given the -- putting this in context, that the changes in philosophy and mind set that this has to bring with it in order to get this started, it is not a short term deal guys. It is just really not.

And the pilot projects, you have to get those in place and begin to react to them. I think you are looking at

intermediate. Gosh, I would love if it were short term, but I just don't think everything can be short term.

MR. FIELDS: All right. Juan, then Andrew.

MR. PARRAS: I would like to say that if we allow the state and EPA to more or less select the pilot projects, but then each region could go through the 64 items and figure out whether it is long term, short term, or intermediate.

Because I think that each pilot program -- some are going to be short, some are going to be intermediate, and some are going to be long term.

So, I would collect from this process that we are going through to be left up to the regions as they select the projects to work on or the pilot programs to work on.

MR. FIELDS: Okay. I am hearing short term, intermediate on this one. And we will come back and set priorities at the end here, Juan. And we will let them tally it.

And I think that is the point Sue is making of how many of these 64 action items are going to be short versus intermediate, long term, et cetera. Andrew, do you have a quick --?

MR. SAWYERS: Yes, I am convinced. I switch. Intermediate, that is fine.

(Laughter)

MR. FIELDS: All right. You are going to intermediate. So, I think the total is toward intermediate now. One last item we can cover and then we will go to -- probably have to adjourn.

The pilot project criteria. We talked about the criteria. But to get a clearer sense, do we have to have the criteria before we select the pilots or do we pick the pilots and then go for criteria later? How do people feel about pilot project criteria, which is the item we mentioned earlier? Jody.

MS. HENNEKE: This is the linear left-handed side of me. I think you got to pick the project and then select that criteria. You pick the place, then the criteria that matches that place. To me, that is easier.

MR. FIELDS: So, you think we are fine with criteria over time. Shankar, do you got your card up for this one? Okay. Chip.

MR. COLLETTE: I have go to agree with you, Jody, particularly having looked into the OIG report and stuff. It is a systematic approach, not a programmatic approach. So, we have got to start the pilot project. And it will dictate some kind of --.

MR. FIELDS: So, you are saying -- you are both saying intermediate for this one, intermediate. Any other? Ken.

MR. WARREN: One of the concepts that goes well with the bias for action is the concept of adaptive implementation or adaptive management. And so, we shouldn't be thinking of these things as frozen points where, initially, we set criteria then we choose the pilots, but rather an integrative process.

And I think if you are going to make a pilot selection, you are going to have to have at least some basic criteria in which you are making that selection. But as a result of the pilot, you will probably go back and redefine your criteria on a going forward basis.

MR. FIELDS: Good observation. Charles.

MR. LEE: Yes, you know --.

MR. FIELDS: Oh, I am sorry. Wilma, then Phyllis.

MS. SUBRA: I think one, two, five, and eight need to be all brought together as one because they deal with the pilots. We have the short term pilot, the intermediate pilot, and we have the pieces talking about the pilots. So, I would

suggest that we role those into one and then stepwise through that one.

MR. FIELDS: In terms of this overall bias for action section?

MS. SUBRA: Right.

MS. : You said one, two, --

MS. SUBRA: Five and eight.

MS. : -- five, and eight?

MR. : They all have clear interrelationships.

MR. FIELDS: Charles.

MR. LEE: No, Phyllis.

MR. FIELDS: Oh, that is right. We will do Charles and then -- or Phyllis and then Charles.

MS. HARRIS: Yes. Wilma said it much more articulate than myself, but I was becoming -- you know I am thinking about what is it that I need to do when I go back and I work with my managers. And even beyond that, as many of you all know, we have a cross agency, Environmental Justice Steering Committee, comprised of the deputy assistant administrators and DRAs.

So, in my mind, I am thinking when we go back to that group, what is it that we are going to say we are going to be

doing for -- because at the bottom, if you notice, you say take all of this and put it in your action plans.

(Laughter)

MS. HARRIS: So, we are going to need guidance on exactly what needs to go -- what goes in the action plans. So, I am thinking this should be a framework for how we are going to, obviously, implement these pilot projects.

And the one we are talking about, for example, to me, kind of puts the framework into place in terms of what we should be thinking about.

And I think we just need to be careful that we are not so restrictive that we don't have enough flexibility for people to actually go out and do the action that we have the bias for is what I am --.

I think we are going to get wrapped up, when we get back, in trying to figure out what do people mean and I don't know. I am just becoming very concerned that when we get back, we are going to be paralyzed because --.

MR. FIELDS: You kind of raised some of the points Larry was raising.

MS. HARRIS: Yes.

MR. FIELDS: That we have to be careful not to be too specific and too prescriptive, right, in what we tell the -- what we suggest the agency do on some of these.

MS. HARRIS: Yes. But, again, I recognize that this has been a process where people have -- feel that there was a need for action. So, we want to give the agency a lot of guidance.

But at the same time, when it gets down to it, these things are going to be implemented in the regions. They are going to have to decide where these communities and pilot projects should be.

So, lets put a framework in place for them to make those kinds of decisions in a consistent way. Because what happens on the ground is you get communities that are competing with each other in terms of why not me, why not me. So, putting that framework in place.

And then the program offices, we are there to help them do their jobs in putting that framework in place so that the regions can do that.

MR. FIELDS: Charles.

MR. LEE: And my point was -- is actually the same one that Wilma and Phyllis made and actually goes off of

Larry's point. From a process standpoint, this is a process that is coming together. And we are going through this exercise right now.

But what I am listening for is a way to begin to combine these. And so, as we talk through this, this is -- we want to be true to everyone's ideas as they came forward.

Part of the discussion then -- and we don't need to worry about it now, but we look at it afterwards in terms of all the different comments and ideas and the real robust discussion around this, and we will end up somewhere in terms of what Phyllis and Wilma are suggesting. So, that is the other part that I just wanted to add to that with.

MS. NELSON: I have a process comment.

MR. FIELDS: Yes. Yes, Mary.

MS. NELSON: I believe if a couple of us just get our heads together over lunch, Judith and I were just talking about a different kind of a matrix that would do some consolidation, as you were talking, would incorporate your notion of what is the difference between national, and regional, and local, in a sense, and a matrix between which are action items, and which are capacity items, and which are thinking -- change of thinking items.

And if we could just get our heads together, we might be able to do something that would help facilitate a discussion -- facilitate us better this afternoon in dealing with this.

MR. LEE: Yes, I wouldn't --.

MR. FIELDS: Mary, I will try to do that. I have no problem with that at all.

MR. LEE: Yes, but I wouldn't -- I would not try to do that yet because Tim has figured out a way of doing this that we need to kind of not kind of stop in the middle of. You know that is one of the things -- even though it was a good idea.

But you should know that this was -- for the past two months, we have been trying to do that. And so, they asked me to go and take all these and try to figure out some framework. And I went and did this, and did this. I tried everything. And it all comes back to the same framework that we have in terms of these eight items.

And so, I would not try -- I think that the question that you are raising, right, in terms of this will come after this discussion. After which we have a lot of input around this, then we can think about then as a result of that, how do we then construct it?

MR. FIELDS: I think that type of input though will be really helpful after this meeting to have the input. You talked earlier, Mary, about giving suggestions on how to outreach to various stakeholders and what things that members of the communities could do to, within your network, to get things done with folks.

I mean I think that is all going to be very helpful and useful input as the workgroup reconvenes in May to talk about what we -- how we deal with what comes out of this meeting and other comments as we move forward. So, I think it is helpful.

Well, obviously, we have run out of time for this first item. We really want to hear from the council though about your suggestions on priorities, short, intermediate, long term, on any other items you want to comment on as you leave this meeting.

We just want to get a sense from you today as to how you feel about various items. This has been very helpful. But we want to do the same thing this afternoon on some of the other items as well and some of the other themes. Mary.

MS. NELSON: Could we, because otherwise we will never get through this long list in our time period allotted, could --?

MR. FIELDS: We don't plan to. We didn't plan to.

MS. NELSON: Well, my suggestion was that we could do straw pulls on each of these short term, intermediate, and long term. And then, only discuss the ones where there was something not a majority of the people.

MR. FIELDS: You mean just say how people -- let people vote yes, short?

MS. NELSON: Yes.

MR. LEE: You know I don't -- I think that, first of all, that actually takes a long time to do. And I think that the real value of this discussion --

MR. FIELDS: Is the dialogue.

MR. LEE: -- is the dialogue. And what is being --.

MS. NELSON: Well, except that we would have dialogue then around those ones where there wasn't a majority of the people agreeing on them.

MR. LEE: But, actually, the discussion around the dialogue in which people agree on these things are really important.

MR. FIELDS: Yes.

MS. NELSON: Okay.

MR. FIELDS: We will see. We will see. We will have to play it by ear as we go through. I mean we intended for there to be only one person who would comment on each of these recommendations. You are seeing, as you go through, that several people want to comment on each one.

MR. LEE: Which is fine. Which is fine.

MR. FIELDS: You are right. Veronica. Thank you.

MS. EADY: Great. It is so nice to have somebody else doing this facilitation job too, especially the tough stuff. So, it is 12:05. So, lets break for lunch. We are due to be back here at 1:00 o'clock. I will give you the extra five minutes. Lets be back at 1:05.

(Laughter)

(Whereupon, a luncheon recess was taken)

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

(1:15 p.m.)

MS. EADY: Another NEJAC member has arrived. So, if you don't mind introducing yourself.

MR. HANDY: I am Walter Handy from the Cincinnati Health Department, Cincinnati, Ohio. Glad to be here. Thank you.

MS. EADY: Welcome, Walter.

MR. LEE: Why don't we do the next one -- Tim, why don't we go through the next one and then I will do my thing because not everybody is here yet.

MR. FIELDS: Okay.

MS. : Are we going to a whole new subject?

MR. FIELDS: Yes, we are going to go to the second theme. Thank you all. We are going to continue with our focus on the action items in the eight themes.

Existing Statutory Authorities

MR. FIELDS: We will go next to theme number two. And we are spending about 30 minutes per theme. And the focus is getting reaction from the council, EPA, the workgroup on whether the action item is going to be short term, intermediate, or long term.

So, the first item under the second theme, which is the Utilization of Existing Statutory Authorities, is that EPA's Office of General Counsel should provide a memorandum explicitly identifying the authority to evaluate and address cumulative risk and impacts in the statute it administers and delegates. Should that be a short term, intermediate, or a long term action by EPA? Comments? Reaction? Chip.

MR. COLLETTE: As someone who works in the General Counsel's Office at the Department of Environmental Protection, I am going don't, please. We are better off -- I don't have a feel.

I know I am very uncomfortable because we are always going to miss something on authority that you have of stuff. I will tend to tell my clients what do you want to do? I will look at it. It seems arguable.

But we lawyers sometimes take strict interpretations, while you regulators or you people working can take a broader view. And then sometimes we end up defending you in court. And then, we are successful.

MR. FIELDS: So, your suggestion is that this one ought to be -- you think it ought to be deleted altogether?

MR. COLLETTE: I am not very comfortable with it at all, not as a lawyer who would render an opinion.

MR. FIELDS: Other comments on this particular action item? Ken.

MR. WARREN: I have to respectfully disagree with Chip. I like this item because I think that if we have a memorandum from OGC, it will give agency folks and states comfort that the can implement this.

Because as you have pointed out, there is not a specific statutory or regulatory authority for it. People are floating around wondering how do I do this, how do I justify doing it? And having OGC do a memorandum would be enormously helpful.

MR. FIELDS: Yes. And what time frame would you recommend for this item?

MR. WARREN: Well, you can only push them so fast. But as fast as they can do it.

MR. FIELDS: At least intermediate, in your view?

MR. WARREN: Right. At least.

MR. FIELDS: Okay. Other? Bob, yes.

MR. HARRIS: Yes. As a member of the California Bar, I would concur with Ken. But I would think it ought not

take that long to do this in terms of today's technology. With the Lexis and all that other stuff, the research is a lot quicker.

So, I would be inclined to support this and short term. I just can envision --.

MR. FIELDS: Well, just to give you some history, briefly, as Charles knows, it took the agency about two to three years to get out that policy memorandum that Sue referred to. That came out in December of 2002 on the authorities on the verse Environmental Statutes to Address Environmental Justice.

So, I don't -- I am not an attorney, but I do know that that one took quite a -- took several years before it finally got issued.

MR. HARRIS: Now, my only response to that is that it just doesn't make sense in this day and age to take that long to do something that is --.

MR. FIELDS: So, you agree with Ken though? You think that the agency ought to do this and it ought to be a short term item.

MR. HARRIS: If you can't do this within a year, you shouldn't even be practicing law.

(Laughter)

MR. FIELDS: All right. Chip, do you have a --?

MR. COLLETTE: I could probably do it within a month. My worry is, I am totally in favor of this concept and as a project, is my worry, and I do not know your Office of General Counsel very well, but my worry is is you might get an answer you don't like.

If that can be guided, sometimes it works better we are doing this how can we justify that works better. But my fear is I think this is a tremendous project, a tremendous, tremendous orientation.

We need to go this way to get things done. But unless there is some guidance in seeking an opinion, you can get an answer that is not going to be the one you want.

MR. FIELDS: Okay. So, you dialogue with OGC before you ask them to render an opinion. Okay. All right. Yes, Terry.

MR. WILLIAMS: Similarly, on tribal issues, and I do think some of the tribal issues need clarification and may need statute changes.

But I would request that with that they have some tribal leadership and tribal attorneys talking to OGC to be a part of that discussion to help shape the thinking on that in terms of

what is important to look at for change and what may not be necessary.

MR. FIELDS: Okay. We will make sure we capture that as an add on to this action item. All right. Lets move on. And we will try to keep this going because we have only got 30 minutes to --.

In terms of the second item is that OGC or the program offices would provide an inventory easily accessible to communities on the procedures by which cumulative risks and impacts can be evaluated on the existing authority, any circumstances in which such consideration does not appear possible within the current law and the governmental entity responsible for such assessment. Comment on this particular item? Should this be done? Short term, intermediate?

MR. PARRAS: ASAP.

MR. FIELDS: You think this is something we should do short term -- or the EPA should do short?

MR. PARRAS: (No audible response - nodding his head)

MR. FIELDS: All right. Jody.

MS. HENNEKE: It should be short term, but reality is probably intermediate. It is that easily translatable kind of thing that will make it more difficult.

MR. FIELDS: Okay. Particularly the part about translating the legal authorities into a practical guidance.

MS. HENNEKE: That is the one.

(Laughter)

MR. FIELDS: Okay.

MS. HENNEKE: That is the one.

MR. FIELDS: All right. So, intermediate is probably more realistic.

MS. HENNEKE: I think.

MR. FIELDS: Other comments, reaction on this particular item? Okay. The third item under this theme is that EPA should translate the authorities, particularly that of the General Counsel's legal opinions, into guidance to the probating authorities advising on how best to incorporate cumulative risks and its reduction into facility probating processes. Yes.

MR. SAWYERS: I think that is going to be sort of a medium term to long term effort. I think it needs to be done. But, as Jody said, realistically, it is something that can be done in the next year or so.

MR. FIELDS: So, you would go with intermediate, Andrew, for this one, as something that is probably more realistic?

MR. SAWYERS: Yes.

MR. FIELDS: Next two or three years?

MR. SAWYERS: Right.

MR. FIELDS: All right. I don't see any other comment on this particular item. We will move on then. The next item is EPA, in completing these materials, should identify the sources of adverse cumulative impact, which no or incomplete authority to control -- sorry, for which it has no or incomplete authority to control and for which state or local regulation has provided adequate or inadequate or inconsistent control.

It also says the issuer is to choose a plan to cure identified deficiencies. Yes, Andrew.

MR. SAWYERS: This is a long term effort. And I think it is a difficult thing to even conceive. So, I would just leave it at that. It is a long term effort.

MR. FIELDS: Any contrary view? I see a lot of nodding of the heads, people agreeing with Andrew. Anyone have a different view? All right. Okay. We will assume that is

a long term item. I think that is the first long term item we have had so far.

MS. HENNEKE: Embrace it and cherish it.

MR. FIELDS: Yes, right. The next item, EPA's program offices should compile a web-based inventory of case studies of communities and regulatory programs where cumulative risks and impacts have been factored into decision making, should provide practical guidance on how to use existing law and procedures.

Comment on this action, recommended action? Should this be done, a web-based inventory of case studies? Yes, Bob.

MR. HARRIS: Certainly, I think it should be done. And it, obviously, would be useful. And it, unfortunately, it will take a little bit more than a year. So, it would be, probably, intermediate.

MR. FIELDS: Okay.

MR. LEE: And can I ask everyone when you speak to make sure you speak into the microphone because it is hard for them to record it.

MR. HARRIS: Absolutely. We love it.

(Laughter)

MR. FIELDS: Why don't you repeat it, Bob. Your recommendation is?

MR. HARRIS: My recommendation is yes, I think it is useful. And secondly, I doubt seriously, knowing what is involved here, you are going to be able to do it within a year. So, therefore, it probably should be two to three years, which would be intermediate.

MR. FIELDS: Yes, Judy.

MS. ESPINOSA: Thank you. I agree totally. I think it is more intermediate. And I look at this as kind of like the geographic assessment tool. And if that is a possibility to use it as a model where you actually graph it on the web, but you give some technical guidance.

MR. FIELDS: Okay. Any other?

MR. LEE: Lori wanted to say something.

MS. KAPLAN: I have question. How many decisions are there like this? And if there aren't that many, it shouldn't take that long. And my guess is there aren't that many at this point.

But it would be a short term, plus an ongoing effort. That as new decisions come on -- come out, they would be

added to the inventory. But I don't have a handle of how many such --.

MR. FIELDS: Well, that is the thing. We don't know what the --- is. We do know that there are quite a few situations and reasons where cumulative risks have been considered. And it would have to be factored in with all the other resource load that regions and headquarter's offices have within EPA. So, I think it is going to take a while to do it right.

MS. KAPLAN: Okay.

MR. LEE: Tim.

MR. FIELDS: Yes, Terry.

MR. WILLIAMS: Yes. Well, just in addition to that, and I mentioned this already, is that when you start dealing with tribal issues, health issues, especially when it is around the area of gathering resources for subsistence, and ceremonial, or medicines, that a lot of those resources are unregulated in any form.

And those are the types of inadequacies that we will find. And I do think we need time to think through that. That that shouldn't be rushed into.

MR. FIELDS: So, intermediate, you would agree with. Andrew.

MR. SAWYERS: Yes, agree with Terry. I mean I think what makes it difficult is the idea of developing practical guidance. I just think it takes a while to do that.

MR. FIELDS: Okay. Lets move on to the next action item. EPA should create incentive programs to maximize early voluntary efforts to go beyond compliance to reduce cumulative impacts. A cumulative risk reduction initiative could focus on extra recognition and incentive where pollution prevention efforts are undertaken.

How about this idea of an incentive program, creating of incentive programs to maximize voluntary efforts to provide something for industry and others to undertake in this arena? Judy.

MS. ESPINOSA: I think any time that we can capture what the NEJAC has done before or what EPA has done before is important, and I think that is reflected in this action item, so that we are not duplicating work and so the agency, and the NEJAC, and whoever else can start from the baseline or an already existing framework and go forward.

I do think this probably is going to be an intermediate action. But because we are starting -- if we can use a pollution prevention report and some of the activity is already being done by EPA, then we have moved ahead just a little more.

But this is kind of -- I would think that to set it out and just start doing it would be more than a year. And then, it would be an ongoing process.

MR. FIELDS: So, you are saying intermediate to couple year activity.

MS. ESPINOSA: Right.

MR. FIELDS: Other thoughts?

MR. SAWYERS: Tim, in principle, I agree with Judy. But one of my -- one of the things that I have been pushing in Maryland is for us to really aggressively pursue incentive programs for businesses who want to do the right thing, if you will.

So, I would like to see this be a short term effort because we have been talking about incentive projects or incentive-based approach to compliance assistance for a while. So, from a state's perspective, to get more people to do

things that we would like for them to do, I, personally, would love to see this be a short term effort.

MR. FIELDS: Okay. We will see if some of this we can phase over time. Juan. Okay.

MR. PARRAS: From a community perspective, this is one that I would, actually, would be totally against. Because over the years in Texas, we have numerous incentive programs and also voluntary incentive programs and when it gets down to it, they just choose to not participate.

And we also have grandfather clauses in our state legislation that, actually, they don't even have to participate if given incentives because of the grandfather clause that already exempts them from actually complying with better air admission standards.

I would be totally against this on behalf of communities. We are giving them -- we are paying them to not do it, basically. That is what we are doing.

MR. FIELDS: You have had a bad experience with voluntary programs. Right?

MR. PARRAS: Up to now.

MR. FIELDS: Yes.

MR. SAWYERS: And I have had a good experience with some voluntary programs. But I fully respect Juan's point.

MR. FIELDS: So, your sensitivity is here that if this were to proceed as a recommendation, it should, at a minimum, be modified to talk about making sure that the needs of communities were included in such incentive programs up front?

MR. PARRAS: Well, generally, even when you do have incentive programs, it is like here is the incentive to do it, but then you give them 10 years to comply. And so, you just lengthen the process instead of saying mandatory, and look, if we give you this incentive, it has got to be done in 90 days or 30 days.

MR. FIELDS: All right. Lets talk about how we may address your concern. I see Bob and Shankar. I think, Sue, you want to address those same points. So, Shankar, you had a different point. Right? Let me go to Bob and Sue first and then I will come back. Bob.

MR. HARRIS: Mine is just briefly. I certainly don't disagree with what Juan is saying. But as I read the language here, it says to go beyond compliance. And clearly you want people to go beyond just mere compliance. And if that is what

the incentive people order businesses to do that is a good thing.

MR. FIELDS: Sue.

MS. BRIGGUM: The same point. Our premise was that this is going beyond your obligations. And so, it is a way of kind of jump starting more stringent obligations without having to wait for the regulatory process.

MR. FIELDS: I do want to say just in -- I think I understand Juan's concern. There have been issues in the past where people have felt that some of the reinvention initiatives would create a situation where the protection of the community would be compromised.

And I think we need to make sure that as we talk about designing an incentive program that is not what we have in mind.

But there is a perception by some that the incentive program would cause the public health of the community to be compromised. We need to make sure that is not what we intend here. Shankar. I am sorry. Juan, you want to comment on this further?

MR. PARRAS: Yes. And, in fact, and this is by coincidence, but there was a report released about a couple of

days ago by the Texas -- known as the Texas Public Inference Research Group, which says that even the American Chemistry Association which has a program of responsible care, and it is a voluntary program that they can join responsible care, voluntarily not too many companies have joined the program.

And it shows that since 1990, of those companies that belong to the program, we have had over 7,000 accidental releases or accidents in plants. And in Texas alone -- no, there has been 25,000 nationwide. And in Texas alone, we have had 7,000 accidents.

And all of this is where industry itself is trying to regulate themselves through peer pressure of companies saying join our mission statement, reduce your pollution emissions, participate in our program. So, they, themselves, have not even been successful at recruiting volunteers to actually ---.

MR. FIELDS: Okay. Who wants to respond? And we have got several. Shankar has been waiting, then Walter. We got Andrew, over to Larry. Who is commenting on this specific point before we move on? Terry.

MR. WILLIAMS: Listening to Juan, I am reminded of a review that we just did nationally a few years ago on watershed programs that were voluntary participation.

MR. LEE: Terry, speak into the mic. Speak into the mic.

MR. WILLIAMS: And the review came to a result of understanding that in the watershed voluntary participation negotiations, more or less, the outcome was generally that the people involved had extremes and would negotiate to the center, which really didn't lead to adequate resolution of the issues.

And what we finally came to in our watershed processes was putting in some minimums. Saying that there were some time frames or minimum standards that really needed to be met to help curb some of that extreme positions in negotiating the center and allowing for decisions that gave a more robust decision.

MR. FIELDS: All right. We got Shankar. I am going to go to you because you have been very patient. Thank you. And we will go around.

MR. PRASAD: My concern is that it is only focusing on pollution prevention. I would like to see that to be included as pollution reduction or prevention.

It does not necessarily always -- emission reductions could be beyond the compliance. But it does not have to be a prevention alone because there might be some controls that could be added upon. So, it does not necessarily become the prevention, but it would --.

MS. BRIGGUM: That is actually included in the P2 report. This is just shorthand. But reduction is a clear part of it.

MR. FIELDS: Walter.

MR. HANDY: Sure. What I heard you talk about with the reinvention criteria stuff is that you wanted to make sure that you minimized any unintended consequences of this. I would certainly support that 'cause I think there was some unintended consequences with the reinvention criteria material. But there is no reason why, as a tool, it should be thrown out because there should be --.

MR. FIELDS: Okay. Walter.

MR. LEE: No, Walter is over here.

MR. WEINSTOCK: Larry.

MR. FIELDS: Oh. Sir?

MR. WEINSTOCK: Larry.

MR. FIELDS: Okay. Walter, did you have yours up?

MR. SAWYERS: Andrew.

MR. FIELDS: Andrew, I am sorry. State of Maryland?

MR. SAWYERS: State of Maryland, Andrew, not good. Not so good.

(Laughter)

MR. SAWYERS: Do you want Larry?

MR. FIELDS: Thank you, Andrew. I will go to --.

MR. SAWYERS: Let Larry go first. That is fine.

MR. FIELDS: I will go to Larry first and then back to Andrew. Go ahead.

MR. SAWYERS: The next time you will remember me.

MR. WEINSTOCK: I think there are actually two things here. One of which could be short term and the other that has to be intermediate term. And in the short term, EPA does have a number of voluntary programs dealing with pollution prevention and other aspects that really deal -- are

focused on businesses. And those could be better targeted. And we could do that quickly.

But just as a practical matter, you just can't quickly make a new program that would be useful and all those other things. So, that has to be intermediate because it takes time.

MR. FIELDS: Okay. Andrew.

MR. SAWYERS: I certainly want to agree with what Larry just said, being very respectful of what -- of Juan's comments. I have to sort of reinforce the need to continue to do this. And just thinking about community-based projects in Maryland where -- I would even change the language to essentially say voluntary projects to achieve compliance and in some cases go beyond.

Because in some communities -- in the community where we are working, in Park Heights, there are several hundred auto body shops where they were never in compliance. And we went through a process where we agreed to give them immunity for a while while they get into compliance with full support of the community. And that incentive project actually worked very well.

So, I am a strong supporter of incentive projects, incentive-based projects because in a lot of cases, it is a very

1 useful way to help the communities to get companies in those
2 communities, certainly, achieve compliance and in some cases
3 go beyond compliance.
4 So, again, I strongly support it. I think, as Larry says,
5 there are two components, a short term and a long term effort.
6 MR. FIELDS: Okay. Judy.
7 MS. ESPINOSA: I wanted to see, given what Juan
8 has said -- because I think that is important. And we don't
9 want to just gloss over it, particularly his quote about paying to
10 pollute. Because I think that has been the perception with
11 some of these.
12 And maybe, Juan, you, depending on how strongly
13 you feel about this, if you can work with Sue and I and Charles
14 to maybe put some language in here that would be useful to
15 communities.
16 I think, again, the idea of going beyond compliance is
17 important. But I think where we get in trouble with the
18 communities is when the states, no offense to any of the
19 states, let the business folks lax off.
20 So, they are in some kind of an incentive program
21 and they are supposed to be going beyond compliance and all
22 this, da, da, da, but what really happens is they have what

1 Terry was talking about with the tribes, is they are not paying
2 attention.
3 And the state is not making them pay attention or EPA
4 is not making them pay attention. So, it gets sloppy. And then,
5 of course, communities get upset because why wouldn't you.
6 They are allowed to go not even beyond compliance.
7 So, if Juan -- would you be willing to help us out with
8 some language?
9 MR. PARRAS: Sure. Definitely.
10 MS. ESPINOSA: Okay. Thank you.
11 MR. FIELDS: Good suggestion, Judy. And thank you,
12 Juan. Lets move on to the last item. We gave you a little
13 handout that has more modification to the last item, on the one
14 single page.
15 It is the one that was a revision that we sent around
16 today based on some tweaks we made in discussions with
17 Phyllis. Maybe, Phyllis, I should have you speak to it since it is
18 some of your language.
19 MS. HARRIS: Yes, just real quickly. Again, from our
20 perspective, when I look at the recommendations, I am trying to
21 put it into context of when I go back what can I tell folks in the
22 regions they should do.

1 And when I read the recommendation, it didn't speak
2 precisely in terms of what people do in the enforcement
3 compliance assurance program. So, I made some revisions
4 and wanted to bring those to the council.
5 The first sentence that is there would stay as it is.
6 But specifically, the change would be, in particular, OECA
7 should investigate ways to target communities of high
8 cumulative impact and to employ cumulative risk reduction as a
9 goal for injunctive reliefs and supplemental environmental
10 projects.
11 Risk reduction is in the context of injunctive relief.
12 That is what, specifically, you are ordering a company to do in
13 terms of putting on controls. Paltriest, that is just money. So, I
14 wanted to rephrase that.
15 And then, what was there in terms of exercising
16 enforcement discretion, that is a particular term of art that
17 typically is used when we, for various policy reasons, may
18 choose not to enforce an existing law or provide some
19 leeway. So, I don't think that was the intent there to say
20 exercise enforcement discretion.
21 In addition, it is very rare that the inspectors review
22 permits. They actually go out to the facility to look at the

1 various processes. And they will look at the permit to see if
2 they were within permit limits, but not, per se, review permits.
3 So, I thought it would be more helpful to ask OECA to
4 look at -- or I wouldn't even say look at, I would say you should
5 target communities of high cumulative impact, as you were
6 going about doing your work or what have you, and to employ
7 risk reduction as a goal for injunctive relief, and supplemental
8 environmental projects. That is a typo with the an. It shouldn't
9 be an, it should be and.
10 MR. FIELDS: Okay. Thank you. Phyllis, since we
11 have you here and you have a measure saying OECA has
12 issued such guidance, when would be a reasonable time for --
13 from your perspective, to issue such guidance?
14 MS. HARRIS: Personally, I think its intermediate
15 because I think we would have to work very closely with the
16 states, with program offices.
17 You know I think we could look at existing policies
18 and guidance to see how we can just be more flexible and
19 maybe say within -- in many ways I think it is we have the
20 guidance and policies there.

It is taking a look at what is there and saying use what you have and look at cumulative impacts. And many regions do that in any event when they are settling cases.

MR. FIELDS: All right. Any reaction from the council on that item? Yes. Veronica.

MS. EADY: I hate to be a stickler or too much of a wordsmith, but having worked on writing environmental justice policies and such, I am wondering how we are defining communities of high cumulative impact?

I am really sorry for raising this. But I think that the wording communities of high cumulative impact might be a little problematic. And then, when OECA goes and starts writing this policy, they might -- I mean if we could be a little more specific by what we mean by that.

MR. FIELDS: Sue, then Bill Sanders.

MS. BRIGGUM: Suppose we did it in terms of relative degree rather than -- I hear what you are saying 'cause you are saying well, what is that? We must have a threshold. And that will just get us back into talking again.

So, of relatively high or something like that so that you could go through and there wouldn't be a set point, but instead you say wow, there is this one and that one and this

one clearly has a lot more than that one so lets start there. Does that work?

MR. LEE: Well, there is a whole other issue in here which has to do what does cumulative mean? So, I would use the word multiple and cumulative. That is another way.

MS. BRIGGUM: Yes, that is fine.

MR. FIELDS: The chair has raised a valid issue and we will make sure we go ahead and make the appropriate changes to the language.

Well, I think we will end there on this item for this set of action -- I will let -- I am sorry. Bill, you had a --?

MR. SANDERS: Sorry to raise this. I did want to come back. It is more of a point of clarification. And it is on your point four, before you move this thing out.

In that recommendation it talks about incomplete or authority to control for which state or local regulation. And the question I had for the working group is to really think about whether or not you want to include or local regulation in there.

It seems to me that that increases, exponentially, the work that needs to be done. And I am not sure how you would go about looking at all the local regulations. So, it is just a point for the working group to think about a little bit more.

MS. BRIGGUM: It is. And the reason why we kept it in there, although it may be we need to break it out in terms of time frame, is one of the things that we observed as we were having our conversations was some of the things that are most often referenced by community members are things that are controlled under local ordinance rather than Federal.

And we didn't want to drop that, both in terms of making sure people are aware of the ordinances as well as the fact that the ordinances really are variable and may be inadequate. And we probably should appreciate that.

I can think of activities that are regulated under one local permit. All you need to do is file the piece of paper on time. And another place there will be 40 pages of regulations with -- to design and operating controls. And we were really hoping to get a handle on this to kind of upgrade practices and lessen impacts.

MR. FIELDS: Yes, you raise a good implementation issue and a resource issue. But we have heard several times during this last couple of days, community people have come to me and said that you have the states around the table, you have EPA, they said the biggest problem we have is local

government. We ain't going to have to balance all that because of how we deal with this. All right. Charles.

MR. LEE: Well, Mary, did you want to --?

MS. NELSON: Yes. I want to intrude at this moment before you move to the next issue. And that Judith and I, with concurrence from Veronica and Charles, have drafted up -- have put together just a little form as we were talking about what we were going to do in disseminating and communicating the good stuff from this.

And asking NEJAC members and anybody else who wants to fill one of these out to just sort of indicate I am making some commitments to try and share the good news and get this spread in a farther basis and identify that and to turn it in this evening by 5:00 o'clock to Victoria. Victoria is over there, (indicating), at the table. Oh, there she is in the red coat. Okay.

And then, tomorrow, what she would do with this is get it compiled so that on Friday morning we could get it back to us and we would know who is going to do what.

And it may be that several people are going to be at the same conference together. So, maybe they could get their heads together and decide how could we better share this at

that event, or at this board meeting, or at this whatever all it might be in a way that just might help share and communicate this on a broader basis as our NEJAC -- as our little commitments could also help to make this happen.

MR. LEE: And we are going to give an award to the person that commits the most.

(Laughter)

MR. LEE: The other thing I wanted to do was take a moment of privilege, just a few moments, because, first of all, Pat Hynes had to leave and she left before we were able to recognize her. So, we should do that in absentia for all the work that she has put into this.

I was going to say after Pat talked this morning that at Boston University I have to pay to hear her say that. But she has brought a really sense of understanding, and sensitivity, and passion to this whole set of issues. And we are really, really, really grateful for that.

The other person that I want to make sure we recognize, she has to leave about 2:15, but rather than kind of break up the session, I want to take this opportunity to do that.

And that is the co-chair of the cumulative risk impact workgroup, Sue Briggum. And Sue helped out in so many

ways, including providing leadership in terms of overlooking the drafting process of the report and to which, I think, we all have said -- paid a lot of compliments to. And a lot of the credit for that goes to Sue.

But the thing I really wanted to say about Sue though is not just her service as the co-chair of the cumulative risk impacts workgroup, but her longtime, I guess now a lifetime commitment, right, to environmental justice.

And Sue is one of the few people, and actually probably one of -- if not the first person in the business and industry to really step forward the way she has. And think all of us who care about environmental justice really have benefitted from that.

And that has not been an easy road to go, as Jody is smiling, she knows, that has not been an easy road to go. And I think a lot of credit -- I mean we just need to recognize what Sue Briggum has done in terms of that work.

It is really interesting because the very first paragraph of the report, the description of how communities feel about the phrase I am sick and tired of being sick and tired, it describes a little different how communities feel about the

different groups like public health, and business and industry, and government. That was all -- Sue wrote that.

It is an interesting statement to say that a person from business and industry could be as sensitive and knowledgeable about the concerns of community as it could be able to write something like that.

And so, I just want to make sure that all of you recognize the work that Sue has given to this process and to the issue of environmental justice alone. So, Sue.

(Applause)

MS. BRIGGUM: All right. We have to get back to work.

MS. EADY: Before we do that, I just want to say one thing. We also were just handed out an article from this morning's Time Tribune and you should have a look at it. It is about us.

It focuses on the woman, Clementine, who testified yesterday -- or was on a panel yesterday about the Four Corners Community. But it talks about our meeting in the report. So, we are already starting to get some outreach. Tim, back to you.

MR. FIELDS: Very good. We will get two more articles tonight.

MS. HENNEKE: Tim.

MR. FIELDS: Yes, Jody, sure.

MS. HENNEKE: Can I ask one question before we start. And this is kind of a followup on the form that we were handed out. Kind of, but not really. Charles, and I should know the answer to this, so I apologize that I don't, is there a concise briefing document that has been pulled together that could be used to be shared with various respective managements in different contexts?

MR. LEE: The answer to that is there is an executive summary that is shareable as a separate document. But that is probably not where we need to be with this. So, that still has yet to be written. And I think, clearly, we have made a commitment internally to help put that together. And so, that is the answer to that.

MS. HENNEKE: Okay.

MR. LEE: But that will be -- there will be something like that.

MS. NELSON: Fill that in as answer to number two. That is the help we need. I think it needs to be a graphically interesting, concise executive summary.

MR. LEE: Right.

MR. FIELDS: I think it is a good comment. I am glad you raised it. And I agree there needs to be a good fax sheet or something that can be used as a communication tool as you communicate with various groups about this report 'cause some people are not, obviously, going to delve into the details of this document. Mary, did you still --? Okay. All right. So, are we ready to move on to the next topic?

Programmatic and Regulatory Fragmentation

MR. FIELDS: The third theme is to address and overcome programmatic and regulatory fragmentation within the nation's environmental protection regime. And we have a series of recommended steps that could be done to address that issue.

The first is that EPA should conduct a systematic examination of issues related to programmatic and regulatory fragmentation which contribute to cumulative impacts, to identify and round environment protection gaps due to programmatic and regulatory fragmentation, and to develop

strategies to address the shortfalls of such striate fragmentation. And that is the first one. And Andrew, if you understand that, you can comment on it. No, I am so sorry.

MR. SAWYERS: That is exactly the point, if you understand this thing. And I am not even going to oversimplify my response that this is a long term effort.

MR. FIELDS: Yes, I tend to agree. That is my -- Terry.

MR. WILLIAMS: I think I agree with that as well. But I am thinking about this with the last conversation on authorities. And one of the things that I was just trying to get a way to describe was we really need some kind of a format of authorities from statutes on down to local ordinances.

A format to be able to plug in to what are the rules of the road in a particular area. That if you are going to have a pilot project for that pilot planning area, the participants need to have an understanding of the Federal, state, and local government rules that apply.

And, unfortunately, state by state, local government, by jurisdiction, whether it is county or municipality, those rules change at every boundary. And it gets very confusing as to

what rules apply, and what they actually mean, and what level of protection they provide.

But if we had a common format that area could plug that information into and try to make sense out of that would be helpful.

MR. FIELDS: It is a good point. It is a big task as well. And on a Federal level, there is more than 13 environmental statutes alone that are at play and then you add in the state, then local, and tribal. But it would make the task easier. But I agree with both of you it is a long term effort to make this happen. Wilma.

MS. SUBRA: As the one who combines, the first four bullets are really part of that process. I would really like the first part, where EPA should conduct a systematic examination, to be short term or short term slash intermediate so that you start the process there realizing that in order to complete the four steps it is going to be long term. But at least you have something concrete to start the discussion.

MR. FIELDS: That first bullet though also includes a development of strategies to address the --.

MS. SUBRA: Right. I divided the first bullet in half.

MR. FIELDS: Oh, I see. I see.

MS. SUBRA: Okay. So, the first half would be like immediate, maybe it trails off into --.

MR. FIELDS: I see. You are suggesting break this into two separate action steps, one short term and one longer term, being the development of the strategy.

MS. SUBRA: But all four group together and set up as a time frame.

MR. FIELDS: Okay. I think people could agree with that. The strategy part is going to be the long term part for sure. Any other comments on this one?

All right. Lets move on then to the next bullet. EPA should convene an advisory committee to examine the issues related to programmatic and regulatory fragmentation, to ensure that the agency basis its examination of these issues on information developed through a community-based and multi stakeholder process. Reaction on this item?

MR. SAWYERS: It is the same as above. I actually put it for ---, long term, I think.

MR. FIELDS: So, you, again, you feel it is long term?

MR. SAWYERS: Yes.

MR. FIELDS: I mean clearly the group is short term effort. The issue is the work of the committee is going to take longer.

MS. TUCKER: Yes. The creation of the --.

MR. FIELDS: The creation of the group can be short term.

MS. TUCKER: It can be short term, exactly.

MR. FIELDS: All right. We will see if we need to do something similar to what we did with number one. We kind of break it into the actual creation of the advisory committee and then, followed on, we have a longer term effort in terms of the workgroup and advisory committee.

MS. SUBRA: But the second one, creating the group, is not the critical part. It is having the information from the first bullet for the group in the second bullet to work on. So, that is why the four, first four, should be a stepwise.

MR. FIELDS: Right. Make all a part of a whole, yes.

MS. SUBRA: Right.

MR. FIELDS: All right.

MS. SUBRA: So, I mean you can appoint the committee right away, but then they are going to sit around waiting for the agency to do the first part of the first bullet.

MR. FIELDS: All right. Who wrote this stuff anyway? I am sorry. I apologize. Just kidding.

(Laughter)

MR. FIELDS: Just kidding. Just kidding. Other comments? Connie, I think you have a --.

MS. TUCKER: Oh, I made my comment. I am sorry.

MR. FIELDS: Okay. Anyone else?

MR. SAWYERS: Tim, I was just wondering if there are other bodies in EPA, you know Ken just mentioned NACEPT, that could possibly do this? So, we probably should think about that.

MR. FIELDS: Well, Wilma is part of the NACEPT structure. What do you think about that suggestion, Wilma?

MS. SUBRA: We will bring it to the NACEPT and see if they want to work on it. We are always looking for projects.

MR. FIELDS: Are you suggesting this particular task? Is that what you are suggesting?

MR. SAWYERS: Yes.

MR. FIELDS: Lets take that as a thought for the workgroup. And we will -- Sue.

MS. BRIGGUM: I think before we leap to the NACEPT, we should think about NEJAC as well and just -- one of the

reasons is I want to make sure that we are grounding this, what we have been talking about, in the NEJAC, which is, frankly, I think a very functional advisory committee. And I think it is well-balanced in terms of community participation and in various areas of community expertise.

The NACEPT can tend to splinter off into the environmental groups and conservation groups as opposed to the community groups. And sometimes that dynamic is not helpful in terms of accomplishing the things that we are talking about.

MR. FIELDS: Okay. Connie.

MS. TUCKER: I think that, perhaps, either the EPA -- they used ELI to do the document on EJ and existing environmental statutes. Maybe this would be another good project, since they have already immersed themselves around EJ and existing statutes, to have ELI identify the fragmentations.

MR. FIELDS: All right. I have got two suggestions as possible alternatives to look at there for, either NACEPT, ELI, for this work to support the effort. So, we will explore both options. All right. Anyone else? Okay.

We will move on then to this multitask bullet. Again, I agree with Wilma that it is all part of a whole, but EPA will review this -- conduct a review of the programmatic and regulatory fragmentation and then do the following, develop, and integrate, and coordinate an approach to unify resources and maximize strategies to current environmental health assessment, monitoring new regulations.

EPA will provide recommendations or procedures to eliminate the barriers and challenges caused by fragmentation problems in program processes. EPA will develop in-house new or revised regulations and programs. EPA will establish an interagency collaborative to coordinate and develop an integrative approach to program services and regulatory monitoring. That is a lot.

I gather, Charles, that the interagency workgroup on environmental justice could be part of this effort. That is already in place. An existing group that could be a focal point for this coordination, at least at the Federal level, bringing in other agencies as part of this.

MR. LEE: Right.

MR. FIELDS: Other reaction/comment on this particular item? Yes, Mary.

MS. NELSON: It seems to me this is one of those we got to start now doing it. And you may never come to an end. But that it, because there is not a finite end, it is a way of doing business that is different. And so, there needs to be, hopefully, that some work will be done and it can be released and accomplished in segments without thinking you have got to have it all done before you do anything.

MR. FIELDS: That is a good point. I think these three bullets we are talking about under this particular theme all point to the fact that we need to start some things early on. We recognize the effort may be a long term effort, but in order to get it done, you got to start next year in 2005, recognizing the completion of it may be 2007, 2008 into the future. But you have got to start the effort now.

MS. NELSON: And that you don't have to wait until it is completed to sort of release segments or episodic pieces of it.

MR. FIELDS: Right. Connie.

MS. TUCKER: I propose that the first bullet that we will make that a short term. In other words, we can get that done in one year. The second bullet is short term in terms of

the convening of the committee. And then, the third bullet, A and B, should be -- well, the short term --.

The second bullet is short term and intermediary -- or intermediate. Then, the third bullet, I suggested that down to B should be intermediate. And then, C and D, it is going to take longer so make that long term.

MR. FIELDS: Yes, I agree with you on D. But I think like Mary said, you want to start D -- you can start forming that partnership, remember, with the other agencies. You may not complete it, the effort, but you need to start organizing getting people together.

MS. TUCKER: Okay. You mean for C?

MR. FIELDS: No, I am talking about D.

MS. TUCKER: Yes, okay. Oh, yes. That is a short term. Okay, I can see it. Okay. That is short term.

MR. FIELDS: Yes.

MS. TUCKER: But C would be long term?

MR. FIELDS: Yes.

MS. TUCKER: Okay.

MR. FIELDS: Yes. Other comments on this third bullet and associated -- yes, Charles.

MR. LEE: You know there is a lot of issues in this thing. And so, I think that this has got to be really thought about.

One of the things I wanted to share with you is, and I forgot the name of it, but the National Academy of Public Administrators, which is a national academy version of the National Academy of Sciences, did a report in 2000, I forgot the name of it, that looked at fragmentation.

It was really interesting for me. And I will share the relevant sections of it with everyone here. And when I read it, there is actually several different places you got to look at this issue of fragmentation.

I mean the way that -- one thing that comes up, and this is from -- and this is actually in that NAPA report, is because it talked a lot about communities that are under a protection of EPA.

And you have talked about it in terms of the things that Wilma said is what does it look like on a community level and what are the things that is necessary to make things integrate on a community level?

It has very different dynamics when you start to look at it from the point of view of these large institutions, meaning

agencies and things of this nature. What are the kinds of things that needs to happen there to make the two things work better together?

And so, I think to the extent that one can talk about some of that is okay, but I think you are not going to get to the answer to this right away.

And so, it is more important, I think, to, as part of this, maybe in line with what Phyllis has said earlier, is -- and I just think to message and re-craft it to point out the key questions that you wanted to look at in this process rather than be too prescriptive.

MR. FIELDS: Right. I think this is very helpful. I will come back to you Larry. I think this discussion has pointing to the fact that, as others have suggested, we need to kind of re-craft some of what we have got here so that it fits a more logical time frame.

What are the shorter term pieces versus longer term? What do we need to start now in order to achieve a long term goal? As was indicated by Mary, let interim outputs come out. But we are going to have to definitely re-craft this one a little bit. Larry.

MR. WEINSTOCK: I just want to make this point, and it is not in relation to any specific one here, but in theory, any of these things can all be started now. But there is too much to start now.

And, again, I am not trying to say that it just occurred to me now because we are getting too many of the well, we start it now things. And I am not making a point about any particular one.

But I don't think there really are the resources to start all of these things now. And some of what you need to do in a short term, intermediate term is say well, yes, if you had infinite resources, you could start this now, but this is not as important as starting these other things.

I just think you need to keep that in mind, otherwise, we will make those choices. Because the agency is not going to start 64 things now. So, you are either -- either you advise us of which ones you think are most important or we will just pick some.

MR. FIELDS: Yes, I think your point is well taken. I mean as the workgroup reconvenes in May, we are going to have to look at those things we suggest could be short term in 2005, those things that we suggest for 2006, 2007.

And then look, as we go through this whole process, Larry, and reflect on it later, decide what is reasonable for us to even recommend to the agency to consider doing in 2005, for example.

But we are going to have to look at the whole picture first. And we may have to go back and assess some new priorities about what we believe, as a workgroup, are the most immediate among those short term priorities. But I think all of us are going to have to reflect on those.

So, I am concerned, as I know I hear you, that we can't have everything be short term. There are some things that are going to take -- there is only so much institutional capacity with EPA to take on certain items. And we are going to have to recommend and digest what we think is reasonable in the short term, intermediate, and longer term. Judy.

MS. ESPINOSA: I think Larry's point is real well taken and what you just said Tim. I was looking at the screen again and I asked Hector aren't we in FY2005 now?

MR. FIELDS: 2004 right now.

MS. ESPINOSA: Oh, okay.

MR. FIELDS: Well, October 1st begins fiscal year 2005.

MS. ESPINOSA: Okay.

MR. FIELDS: So, when we submit our report, it will be the beginning of 2005 fiscal year.

MS. ESPINOSA: Okay. So, I think that when we go back into our workgroup meetings -- and, also, for those of you on the NEJAC who may not be on the workgroup meetings, please help us with this.

Because I think we ought to try and hold down these action items to a couple of real priorities so that it is reasonable for us to express to ourselves, as well as to others out there, and for Larry and the EPA and others not to be in the position of having to say well, they want to do everything at once so lets do nothing or lets just pick whatever we want.

And that is a really hard process for the workgroup 'cause this was really -- I mean you should see how many action items we had. This is 64 is what we honed it down to. This is not easy.

But I ask those of you who are giving us comment tonight, and the next 30 days, and the rest of the NEJAC to please help us do that, particularly the communities and the community representatives because you know what really --

that are real priorities out there. And I would really like to hear that from you.

MR. FIELDS: And I do want to point out that the number is actually more than 64. I mean if you count this last one we just discussed has four different pieces to it, although it counts as one item. Graciela, I think you are next then Bill. Go ahead.

MS. RAMIREZ-TORO: Just a comment and preoccupation that that is building up, as I hear the discussion. I think that the result of the reviews that we are proposing here are important in terms of setting up -- what if these A, B, C, D items where in serial? Because I think we have to build in what the agency already have done and for are awaiting fragmentation.

The programs are not completely off in terms of having different approaches for integrating even agencies into their purview. I mean into what they want to do.

We have things like the source water protection program. When the watersheds were to be variegated, many interagency communities were put together. And to build into that dosage is like really important.

So, I guess that is where I am struggling with myself is how much of the same agency experience we should rely before telling them this is the next step. It is just a thought.

MR. FIELDS: Other comments on this one? I think, Walter, go ahead.

MR. HANDY: Actually, I am following this gentleman.

MR. FIELDS: Oh, Bill, I am sorry. Bill, yes, thank you. Forgive me, Bill.

MR. SANDERS: Oh, that is okay. Thank you. I just wanted to reflect back on a comment, I believe, Mary made when we started talking about whether things should be short term, intermediate, or long term. And I think she also mentioned three other cuts, which would be as an action item, as a change in thinking, and as capacity needs.

And I think as you go through and the workgroup thinks about what should we start now, if you cut it that way in terms what is a need for a change in thinking, what is a capacity issue, it might point you to the direction of what things need to start now and what things can wait to start later.

MR. FIELDS: Walter.

MR. HANDY: Yes. Being sensitive to Larry's comment, I wondered whether agency sponsorship was a

variable that we needed to include in this discussion? Are the relevant agencies or, if you will, offices within the agency equally available right now to sponsor portions of this work?

MR. FIELDS: All right. I will let Charles -- Charles mentioned, I think this morning before you got here, that the agencies who are really sponsoring this effort -- the agency offices who are helping sponsor this program, that is what you are trying to say? Who are the offices that are most involved and whether or not other offices ought to be involved also? Maybe, Charles, you can --.

MR. HANDY: Because I guess what I hear is we want to breakdown some of the silo thinking that exists. And yet, there needs to be agency availability, if you will, to address those issues, the cost cutting issues.

MR. FIELDS: Well, I think there is an agency commitment. I mean there is this cumulative risk framework. And the agency recognizes that it cannot continue to operate with stovepipes.

And it does want to try to look at -- looking at things from a multimedia, multiple stressors perspective in the future. But it is just now beginning to feel its way with the framework.

We are now in forming that with these recommendations we are making in this report. And there are offices that, across the EPA, who are supporting this effort that we are engaged in here, including regions as well.

MR. HANDY: Thank you. I am glad that you reinforced that. And I am sorry I missed it the first time around.

MR. FIELDS: Phyllis.

MS. HARRIS: Yes. What I was going to say again, just kind of thinking about the process once we get back, just keep in mind that the Executive Steering Committee with the DRAs and the DAAs would have an opportunity to lend their guidance and expertise in terms of the various offices that are possibly on the various aspects of this.

MR. FIELDS: That is a good point. This could be a topic, I presume, --

MS. HARRIS: Exactly.

MR. FIELDS: -- of a future Executive Steering Committee meeting.

MS. HARRIS: Well, I think, obviously, all of these recommendations are going to be a major topic at one of these meetings.

MR. FIELDS: Good point. Bill, did you -- further? Okay. All right. I think that we are almost out of time on this particular set of recommendations.

I think as Wilma said, we recognize the first four kind of go together. And if you have further comments on this set of recommendations, we will obviously take that up as we -- as the workgroup convenes in the future.

Vulnerability

MR. FIELDS: We move on now to theme number four, which has to do with fully incorporating the concept of Vulnerability, especially its social and cultural aspects, into EPA's strategic plans and research agendas, the recommendations associated with that item.

The first is that EPA should make it clear that, although the quantitative evaluation of vulnerability is precluded in almost all cases by the scarcity of scientific knowledge and understanding, this is not an excuse to ignore it. Vulnerability should be an integral part of qualitative -- I am sorry, of cumulative risk assessment, even if it must be analyzed using qualitative measures.

This statement is recommending that the EPA communicate a strong statement about the importance of

vulnerability. Comments/reaction on that? Is that something EPA should be able to communicate short term? Andrew.

MR. SAWYERS: In the context of this report, it is absolutely necessary that this is communicated in the short term because this is such a fundamental part of the report that if it is not, I think the report, to a certain extent, sort of loses some of its momentum.

So, I suspect it should be, how it is communicated is another thing, but I think this should be a short term exercise to support the implementation of the report.

MR. FIELDS: Jody.

MS. HENNEKE: I just want to make sure that we keep in context that as we have talked about vulnerability in this particular work effort, when we include especially its social and cultural aspects, that is new news for how we have done, how we have looked at vulnerability.

So, while I think we have to start it in the short term, that is different than what we have done before. I mean that goes to the heart of what is really different about this report.

So, I think we need to be, as I have said before, very mindful about how we go about that. I think we have to do it in

the short term, but I don't think it is going to be a one time thing and gone.

MR. FIELDS: You are also suggesting that some states would not necessarily receive that with welcome news.

MS. HENNEKE: I don't think they would even hear it.

MR. FIELDS: So, we have to do a lot of outreach, as Mary suggested, to ECOS and other organizations to communicate this topic.

MS. HENNEKE: When we have looked at all of the toxicological studies, when we have done risk reduction in virtually every kind of permitting arena, risk assessments, social and cultural aspects have not been included.

I think there is lots of places within EPA that are not going to hear that well, much less within the states. So, I just don't think we can do that a quick gloss over and it is done.

MR. FIELDS: Ken.

MR. WARREN: I am just fearful that as an action item it doesn't go far enough. Because it really doesn't tell a decision maker what to do with the information when you have received it, how to evaluate it.

Because I think that we are here because we understand that most decisions that involve some pollution outcome do in fact affect communities in an adverse way.

So that just saying yes or no doesn't help very much. We need to say what does it mean, how, when you get this information that is qualitative, can you decide whether to go forward with an action, to modify the action, or to reject the action. And I just don't see very much guidance here.

MR. FIELDS: So, you are saying this needs to define how vulnerability should be considered in a cumulative risk assessment? How do you go about doing that, is your point.

MR. WARREN: Yes.

MR. FIELDS: All right. Okay. Fair enough. I agree. I agree. All right. Any other comments on this one? I think most people agree that this is something we ought to be doing. But as Jody and Ken both point out, there are some serious implementation issues associated with this -- doing this. And we need to really do some outreach communication to get some acceptance and be more specific about it as well.

All right. Lets move on. EPA should direct all offices within EPA, obviously, to develop strategic plans for incorporating the concept of vulnerability into their operational

paradigm. One vehicle for accomplishing this is each offices' environmental action plan.

Tom Voltaggio mentioned, when he was here, that each of the 10 regions are now developing regional strategic plans. I presume it could be incorporated into that as well.

But how do people feel about this? Strong communication incorporation into agencies' strategic planning and operational plans about how, to pick up on Ken's wording, knowledge of vulnerability be integrated, but explaining how vulnerability should be integrated into their operation. Andrew.

MR. SAWYERS: Again, I fully agree with the point that Jody and Ken made in terms of so fully explaining some of the new things here. It should be done. I think this is a short term exercise, but it cannot be done until some of those other ideas are further explained.

I mean if you think about the report in three sort of overarching themes, I think this new paradigm, a bias for action, and community vulnerability.

So, I fully support the idea of the community -- or the vulnerability component being a short term exercise. But, obviously, some of the limits -- or some of the concerns that I

have been expressing need to be further explained before we go further with it.

MR. FIELDS: Connie, then Wilma.

MS. TUCKER: I think some of you realize that EPA just finished its five year strategic plan. So, are there any other opportunities to incorporate this, other than the EJ action plans? Are there other opportunities in other act or plans that the EPA produces, other than their five year strategic plan?

MR. LEE: There is the -- I mentioned, I had put in the materials as one appendix, and we had talked about it, which is EPA's --- notes Human Health Research Strategy, which focuses on --- populations. So, that is one area. That is a long term thing. The second --.

MS. TUCKER: What is that? Say that again.

MR. LEE: It is Human Health Research Strategy.

MS. TUCKER: Health Research. Okay.

MR. LEE: The second area would be -- there is a process that is in terms of the future development of the framework for cumulative risk assessment that Mike Callahan's group, the Cumulative Risk Technical Review Panel, is developing.

There is a series of things having to do with workshops, and issue papers and, perhaps, pilots, and things of this nature in which this is in another opportunity. That is the thing that, at least in a very general sense, is being talked about as laying the groundwork for some guidance at some point.

It begs the question of is that one guidance, many guidances. It is just a framework at this point. But that is an important vehicle for discussion around these concepts.

MS. HARRIS: So, it shouldn't need --.

MR. FIELDS: Excuse me, Phyllis. I think Phyllis wants to add -- do you want to add to this point or do you have another?

MS. HARRIS: Yes. Just as a point of clarification, I was going to say that the strategic plan is from '05 to '07. So, if this is intermediate or, better yet, long term, this is perfect timing.

And you also have to take into account a lot of this requires resources. So, you want to get in the queue in terms of budget development, which would be looking at next year for our '07 budget, et cetera, et cetera.

MR. FIELDS: Connie, go ahead.

MS. TUCKER: Should we include in the language, especially the Health Research Strategy in this -- just revise the language to include those other sources? Okay.

MR. FIELDS: Yes, we should add that. That is probably even more powerful than these reaction plan for this particular item. Wilma.

MS. SUBRA: I think one of the issues is we are preaching to the choir. And when we say the social and cultural aspects, the people around this table understand what it is we are talking about.

You go to a state agency, like the State of Louisiana, and you say you want social and cultural aspects included in. Well, the social services department is within the Department of Health and it consists of Child Welfare and those types of programs. And the cultural is historical sites and archaeological sites, which totally misses the mark of everything we are aiming for.

So, I think we have to have something that truly identifies the social and cultural aspects that we have been dealing with for so very long so that when you go to a state or when you go to a local government, it is very clear what the

social and cultural and aspects are that you want them to consider. I think that is totally missing in this report.

MR. FIELDS: Give them some examples of what we are talking about.

MS. SUBRA: Right. If not, this could be totally off the mark and not address the issues we have been dealing with.

MR. FIELDS: All right. Connie.

MS. TUCKER: Well, when I first started wearing locks in the mid '70's, it was a barrier to my organizing. So, I got rid of the locks, but I accomplish the same work.

So, I am wondering whether or not we could put in the action items the concept, and as explained by Wilma, of social and cultural, but take it out of the title so that it doesn't end up being a barrier to the states.

What is the point of giving them something that they are going to laugh about and not take seriously. So, I am proposing that we remove it from the title, but have the concept in the bullets. And have it in a way that they can digest it.

MR. FIELDS: Lets see, Jody, Larry, I think Andrew stepped away, but your reaction to Connie's suggestion?

MS. HENNEKE: Well, I think I have said earlier, I am a big proponent in what you name the baby kind of helps. But I do think --.

I guess my best example is one of the things that my staff fusses about all of the time is the name of the office that my commissioners gave us, which is the Office of Public Assistance. Because we get an inordinate number of phone calls that very from food stamps to directory assistance.

(Laughter)

MS. HENNEKE: So, yes. And every time I whine about it, I have not been successful yet in getting it changed. So, I understand what Wilma -- excuse me, what Connie is saying, being very sensitive to -- as scientists, which most of the regulatory agencies are comprised of scientists, we don't do that cultural/social thing very well at all.

On the other hand, I don't want to set aside the concepts because that is the heart of vulnerability. So, I would like to figure out if there is a way of splitting that baby, maybe it might be easier.

I think we need examples because from

state-to-state, it is going to vary how things are interpreted. Even within states, it is going to vary. So, some clear examples would helpful.

I would caution -- be very cautious about not including -- I am more comfortable with trying to set aside the term social than I am cultural.

Growing up in Oklahoma with the tribes that are represented there, cultural is something that is very, very significant within the -- within Indian country. So, I think we have to keep that context there.

Social is a totally different thing for me. I don't know if that tells you, oh, my gosh, how I was reacting to it.

MR. FIELDS: Lori, anything you want to comment on this point, on Connie's suggestion?

MS. KAPLAN: I appreciate Connie's suggestion. Because I agree that if just in how you name something you cause people to walk away from it, then you are not accomplishing what it is that you are setting out to accomplish.

But I have been especially struck by the issues we have discussed here. And like Jody, I wouldn't want to see them lost.

So, there should be a way to make sure that it is kept in there and that states are, speaking from a state perspective, that we do our best to educate them on what these issues are and why they are so important as a piece of the -- as a component in it. But I don't have any language suggestions right now.

MS. TUCKER: Well, I do. I do.

(Laughter)

MS. TUCKER: All I am suggesting is we take out "especially its social and cultural aspects". We still have the whole -- to incorporate the concept of vulnerability.

Then, in the bullets, we address near the -- let them read everything. And then lets get down to the end and start talking about those social, we have got their attention by that time, and then explain what the social and cultural aspects are. I am not saying get rid of. I am saying get it out of the title so they will read it.

MR. FIELDS: Okay. State commissioner Connie Tucker has now --.

MS. TUCKER: Please.

MR. FIELDS: Okay. Lets move on.

MR. HANDY: Before we move on.

MR. FIELDS: All right. I am sorry.

MR. HANDY: I guess I would like to recommend that if it walks like a duck and quacks like a duck that we call it a duck, but also to recommend that states begin to look beyond physical science as the only science.

There is a wealth of social science that, obviously, has gone into this. And I think from a staffing and training point of view, perhaps, states need to think about adding their staff people who are trained in social science and, perhaps, providing some, --

MS. : Good luck.

MR. HANDY: -- well, it may be good luck, but this is the direction that we are going, it sounds like. And I think there need to be people to support this direction is all I am saying.

MR. FIELDS: It is a good point, Walter. And we have a series of recommendations also in here that talk about hiring of staff that have that type of capability and expertise as part of the resource pool. Yes, Terry.

MR. WILLIAMS: All right. Well, I just want to agree with what is being said here. And I also want to agree with Connie, but there is still something nagging at me here about

separating culture from the impact just in the title. I am not sure what is bothering me there yet.

But the reality is Wilma is right on. When we think about culture from a tribal perspective, we don't think about archaeological sites.

Our folks refer to that act as the Stones of Bones Act. It has nothing to do with their health. And it is the living culture that we are trying to address. And that is in the active part of gathering and doing the things that we do daily.

MR. FIELDS: Thanks, Terry. Charles.

MR. LEE: This is probably the hardest recommendation that one has -- that the workgroup has brought to the table.

And I think that as this discussion goes and as other discussions have had, I would recommend that you all step back a little bit. Because the concepts being brought forward are really fundamental. I mean they are just -- I mean just like environmental justice is very, very fundamental. It goes to the meaning of that and it is very fundamental

MR. FIELDS: But this is a major paradigm shift.

MR. LEE: Right. Absolutely. And I think that, perhaps, rather than try to take on everything all at one time, I

would recommend that you look at numbers three, six, eight, and nine, as places to focus on, particularly eight in the beginning.

Because I think that to find the right language to convey this is going to require a series of discussions, dialogues with communities, and other stakeholders, scientific symposia, stakeholder forums, advisory panels, and a lot of robust discussion that begins to see how this concept is being understood and integrated.

And I will have you know Wilma, and Sue, and I have participated in a discussion with the Coalition for Environmental and Economic Balance in California, Shankar knows. You know this discussion of social issues came up very, very, I thought, in a very profound way.

And there is a way of talking about it. But we have to have that discussion to know what that is. So, I think that is one thing that is very important.

The second is that, in terms of number three, as I said -- I made a point about this. Another important aspect of this discussion about vulnerability is how you define disproportionate impacts to, particularly, human health and environmental impacts.

And I do think that some attention to a major --- is incorporated within the context of that is going to be very, very helpful. This is going to come up again in terms of the -- in terms of a discussion or about an OIG report, as Chuck is nodding. Right.

Because, see, the whole -- there is a really difficult paradigm question in here. And that has to do with -- you know you talk a lot about social and cultural issues, but those, per se, are not necessarily addressable within the context of the majority of, in fact, environmental statutes, per se.

So, then how does one effect that integration? That is a big disconnect in terms of the language problems that Jody, and Lori, and other are talking about.

The third thing, I think, which is the point that Tim always makes, is about a lot of the understanding of this is going come as a result of practical experiences, which is why the point about the pilot projects was so important.

I mean how do you frame and do the pilot projects in such a way as you -- to extract a learning from that as far as concepts like this?

And then, I think, lastly, Pat Hynes's point about there is in fact a lot of social science and public health literature that

can be brought to bear. And something that begins to lay the foundation for understanding how to go ahead and do that will be very important.

So, those four are the ones that I will say are the important ones to at least get the ball going. And it recognizes --.

MR. FIELDS: Charles. Charles.

MR. LEE: Go ahead.

MR. FIELDS: Before I leave you, I want to -- and go to Judy, I want to -- what is your -- I would like to ask you a question about number three.

When do you believe EPA could reasonably incorporate this concept of vulnerability into disproportionately human health or environmental effects? Is that a short term effort or is that intermediate? What are your thoughts?

MR. LEE: My own personal opinion is that I think we are on the verge of doing that conceptually. And then, I think we, in an intermediate sense, we are going to see a lot of that becomes more developed in terms of the actual kind of tools that are being developed.

I think, actually Phyllis can speak to this more as well, we are closer to actually incorporating this than one realizes.

Because there is going to be discussion in the enforcement subcommittee around some targeting tools that are being developed by OECA.

And those begin to actually take it away from just looking at it in terms of environmental justice and in terms of just looking at race and income only but also a lot of these other kind of factors that are -- in terms of disproportionate high human health and environmental effects. And that is actually a first example, that I can see, of this actually being applied.

I mean we say, generally speaking -- I mean when you come down to defining disproportionately high human health and environmental effects, it comes down to five, generically, five factors.

One is adverse human health and environmental effects. Second one, a unique exposure pathways. Third one are sensitive susceptible populations. Fourth one is multiple and cumulative impacts. And the last one is social vulnerability.

I mean those are -- but generically speaking, that is -- I mean it took a long time to get to that point. But, actually, how

you then translate that into actual robust and predictive types of indicators that is a whole question in itself.

MR. FIELDS: Phyllis, is there anything that you want to add to this?

MS. HARRIS: No, I -- just briefly, just to get where we are within OECA, the project that Charles referred to, has taken about a year. And that is just within OECA. And we still need to begin to connect that with the technology so that the folks who actually do inspections and handle cases can have a hands on tool. And, to me, that is really where we need to get down to is at the staff level.

And then, at the same time, trying to figure out how to get by, and to the extent that we can, from the other program offices to do similar things. Because as you recall, I mean even though we are one agency, we tend to try to do -- reinvent the wheel.

So, I think the next step will be trying to get other offices and other regions to see what we have done and taking it from there. But we have accomplished a lot, but it has taken about a year.

MR. FIELDS: Thanks, to both of you. Judy, then Hector.

MS. ESPINOSA: First, I want to just say that this has enticed a very provocative discussion. And I think that is important. And I think that is one of the reasons why some of the recommendations are made the way that they are.

When we talk about a bias for action, we use the term bias on purpose. And when we talk about vulnerability, we use the term social and cultural aspects on purpose so that it can provoke this kind of a discussion, not just here within the NEJAC, but outside as well.

Because it is something that needs to be discussed and come to a head and start ferreting out exactly what we are talking about with this.

And I appreciate the fact that -- those who have said it has taken a year even to get this going. And we are pushing the envelope here and that is what we intend to do.

So, I want to make sure that, from the working group standpoint, I don't think I am mistaken when I say that. Some of these are provocative issues. And they were meant to be that way.

The other thing I just want to stand with my brothers and sisters in the tribal end of this, and Hector may speak to it too.

But from a cultural standpoint, from a land-based community, Hispanos, Latinos, Chicanos, Mexicanos, whatever you want to call us these days, we have cultural aspects that clearly are a part of the vulnerability side, just like the tribes.

And we saw a clash of cultures with the tribes back 450 years ago. And we are still doing that thing. So, the cultural aspect for us in the Hispanic community is very real and important as well. And I would not like that to be lost.

MR. FIELDS: Thanks, Judy. Hector.

MR. GONZALEZ: Real quickly, and I apologize I have to step out, is that -- and Wilma has been doing it great. I definitely -- in the workgroup, Charles, you know this took a great bit of discussion.

Because as Judy just said, this is, again, something that all of us in under served communities and in environmental justice communities have been dealing with, but that -- the way it is being brought out now.

So, we are going to have to do some combining. And one of the things is also see how it fits already into the EPA agenda in some of the cumulative framework because some of it already fits.

And that is why, again, I keep saying that this is just perfect for the EPA agenda because some of it has already -- some of the work has already been initiated. We are flushing out some things.

So, we have to re-look at this. And the input from the committee and the public comment, I think, are going to make a great impact on that.

But a couple of things really stand out. And one of them is is including it into developing the scientific agenda because we do have to define it. And I think that is a great opportunity for EPA and all of us to give input to do that.

The other thing is to develop those indicators of what vulnerability is. And it is everything that we have been discussing. And some of those, and Judy just said it perfect, is we have to maintain the cultural and social integrity because these definitely add to the vulnerability equation on the impacts, especially environmental health.

MR. FIELDS: We got less than 10 minutes to go. I am sorry, Terry.

MR. WILLIAMS: I will try to do this real quick. But Judith, in this discussion, just helped to formulate the five other culture in my mind in that I think from a public perspective,

traditional cultures are just that, traditional and historic. They don't have a way to connect that with the living and active.

And I think the paradigm shift is just that. But moving from historical and dead to living and active. And understanding that that living part is what is killing us now. It is a vulnerability.

MR. FIELDS: Thanks. Lets move to -- I want to move to -- I want to come back out of order a little bit. There is a bullet on -- that talks about EPA should convene and promote the conduct of community dialogues, scientific symposia, expert panels, stakeholder forums, advisory panels to fully discuss the concept of vulnerability and to obtain input on how to incorporate vulnerability into its operational practices and research agenda.

Good step? Should we do it soon? What is the thought? Mary.

MS. NELSON: I think it is a good step. But I think here is where collaboration would make some sense. And it would just widen the span of this around that -- these dialogues so that -- it would seem to me the health communities and associations that deal with health ought to be brought in and partnered on this.

There probably are some other partners that I can't name at this moment. But it would seem to me this would be a great partnering opportunity that would just widen the dialogue and this confluence of several ideas at the same time.

MR. FIELDS: Excellent point. It is consistent with the outreach that you had talked about earlier to folks. Judy.

MS. ESPINOSA: I want to say -- I don't want to say exactly what Mary said, I just want to agree with her. That is right on.

I do want to say that this is one of those bullets, in talking with some of the EPA folks out there and listening to Larry and folks, this might be one of those things where we don't necessarily have to label it short term, or long term, or intermediate term.

It could be -- it seems to me that it is something that EPA is doing now. And it is something they continue to do within the forums that they already have right now.

I don't think in some of these we are talking about doing extra stuff. We are talking about just promoting the vulnerability, the science of vulnerability, and all that within what EPA is doing right now with community dialogues, and scientific symposium, and things like that.

So, I don't even know that this needs a short term or a long term. I think maybe we just need to reword it to say we want them to continue to do it and to advance it in whatever forum that they are convening already.

MR. FIELDS: Yes, I fully agree. I think it is -- some of these are going to be ongoing. You do them -- you start now and you continue for some time into the future.

MS. ESPINOSA: But they are already happening.

MR. FIELDS: Yes, right.

MR. LEE: And that is a really important point. And one thing to recognize about this, the framework for cumulative risk assessment came out with this discussion and definition of vulnerability to include socioeconomic factors. And that was a lot of discussion that went into that.

And the thing that I mentioned, the Human Health Research Strategy, they have a definition of vulnerability there. And that definition they gave is the same as susceptibility, meaning biologically only.

So, there is a lot of unevenness. And there is going to have to be -- part of, I think, the importance of number -- of this particular item is to build on what Judy said, but also to recognize, and maybe it should be stated more, a lot of

education has to be done. A lot of education in terms of just a grounding of what these -- do these concept just mean at all.

MR. FIELDS: Connie, do you want to --?

MS. TUCKER: I think this is one, two, three, four, the fifth point. This is not one of the ones that Charles indicated were the most important. It is the EPA should integrate measures of vulnerability. Has EPA developed measures of vulnerability already?

So, shouldn't this recommendation be -- action recommendation be EPA should develop and integrate measures of vulnerability?

MR. FIELDS: Yes.

MR. LEE: Except most people won't know what you are talking about when you say that. I mean everybody is going to have -- I mean my whole point about the Human Health Research Strategy and how they defined it is that a lot of work has begun to ground everyone understanding what you mean in terms of when you say the concept.

MS. TUCKER: Well, see, I am not even sure we need a measure rather than some criteria. We get into this measuring bit and we really get into trouble.

So, I like the idea of the notion of what we have in the report itself that identifies environmentally rather than what do you call those, not criterias, another term. Using that rather than developing some sort of quantitative measure.

MR. FIELDS: Indicators.

MS. TUCKER: Indicators, yes.

MR. FIELDS: Yes, I think that plus the fourth one, issuing guidance, is going to be a tough issue over time. Shankar, you have your card up.

MR. PRASAD: --- chance, coming back to the same issue as Connie pointed out. Vulnerability as defined in our document is more sets long term research agenda to conquer any kind of a quantitative, feasible direction to go or to be able to act on a --- decision process of anything, whether it is a permit or whether you are looking at a cumulative impact conservation.

In that context and the whole reason of bias for action is not to wait for that long time. So, you may want to remember this, to consider using those five criteria however you are defining the disproportionately high impact to be the driver in the -- at least in the next two to five year time frame.

And when we are ready to move to take the next step, the research is enough. You are finding those vulnerability factors and accepting that being incorporated into the risk assessment protocol, which is down the line. And if you want to do risk assessment time framework, then to move to that aspect of quantification. So that would be a long term process.

MR. FIELDS: Yes, I think the development of explicit guidance is definitely going to be a long term effort. It is not going to occur in the short term. You are going to have to deal with indices that Connie talked about developing measures.

And I agree with you that it probably makes sense to do this in the context of around the same time frame as the agency's cumulative risk guidance, which is geared for like a five year time frame. We are out of time, but I want to -- Mary, go ahead.

MS. NELSON: I just wanted to say that if, again, just on these indices and so forth, we don't have to have everything all, every jot and tittle of this, all figured out before. There are some just common sense kinds of things.

Just like I was once on a thing to predict who was going to drop out of school. Well, kids who had missed one out

of three days in elementary school and were at least two grades behind in their reading were obviously predictors.

And it seems to me there are some common sense predictors of this thing that we could at least begin to move forward on.

MR. FIELDS: All right. Good points. And like was said on the early items, we did agree that the concept of vulnerability should be an integral part of cumulative risk assessment. We are going to have to get into the details in the short term about how we do some of that. But you are right. We can do some things now and wait till later.

Charles, I have been told we need to take a break for the court reporter. This is probably a good time to, I guess, take a little -- take a 10 minute break.

MS. NELSON: And can I just ask those of you that have done your little sheets to turn them in now so you don't forget. And Victoria is over there, (indicating), in the red jacket.

MR. LEE: Okay. It is now five to three. We will be back at 3:05.

MS. EADY: Yes.

MR. LEE: All right.

(Short recess was taken)

MR. FIELDS: Okay. I think we are going to move on to the fifth topic. We have four themes to cover in less than two hours to finish by 5:00.

So, we are going to have to press on here and kind of plow through, at least get a sense from the council on how you feel about the relative priority of some of these items under these last four themes.

Community-Based Approaches

MR. FIELDS: The fifth theme we will be covering is, the focus on Community-Based Approaches, is to promote a paradigm shift to community-based approaches, particularly community-based participatory research and intervention. That is the theme. And we have several action items under that theme.

The first is that we recommend EPA institutionalize a paradigm shift to community-based approaches building upon and expanding the use of community-based participatory research model.

Comments/reaction on this particular action we are recommending as a workgroup? Chair, I am sorry, Connie is

not here yet. She should be back shortly. This is one that she focused on a lot. So, Judy.

MS. ESPINOSA: Isn't this the continuation of the prior page?

MR. FIELDS: No, this is a new -- I am on to --.

MR. LEE: Look on page seven.

MS. ESPINOSA: Oh, some of us are missing page seven.

MR. FIELDS: No, no, page eight and seven are missing -- are misplaced in your copy. Go to page seven, then we will come back to page eight. When the materials got xeroxed, it flipped the pages. Sorry about that. Okay. Everybody got the right script now? Okay. All right. Judy.

MS. ESPINOSA: Thank you. Since Connie and I wrote this all up, we think it is probably perfectly fine.

(Laughter)

MS. ESPINOSA: But anyway, I wanted to say that on this first one it seems to me -- we wanted to make sure that we are talking about building upon and expanding what is already being done at EPA.

And so, I think this is kind of an ongoing expansion kind of like what we were talking about in the last one where

EPA is already started this, but we just want them to expand upon it.

So, I don't know that it is a short term, intermediate, or long term. Maybe what we ought to think about, not meaning to mess up this slide, but maybe we ought to have another category that talks about ongoing.

MR. FIELDS: Ongoing, yes.

MS. ESPINOSA: And expanding upon.

MR. FIELDS: Okay. Other comments? Mary and Terry.

MS. NELSON: Yes, that it seems to me a number of the bullet points on this one are one sort of mind set things and not exactly action items, a way of thinking.

MR. FIELDS: Right.

MS. NELSON: And so, it seems to me we ought to sort those out as we are doing this, on this particular one. Certainly, the institutionalizing it is sort of a mind set. And I would think ensuring the participation.

Unless we have got some mechanisms for some of this, it really is mind set, concept kind of stuff as opposed to action items.

MS. ESPINOSA: Or some capacity building.

MR. FIELDS: Mary, you are absolutely right. I have the same photos. I was reading back through this last night. We probably need to go back and look at formulating some of these more into specific actions, as Ken would tell us, to be more specific actions that we really want people to take as opposed to changing their mind set. Terry.

MR. WILLIAMS: Okay. This one I want to be very careful about how I say this, but I understand and I am supporting looking at community-based approaches. At the same time --.

Now, when we are dealing with multiple communities, we need to recognize that the Federal role of EPA is not lost in the process or like with the tribes, it is Federal --- trust fiduciary responsibilities.

And the reason for raising this is in looking at how to deal with multiple communities, especially when tribes are minority organizations, we can be outnumbered by the surrounding communities in the decision making process.

And we need to make sure that in this that local communities don't bend the direction that may suit their particular needs, but still has the Federal protection that is provided by either trust or by law.

MR. FIELDS: Okay. Thanks, Terry. Lori.

MS. KAPLAN: To kind of pick up on the point that Connie made on the last one and what Judy just said, that this a continuation of work that is already occurring, to a certain extent, at EPA.

To have it then called -- or to refer to it to promote a paradigm shift, it is not necessarily a shift if it is already being done, unless it is not being done throughout the whole agency.

MR. FIELDS: I will defer to Charles, and Phyllis, and others about how much -- to what degree this is being done. I guess that is the question on the table.

MR. LEE: I think it is beginning.

MR. FIELDS: It is beginning to be done?

MR. LEE: Yes.

MR. FIELDS: I am sorry, what was that Judy?

MS. ESPINOSA: Well, I think it is beginning to be done. I didn't mean to imply that it is totally being done in everything.

What I think is -- EPA is making attempts, from what I understand from our meetings with them, but this is -- this bullet is the institutionalization of that, which I think is different,

which is bringing it into the agency and making it part of what they do all the time.

MS. KAPLAN: So, it should be a paradigm shift throughout the entire agency?

MS. ESPINOSA: As opposed to isolated pockets, correct.

MR. FIELDS: Connie, and then Andrew.

MS. TUCKER: Just for information purposes, CBPR is not being done. There are some community-based approaches that are being done. So, this is a new element.

MR. FIELDS: Okay. Good clarification. So, they are focused on -- CBPR is not really what EPA is doing is what you are saying?

MS. TUCKER: Right.

MR. FIELDS: Andrew.

MR. SAWYERS: No, I was saying exactly what Lori just said. Paradigm shift, I was just questioning the word paradigm shift. It seems to me that we are trying to figure -- we are essentially saying institutionalize more community-based approaches.

But recognizing what Connie just said that is something different than community-based participatory

research, which is somewhat different from community-based approaches because that is actually going on. Correct?

MR. FIELDS: Okay. Lets talk about this. I am sorry. Shankar.

MR. PRASAD: Now, this is a very difficult one. In fact, in our agency, we have been trying to go this route for the last two years. So, it has been a big challenge and --.

MR. LEE: Hey, Shankar, speak closer to the microphone.

MR. PRASAD: It has been a big challenge for us too. So, though we have actually included in our policy statements as well as action items identified and went out actually asking for some proposals of some research ideas to come back, we found that we missed the boat for the last two years.

In fact, we are now trying actively. We have allocated one staff to particularly spend about three months of time working with the community and with the researchers to help us to come to that kind of research ideas.

And here I want to clarify that Mary asked for clarification that you should really talk here as a community-based or should it be community directed? That is being -- I mean what you said this morning --.

MS. NELSON: Amen, mister. Amen.

MR. PRASAD: So, because that is a very critical issue in this kind of research projects, what we as an agency think as a research idea might not be the ones that the community wants that to be.

So, any other directions of solutions from the members what the role should -- we should try to spend a little more time and see if this needs to be flushed out for dirty in our next washing in that context.

MR. FIELDS: Thanks, Shankar. Connie.

MS. TUCKER: I believe that we need to really look at the action items. But if we review the full discussion around CBPR in the report itself, it -- one of the criteria for CBPR is community driven.

So, it is in the report already, just not reflected in the action item. And I think we probably ought to really review these action items a little bit more and make them -- refine them more.

MR. FIELDS: Thanks, Connie. On the second item, EPA should adopt and expand the use of community-based participatory research and intervention approach in its training, outreach, and education programs.

I am hearing that, as Connie has said, there needs to be a greater focus on this effort, particularly. Connie, why don't you talk further. Do you think this is something that can be done in the short term? Is it a longer term item?

MS. TUCKER: Well, certainly, this is a short term. I mean it ought to be an ongoing. And I would start and it should be an ongoing process.

I think that part of the training occurs itself at the local level. That is the most important training. But you need to have the states -- well, at the community and tribal level.

The training would occur when you are actually getting ready to embark on CBPR. That is part of the process of CBPR is the training.

But in terms of regulatory agencies, there ought to be some sort of ongoing training program so they understand the concept -- or the tool, I should say.

MR. FIELDS: Mary.

MS. NELSON: I don't want to belabor the point, but it seems to me there could be some consolidation of these action items. Number two, adopting and expanding the use of, and then, number three, formulating and implement a clear plan to

utilize, and then, number four, the requirement for use of community-based. Do you see what I meant?

I think it could be -- those three could be consolidated into one clearly written, concisely written action recommendation.

MR. FIELDS: Let me ask you this question though. On that particular point, Mary, on number three, that item talks about developing a plan to utilized these approaches in the 10 multimedia pilot projects. Do you agree? I mean those pilot projects will be initiated in 2005, next year.

MS. NELSON: Yes. Well, the point is I think we want to have it included in on everything. And you could give, for example, it should also be included in this thing. But you don't want to be exclusively just included in that. You want to be included in every kind of thing that comes out and that you are going to do.

MR. FIELDS: Okay. All right. Phyllis.

MS. HARRIS: Thank you, Tim. I want to go back to the discussion, actually, that you had earlier today when you talked about coming from your experience at the agency when there is a need for a pilot.

And it seems to me this concept, which is, for EPA, it is going to be a very new concept, is one that would be very ripe for a pilot. And I would really suggest that we look at integrating some of this into the earlier portion of the recommendations on the EJ collaborative problem solving model in some of those pilots.

I think this is a stand alone, is going to be something that will be taken as stand alone. And I think it is meant to be integrated as part of the overall --.

MR. FIELDS: Right. Back into the first theme.

MS. HARRIS: Yes. And I think looking at it as a pilot also gives an opportunity to help develop the training that will be needed to also learn, take from lessons learned, et cetera.

But I think as a stand alone, as it is now, it is not going to really integrate into the things that have already been suggested.

MR. FIELDS: Yes, I think we, in the workgroup, we have commented several times today offline that we all recognize we are going to have to go back and do some refining, reorganizing, consolidation, elimination of duplication. And you are right. I mean clearly --.

MS. HARRIS: And it may be that you want -- you may want to look at saying at least X number of the pilots should have this as part of that framework in process, the community-based participatory research or whatever.

MR. FIELDS: Okay. Connie, anyone else want to comment on this?

MS. TUCKER: I made a similar recommendation earlier on, Phyllis. Now, I think -- what I am proposing is that the CBPR be the first step toward the collaborative partnership process. Because it is through that process that you can actually build the partnerships for a successful collaboration.

So, I suggested that each -- every one of the pilots would have a CBPR -- is initiated with a CBPR component. That is how you form the collaborative partnership.

And, of course, using the collaborative partnership at the local -- the CBPR at the local level allows the community to identify local partners, local experts that they want to be involved in the research agenda that they come up with. And so, it helps to form those partnerships for productive work.

MR. FIELDS: Andrew.

MR. SAWYERS: Yes. No, I just wanted to say that I think there is some sort of complimentary efforts in some other

agencies, like NIEHS, and CDC, and, actually, NASA too, that sort of engage in this community-based participatory research agenda.

And maybe we should just, before we fully delve into this, just take a look at, especially NIEHS and their recent grant commitments, which I think made an effort to engage Connie's concept.

MS. TUCKER: Well, actually, they are, if I could say, it is not just NIEHS.

MR. SAWYERS: Yes, it is.

MS. TUCKER: One of the biggest founders of CBPR is the CDC.

MR. FIELDS: All right. Charles, at some point, I guess, that is for EPA. I guess at some point we need to -- well, at the workgroup we will talk about it.

But I guess that needs to be, it sounds like, based on a lot of the comments we have heard today, there needs to be a dialogue with other Federal agencies, like ATSDR, NIEHS, CDC, where we are going to need to sit down and talk to those guys about what they are doing and how it relates to some of the things we are suggesting here as a workgroup. Larry.

MR. WEINSTOCK: I want to address Connie's point 'cause I am a little concerned about it in that I think the when you do research in communities that you should always use this process.

But I am a little disturbed -- I mean I think it actually cuts against the bias for action if you say that you shouldn't have a community-based project unless you have this.

I mean I -- and the example I would use is Cleveland, where there has been a very successful air toxics action oriented project in two different communities where they have been able to get a lot done.

And as far as I know, there is really no research -- I mean certainly -- I haven't heard of any research agenda. I have been following it reasonably close. And it is a pretty minor component if it exists at all.

And they have gotten a ton of stuff done. They have gotten ultra --- sulfur fueling in the whole city. They have gotten a list of 15 different projects, and retrofitted buses, and chrome light -- I mean a ton of things.

That all seems to fit the idea of bias for action. The community was brought together. The community picked the

projects that were done. But there really is no research agenda around it.

And I don't know if you mean it, but at least this is coming off of the implication that there -- that it is intrinsic in any community-based project that you start, specifically you are just freezing it, you start with a research agenda done this way. Oh, okay. So, then this -- you now have kind of a built in delay for action.

And it may not be the way that it -- that you mean it, but it also increases the expense even if you try to do things simultaneously. That means you have now established a bar of you have to have a certain investment because you have to be able to fund doing things plus this research agenda if you are going to do anything.

MR. FIELDS: All right. Connie, comments on that?

MS. TUCKER: Yes. Innate in CBPR is action. So, we don't have to wait for research to be completed to take action. Now, this is the first thing.

The second thing is upon the CBPR process would be to identify existing research and existing data slash information. If in that CB at the local level or at the top level

they determine that they already got all of the research they need, it is time to move forward with action.

That is left up to that local community or the power community. So, it is, in other words, it is not a barrier to action. Matter of fact, it fosters a quicker action.

MR. FIELDS: Yes, I think, and Larry I want to just clarify to some degree, that some of the research that Connie is talking about is not the classical research as normal within EPA.

What Connie is talking about is data and information that community folks may have about the number of people who have incurred different types of cancers in that community, who may have died, where materials may have been deposited.

There is a whole bunch of data, oftentimes, that community people have that could, even though there has been success in Cleveland, with that type of participation, it could have been even more effective maybe.

So, it doesn't necessarily mean that you slow things up by having that participation by community members sharing knowledge, and information, and research that they have

about that situation in that community. But it is not the same type of research that sometimes EPA needs internally.

MS. TUCKER: Well, it is that plus the traditional research or quantitative research. The CB process is not just for the community knowledge.

MR. FIELDS: Right. I am sorry.

MS. TUCKER: That is why I am so excited about CBPR. Because if we had had this tool 10 years ago, we would have been a lot further along in terms of understanding what is happening in our communities.

For example, in one community, they are ready for action. They want to do risk reduction and a rite of things. But they also want to find out whether or not there is some association with the emissions that young people are being exposed to in violence.

Along with the actions that they are taking, they are also researching whether or not there is an association to exposure and violence.

But more importantly, in terms of the institutionalization of this, we always have exceptional communities who are more organized, who have been able to

move forward whether or not they have had, within the regulatory agencies, tools to help them move forward or not.

But this helps all communities. It is institutionalizes it so that those communities that don't have the resources and do what the community has done that you have will be able to get them.

MR. FIELDS: So you are saying, also, Connie, that is not always necessary in every community? That would not necessarily be applicable in all cases, like the Cleveland situation that Larry mentioned. You don't necessarily have to have it? It is not reasonable to have this participatory research done prior to initiating action. Right?

MS. TUCKER: Yes. Well, no, I am saying that I think the CBPR, if you are going to do the pilots that every one of the pilots ought to have a CBPR.

MR. FIELDS: Component.

MS. TUCKER: Component.

MR. FIELDS: Yes, okay.

MS. TUCKER: So that we learn from those pilots about CBPR.

MR. FIELDS: Okay. Phyllis.

MS. HARRIS: Just real quick. It seems to me that the conversation in my mind, and I was thinking about it even before Larry made his comment and Connie made her rebuttal, really points to me in terms of this conversation all day.

We really are going to have to understand that there is going to have to be a common understanding of the terms and the concepts that all of you all think that, folks here at EPA as well as folks who are not even here, that we understand what you are meaning when you say what have.

And I think we really -- I really want to underscore the need for kind of reeducation and almost kind of reprocessing of what many people have thought environmental justice, and implementation of that, and integration of that has meant over the past many years that we have been coming to these meetings.

I really think that is going to be so important to make sure we are all at a -- with a common understanding. And in doing that, looking at more real world application. I think it is great what happened in Cleveland. And, probably, they were doing some of this CBPR and they didn't even know it.

MS. TUCKER: Thank you.

MS. HARRIS: I mean but, to me, it is getting a common understanding and then also looking at how this whole concept, and this is me talking about money now, how this is going to be cost effective with this bias for action.

Because I do want to underscore what Larry says. We don't have the funds anymore to do a whole lot of studying before we begin to start doing things. And I think we need to find ways that we are getting lessons learned, and moving quickly, and looking at existing data.

MR. FIELDS: Good points. And we probably are going to need to have very clearly up front, in the very beginning of this document, a clearer definition of terms in what we are talking about here to make sure everybody clearly understands what these terms of vulnerability, community-based participatory research, et cetera, all mean. Charles.

MR. LEE: Andrew, did you want to go first?

MR. SAWYERS: Yes, my -- I am going to be very quick because Phyllis just looked over here at my notes and said everything I wanted to say.

The idea is, and I have seen this in some of the sort of a bias for action, if you will, in terms of some of the work we did in the environmental benefits district.

Some of the communities didn't want any type of research. They just wanted us to have intervention projects and mitigation projects on -- that is what they wanted. They wanted nothing to do with research.

So, I think, obviously, we can do it both -- we can do both together. In some instances, it is not going to be necessary. But I just wanted to really underscore what Phyllis and Larry said.

MS. TUCKER: I think we are missing the point around CBPR. It, in fact, isn't bias for action.

MR. LEE: Yes. That is the point I wanted to make. In fact, there is a lot of -- I mean Phyllis's point is really well-taken because -- in fact, the discussion between Larry and Connie about some of about CBPR is -- and a lot of it was semantics. And a lot of it was not semantics either. It was more complex than that.

Because there is just a number of concepts that are emerging in the risk assessment area that becomes very close

-- that moves it closer to where Connie is coming from, which comes from another place.

And those are the concepts like planning, sculpting, and problem formulation. Those are concepts like iterative processes and things of this nature.

So, I think that in a lot of ways it is true. What was done in Cleveland was some variation of community-based participatory research.

Now, there is also another way of looking at it. There is also different scales by which you would do it. I know sometimes you incorporate to the extent practicable -- or to the extent needed.

And that is where this whole discussion in terms of multi stakeholder processes of sculpting, and planning, and problem formulation, the kind of methods you use, either from an assessment standpoint, from an action standpoint, or others, needs to be tailored to the problem formulated and the actions that need to be taken. So, a lot of this is also how you begin to see how this gets applied in any given situation.

MR. GONZALEZ: Charles, can I just --?

MR. FIELDS: Hector.

MR. GONZALEZ: Again, and we discussed this at length, and this goes back to the whole issue of developing the science. It is not doing research. We don't want to do more research.

But how do we apply the fundamentals of vulnerability and cumulative risk? And as we do this, we need to have this process approach called community-based participatory process.

And just some of -- just to quickly mention some of the elements, it means that when we move this whole issue of cumulative risk that we include community as equal partners, that we build capacity, that we collaborate the community knowledge, that there is fair compensation to community members, the bias for action, that there is shared research findings, and placed-based approaches.

So, it is -- we are calling it a research intervention, but it is more a process of doing things, as we look at cumulative risk, that you need to include community under these standards.

MR. FIELDS: Got two, three more cards. And that will wrap up this discussion. We are out of time. But I will just -- as Walter, and Mary, and Andrew comment, I do want to

bring reference to the last bullet here, which goes to Phyllis's point.

It says EPA should provide education to local -- state and local governments because it is an industry academia of the institutional entities about community-based participatory research. And Phyllis would add to that the need to provide education to EPA as well. Walter, and then Andrew.

MR. HANDY: Again, I think research has taken on a bad name. If you do an intervention and you want to know if the intervention was successful that is research. It doesn't have to be lab-based. It doesn't have to use a lot of fancy experimental design.

If you have done some kind of assessment initially and you have done some kind of assessment at the end of your intervention and you see a difference that is research.

MR. FIELDS: So, you are saying that we need to be a little more expansive in our definition of what research, which research is. Yes. Andrew.

MR. SAWYERS: I sort of echo Walter's statement. But I want to say this. I am a huge advocate for community-based research. But, frankly, research is not necessary in a lot of cases.

As a state regulator, and I am -- understand the needs of a lot of communities, a lot of communities need us to get in there, do intervention and mitigation projects. So, I am a huge -- if research is not necessary, it should not be done. And I want to make that point very clear.

MR. FIELDS: Connie, you have the last word on this one. Oh, I am sorry, Mary. Mary, I thought you just --? No, I am sorry. Mary, and then Connie.

MS. NELSON: Okay. I just wanted to say that I think that the top part of this says to --- a paradigm shift to community-based approaches. I think that that is the overriding issue here. And it includes a whole sequence then of things, including community driven kinds of investigations and answers to questions where it is needed.

And I think there is a difference in terms of who you are talking to about this. Because research does have a bad name in the community because we feel like we have been researched to death.

But I think, as long as we are talking, the major thrust is that we want a community-based approach in everything we do, including, very specifically, community driven research.

MR. FIELDS: Terry.

MS. TUCKER: I concur with her and with Walter. Because when we talk about research, it is really about data collection, et cetera.

If you have got a company that is spewing soot all over the place, well, finding out what that is is research. It is data collection. That is all.

And, finally, I want to say this about communities who don't want research done. The reason we don't want it done is because we have been studied to death about things that we are not concerned about.

But if we are talking about understanding what is happening to us, will that affect my child and her child in the future, communities do want to know that. And the way you get to knowing -- communities often don't know what it is they want until they get together in a circle and really begin to have discussions among themselves about what their concerns are.

Once that is done and they do some sort of inventory of those concerns, they will see that there is probably and necessarily something that has to be researched to find out.

MS. NELSON: Can I just add a comment here? The point that I forgot to add to it was it is cost effective and it is outcomes effective to involve the community in terms of doing

this. And I think if we help make that point that will help emphasize it.

MS. TUCKER: Exactly.

MR. LEE: Just another point of definition and a very important one. You know the word research has always become a confounder because everybody has their different notions about research.

You know a lot of the research for CDC is prevention intervention research. It is research on what methods are effective.

MS. TUCKER: Exactly.

MR. LEE: And so, that is another way of looking at the question.

MR. FIELDS: All right. We have beat that topic to death.

(Laughter)

Social, Economic, Cultural, and Public Health Factors

MR. FIELDS: Okay. Lets move on to theme number six, which is on page eight, which is the page before page seven. Okay. Theme number six, which is to incorporate social, economic, cultural, and community health factors,

particular those involving vulnerability and EPA decision making. That is theme number six.

The first item has to do with EPA developing a commitment to incorporate social, economic, cultural, and community health factors in the EPA decision making process, including, but not limited to, risk assessments. That is a recommendation by the workgroup.

We have talked about this a lot today. Any comment/reaction on this particular recommendation, either the content of the recommendation or the timing of whether it would be short, intermediate, or long term?

MR. LEE: Tim, over here.

MR. FIELDS: Yes, Veronica.

MS. EADY: I just had a question about it. And then, upon clarification, I might have a recommendation. EPA should develop a commitment. So, EPA is developing a commitment. If they are just developing a commitment, I think that that is something that could be short term. But if there is something more to it, putting together --.

MR. FIELDS: Yes, basically, yes, you are right. I mean, basically, we want EPA to incorporate social, economic,

cultural, and community health factors into the decision making process. The commitment is not adequate.

MS. EADY: Okay. So, I would just suggest sort of clarifying that. And then, I may be way off, but I am saying -- suggesting that it be intermediate.

MR. FIELDS: All right. As modified, an intermediate recommendation. Mary.

MS. NELSON: Again, I think that you could combine a lot of these. Number two certainly could be combined with that top one if you are going to -- if EPA is going to incorporate social, economic, and cultural. And then, as a piece of that, it is going to develop the quantitative and -- those two seem to sort of link together to me.

MR. FIELDS: Good point. Would you agree on the intermediate time frame, two to three years for this one as well?

MS. NELSON: Yes. But I just think we need an editor that is going to streamline the language and do some consolidations of a whole lot of these action steps.

MR. FIELDS: Yes, we fully agree with you, Mary. You have got to keep in mind that a lot of different authors provided input. And we didn't have a chance to really

thoroughly go through and edit, and avoid duplication, and that kind of thing.

But you are right on track. We are going to have to do a lot of that as we convene as a workgroup in the next few weeks here. Other? Walter.

MR. HANDY: Yes, I have got a suggested change in format for the rest of this particular time.

MR. FIELDS: Okay.

MR. HANDY: I would suggest that we only discuss the next three sufficiently to be able to get an understanding of what they mean and not try to pigeonhole them, the individual elements, into short, intermediate, and long term, but rather to save maybe 15 minutes at the end of our time, maybe 4:45 or even 20 minutes, to put the whole lot into some sense of high, medium, and low priority.

MR. FIELDS: Okay. We will see if we have got a little time at the end. We may have the -- we will see. I just know we got two more topics to go through here, but we will see how much time we have got. But point well taken. How about I give this an overall context? We got Wilma, and then, I think, Mary. All right. Wilma, go ahead.

MS. SUBRA: Under vulnerability, we already considered the social and cultural. So, while previous things were grouping within one page, I think now we need to look back and group across all the pages.

When we want EPA to do something, we should say it one time and list all the things we want them to do, like if we want them to develop, or we want them incorporated, or we want them to do training. I think we can consolidate a lot of that across the pages as well as up and down on the pages.

MR. FIELDS: And now it shows how much we are asking EPA to do.

MS. SUBRA: But it is the repetition that you see over, and over, and over again in these things. And I think the ideas are good, but we can pull them together.

MR. FIELDS: Right. I fully agree. I mean I think there are several places where we repeat recommendations that we have made elsewhere. Other comments? Terry.

MR. WILLIAMS: Similar, with the use of traditional knowledge that it should be incorporated throughout. And then, this is one section that needs to have that addition.

MR. FIELDS: I missed it.

MR. WILLIAMS: The traditional knowledge.

MR. FIELDS: Oh, okay.

MR. WILLIAMS: Where you are talking about different forms of gathering information here and generally. Wilma was just talking about social and cultural, how we should just say it once and have it incorporated throughout. And traditional knowledge needs to be incorporated throughout this whole document. But, certainly, in this section where we are talking about incorporating information.

MR. FIELDS: Okay. What about the action, about the fifth one down, that says EPA should integrate social, economic, cultural, and community health factors into the EPA's environmental justice training program? Is that something that EPA should be doing more of?

I don't know to what extent it already is included in EPA's environmental justice training. How do people feel about that one?

Could this be something that EPA staff are trained about as they look at how they integrate social, economic, cultural factors into their everyday permitting, cleanup, enforcement activities?

MR. LEE: I mean that is beginning to be done. And to the large extent, I mean I think that is beginning to be done

1 along those points I talked about in terms of understanding
2 disproportionate impacts.
3 But the larger conceptual framework for that has just
4 been developing. So, I think this is something that is actually
5 pretty important to do.
6 MR. FIELDS: So, it would be appropriate for the
7 agency to receive a recommendation that this be expanded
8 upon and training that is being developed. Wilma.
9 MS. SUBRA: On the one we just did before, it was
10 EPA should provide education to state and local governments,
11 business and industry, da, da, da, da, da. And then here we
12 are saying that EPA should train their own people.
13 That is one that you could do all the way across,
14 where you could put all the issues you want them to train on
15 and then put both within the agency and to the external state
16 programs. And then, you have covered the training limbo. I
17 mean including it in the culture and things like.
18 So, that is where I think you can reduce the number
19 of recommendations but still have all the substance there and
20 not lose anything.
21 MR. FIELDS: Yes, this is one that everybody needs
22 to be training on, as we heard from Jody and others, the

1 states, local governments, tribes, affected stakeholders,
2 private sector.
3 And next one down has EPA conducting a
4 systematic review of the literature to identify and assess
5 environmental health factors relevant to income, race, and
6 ethnicity as a first step in eventual development of useable
7 indicators. This would be -- could be patterned after EPA's
8 recent environmental health measures relevant to children.
9 MS. NELSON: Again, I think there is some
10 redundancy here. That we have talked about review of
11 literature. So, maybe we can have the one thing of literature to
12 do the three or four things.
13 MR. FIELDS: Okay.
14 MS. SUBRA: I don't disagree with any of them. We
15 just need to pull them together.
16 MR. FIELDS: Okay. That is a good point, Wilma. That
17 people are not disagreeing with them.
18 MS. SUBRA: They are not disagreeing, yes.
19 MR. FIELDS: They are just saying to consolidate.
20 EPA should strengthen its capacity for the above
21 recommendations in building bias reaction by recruiting

1 community health, environmental -- I think it is to the point that
2 someone made earlier that was covered.
3 But someone made the point that we need to look at
4 recruiting more community health, environmental health, and
5 social scientists into the workforce, supporting
6 community-based organizations and researchers, and
7 undertaking a community-based pilot project in all the regions.
8 Again, there is some consolidation there. But I want
9 to particularly get input on the idea of bringing more people with
10 this community-based, community health, social scientists into
11 the workforce. I think this applies not just to the EPA, but the
12 other side of EPA as well. Thoughts about that?
13 MR. HANDY: Yes.
14 MR. FIELDS: Yes, Walter said. Okay. That is a
15 resource issue as well. I don't know how quickly that can be
16 done. But obviously it means a difference in hiring patterns,
17 different types of people being hired by the agency. Larry,
18 your thoughts.
19 MR. WEINSTOCK: I mean I think this is good, but I
20 would broaden it a little in talking about the skills that you want
21 as opposed to the credentials.

1 Part of what -- I mean EPA does need more social
2 scientists. But it also needs more people who are trained in or
3 skilled in the ability to go in and interact with communities.
4 I mean, technically, hiring a bunch of economists
5 who have no interpersonal skills is not going to solve this
6 problem, but would meet this recommendation.
7 MR. FIELDS: I think that is a good observation. I
8 mean I think as Connie Tucker mentioned yesterday when she
9 helped to introduce Phyllis, I don't think -- I don't know what
10 Phyllis's background is, but I know Phyllis is an attorney.
11 But I think Phyllis is sensitive to social science
12 issues. And I don't think that it is necessarily anything that she
13 was trained in. But I think a lot of it has to do with the
14 sensitivity of the individual, not necessarily as Larry points out,
15 just because the person has certain social science training, if
16 you will.
17 Anyway, but lets see what other people have to say
18 on this topic. Graciela.
19 MS. RAMIREZ-TORO: I think this tie very well with
20 capacity. I think if we refine what is the capacity that we need
21 to build, like to simplify, like make a list of what is the capacity

that we may need to build then it will be easier to decide where the resources, and before that, what we have to bring in.

MR. FIELDS: Okay. Yes, to Andrew.

MR. SAWYERS: I mean what Larry said is definitely on point. I mean even if you think about the agencies, and I am not sure this is stated overtly anywhere, but so that the -- in part, there is a lot of effort towards compliance assistance and support to the regulated community.

There is a huge need to get into the workforce non-technical expertise, if you will, people who can communicate appropriately with the regulated community, the communities that are impacted.

So, I would sort of -- I would essentially say that EPA should, and not even directly as capacity, but it should build in a bias for action for recruiting in these very important personnel as you move forward.

MR. FIELDS: Okay. I think that is -- I wanted to just see if there is anything additional. I think we have all covered -- think there is general agreement with what we have got here. We have got to do some editing and consolidation, that kind of thing.

But does anyone have anything else on this particular topic that they feel is not here on our ability to help build our capability in this arena of the social science overall agenda to address economic, social, cultural, community health factors? Anything else that people would recommend that is not here that the workgroup should be considering? All right. I see Bill.

MR. SANDERS: Yes, it actually was on the recruitment. That there is a more precise recommendation that the workgroup could make to the agency. And that has to do with the workforce development initiative that is going on right now within the agency to look to see what our future workforce should look like. So, it is a place to plug in this recommendation to an ongoing effort.

MR. FIELDS: So, you are suggesting that we say in our final report that as part of EPA's workforce development strategy they ought to consider making these types of hirers for the future?

MR. SANDERS: Even more than that. Look to see where we -- what type of workforce we need and look to see that we are covering these kinds of the --- in that future workforce.

MR. FIELDS: All right. Good point. Okay. People with those skills, skills to do these types of functions.

MR. SANDERS: Yes.

MR. FIELDS: Okay. Yes, Walter.

MR. HANDY: Yes, I think also attention needs to be paid to developing strategic partnerships with state and local folks. We are not just talking about the EPA going out and doing everything for everyone. You have partners that can be utilized in these arenas.

MR. FIELDS: Your point is well taken. I mean I think Jody has made that point several times. But a lot of these programs are going to be administered at the state and local level and not in EPA. Connie.

MS. TUCKER: I am just concerned about word smithing. There are a few things in here I think that it is just going to turn folk off and we won't get anywhere with cumulative risk.

For example, the last bullet, A. The whole notion -- with the last part of that sentence, with the goal of action and social change. If we could get the EPA and regulatory agencies to do what they are supposed to do, we don't want

to have to get them to do any social change work. I don't even want them trying to do social change. Okay.

(Laughter)

MS. TUCKER: It is just too -- we have got to look at that kind of stuff very closely and get all that kind of stuff out of there or people are going to laugh at this report.

MR. FIELDS: All right. Okay. Point well taken. We just want EPA to do their job. Right?

MS. TUCKER: Yes, exactly.

MR. FIELDS: Terry.

MR. WILLIAMS: I am just sitting here listening to this and I am wondering if you gather this type of expertise and knowledge and you pull it altogether, maybe one of the things that we could in terms of action is to create the short term think tank where you could take those people with that knowledge and expertise and the information gathered and just get them to focus on this very area and say what are the types of things that the agency could do to generate further action.

MR. FIELDS: One of the recommendations on a previous section was that EPA form some sort of advisory committee that would provide some external advice.

And that might -- would that might be something we could include in the chart of that group as well that would provide -- that was focused primarily on regulatory and programmatic fragmentation, that advisory. But this could -- that same concept could apply to what you are suggesting there, Terry.

MR. WILLIAMS: Yes, I think to put it in context for where -- I have been in the process where we have done this in dealing with Pacific Sailing Commission where we have generated a treaty between the United States and Canada.

Our tribes hired one person to be on focus and to be thinking about that treaty daily. That was his only job. And he had to contact the people with the expertise and pull that information in and put it to use. And we changed the direction of the treaty and the intent and our involvement by having such intense focus.

And I am just wondering if with this type of information and bringing on that expertise, if we could just get them to focus on the vulnerability thing. How do you fill the gaps? How do you change the direction? But having that a daily activity, so by the end of the year, you can come out with some strong recommendations that are effective.

MR. FIELDS: Okay. Look at that in the context of list the item in terms of that external group usage as to -- yes. Okay.

<u>Screening, Targeting, and Prioritization Methods/Tools</u>

MR. FIELDS: Lets move on to number -- theme number seven, which it should be on your page nine of the -- for the council. And the theme is to develop and implement efficient screening, targeting, and prioritization methods and tools to identify communities needing immediate attention.

Again, I recognize there is some duplication with what we have said earlier around several items, including number one, where we talk about identifying communities that we would target, that kind of thing.

But, bottom line, under this particular theme, the first item is that we suggest EPA -- as someone has just suggested, maybe it should be EPA identifying, inventorying, and reviewing existing screening, targeting, and prioritization methods and tools to ascertain the following, strengths and weaknesses, ways in which these tools can be improved, determine steps to move forward toward develop, a variety of steps.

This inventory should include other Federal agencies, states, public health agencies, universities, et cetera. Is that a reasonable task? I will let -- Hector and others can comment on this one.

(Laughter)

MR. FIELDS: Since he had something to do with writing it. I see Andrew is going to break the silence and give us --.

MR. SAWYERS: I am going to support Hector here. You know after -- I think it can be done, actually, in the short term because there is -- there are quite a few tools out there. And so I think, certainly, there should be an effort to evaluate strengths, weaknesses, and look at ways to improve upon them.

And I think some of those tools are actually even listed in the binder, including the EJ assessment framework and others, that some of the states are working on.

MR. FIELDS: So you think this is something that should be able to be done fairly readily and a lot of the tools already exist out there. That people just need to gather them up and --

MR. SAWYERS: Yes.

MR. FIELDS: -- pull them together.

MR. SAWYERS: And improve upon some of them, yes.

MR. FIELDS: Okay. Hector, I am going to call on you to say something about this one, Hector. Or Shankar is going to say something. Okay.

MR. PRASAD: Yes, I was the one who brought this issue up in screening. So, I better say some things. Right here in the first theme, actually, we said that this would be the intermediate action item.

So now, I think all of -- most of the items that are listed here are actually -- all are intermediate. Because if we looked at the debate that we earlier had, the third bullet on page two, essentially, is also the same -- related to the same.

MR. FIELDS: You are right.

MR. PRASAD: So, we did agree upon that it has to be an intermediate time and it should not be the short term one. First I argued for it, actually, to be the short term, as you recall. So, if you want to move it back into the short term, I think we need to have some better reasoning to be able to do that.

MR. FIELDS: I probably had it wrong, but I actually had it down as a short term item.

MR. PRASAD: I mean you may recall the conversation Sue argued for that be made to be placed in the intermediate term. And that if you did put it as a short term, it might actually end up being the primary thing that needs to be done before the bias for action or for identifying the new communities for action, and so on. So, I said that is fine.

And so, the screening tool would be better developed with the results of the pilot projects was the reason given --

MR. FIELDS: Okay.

MR. PRASAD: -- to put it under that one.

MR. FIELDS: So, you suggest to be consistent with the first bias for action pilot project's effort, we ought to be -- make this intermediate. All right. Mary.

MS. NELSON: It seems to me that our -- it was mentioned, I think in exhibit attachment H, some of the indices -- or some of the tools that are already there, and so forth, and so on.

So, it seems to me that the use of the existing tools is sort of immediate. Okay. That we might say intermediate is this business of identifying the strengths and weaknesses of the existing tools and the ways in which it can be improved.

But I don't want us to wait forever to have this perfect thing before we sort of go ahead with what we have got even while we are refining it and improving it.

MR. FIELDS: So, split it into two pieces, one which is capturing existing tools, the refinement and developing new tools is more of a intermediate, longer term task. Okay. Yes, Ken.

MR. WARREN: I think the third bullet talks a lot about what we have been grappling with.

MR. FIELDS: Okay.

MR. WARREN: First of all, I think that there are indicators at present, some of which, I am sure, are already incorporated into the existing tools.

But if you are talking about the indicators of health status, for example, we have mortality and morbidity data. If you are talking about indicators of cultural factors, certainly, in the Native American communities, we have heard a lot about what those factors are.

I think that EPA should identify now those indicator factors that it currently has. And then, where it says to address other factors of concern, I am not sure what the word

other means because those are, in fact, the factors that need to be evaluated.

And then, I think we should expressly talk about some adaptive management technique whereby these indicators get reevaluated, and refined, and modified over a period of time.

I mean it is consistent with what Charles was talking about in terms of an iterative process. And it is consistent with a bias for action. And we might as well say that we envision this to be a constant circular, systematic reevaluation process.

MR. FIELDS: So, thinking about this in the long term phrase, delete that, and really capture those things that exist now, and then develop a longer term ongoing component.

MR. WARREN: Correct.

MR. FIELDS: So, I am hearing the same thing as Mary suggested. We need to kind of split this out into a couple of pieces. Those things that can be done now versus those things that will take a longer term.

MR. WARREN: Right. But identify --.

MS. NELSON: Okay. And what --.

MR. WARREN: One second, Mary. But identify this as a continuing process, --

MS. NELSON: Right.

MR. WARREN: -- not that there is simply something we are doing now and then something we are doing later. But it is all part of a constant adaptive, iterative process.

MS. NELSON: Amen. We have cited that we needed a whole other category that was sort of ongoing as opposed to short term. We start with what we have got. We know we are going to constantly refine it based on experience. But we have got enough to start with.

And there will never be a point in time when we say we have the perfect tools because experience will always make us want to change, and modify, and grow.

MR. FIELDS: Okay. Other comments? Anyone else? All right. Okay. EPA should focus on training of staff to ensure effective widespread utilization of these tools and outreach and education to its stakeholders.

This will ensure that this becomes a common framework within the specific community, regulators -- the regulated community and impacted communities regarding how to most effectively use these screening and marketing tools -- I am sorry, targeting tools. Thoughts on this training component?

MS. NELSON: Again, redundancy.

MR. FIELDS: Yes. It has been covered elsewhere. Yes.

MS. RAMIREZ-TORO: And that helps me clarify my last comment. What I meant to say is that, when we were talking about hiring, is that I see all of that as a component of capacity. And that those both, the hiring issue with what we need, you know we define what is the capacity that we need, get moved to where we were discussing the capacity issues.

MR. FIELDS: To the last --

MS. RAMIREZ-TORO: Yes.

MR. FIELDS: -- theme?

MS. RAMIREZ-TORO: All those bullets that have to do with support the staff, develop the staff, and capacity issues should be together and then identified.

MR. FIELDS: Well, you are right. Training is definitely a big capacity building issue for sure. The multi stakeholder -- the last item has to do with convening a series of multi stakeholder seminars, workshops, and panels, we have talked about some of that before, including those of a peer review nature, on currently existing screening, targeting, and

prioritization methods and tools relative to cumulative risks and impacts.

Is that needed as part of the outreach communication we talked about to better educate people as to what these tools are about? Thoughts? Larry.

MR. WEINSTOCK: I don't mean to cause trouble, but I think I am definitely lost here.

(Laughter)

MR. FIELDS: Larry, you never cause trouble, Larry.

MR. WEINSTOCK: Well, I mean I really don't think this --.

MR. LEE: You don't mean, but you will. Right?

MR. WEINSTOCK: Yes, I think I am about to. I think you just need to -- well, either you need to retitle this or you are putting too much focus in this area.

'Cause if you are talking about screening once you get in a community and prioritizing, then that is an area where definitely we need a lot of work because you want to do that priority fast and quick. And better tools would always be better in that.

But the title, to me, implies that this is about picking -- doing some kind of screening of communities in the U.S. and

picking the kind of worst EJ communities. So, you start with the kind of --.

And that is useful, but it is not something you need to train staff in because staff doesn't choose communities. Staff get told where they are going to go work. There is a certain management level at which those kind of things are done.

People should just be aware to the extent that we have grant programs that we do these things, we can't target. And that is illegal. There is a competition policy which we have to follow. And so, I mean you can set up competitions in ways that try to encourage doing things from happening.

But I just -- I am having trouble in terms of what we are trying to do here. And I think the title is not -- the title doesn't seem to fit with what is going underneath that. Because this is all about picking which communities to work in. And I think there is too much emphasis here and to too many people because -- who aren't decision makers.

And if it is about doing better jobs in communities, then that is what the title should refer to 'cause, otherwise, it is confusing.

MR. FIELDS: Okay. Charles, you go next.

MR. LEE: There is a lot of complexity to this -- to the way that this whole thing evolved that I think it would be helpful for everyone to understand.

I mean I think the first idea that -- the first reason why Shankar brought this up is, I think, from very much from a -- from his role as a regulator, how do you justify the picking of certain communities that you are actually targeting.

But the semantic problem here is he used the word screening. And, actually, what he was really talking about was a combination of doing things in terms of targeting, prioritization, and screening. It is a larger conception. It is a larger problem set.

Then, there is a second complexity of this which has to do with what tools -- how do you bring to bear that which you know at this point versus development of tools.

So, one is a question of what Larry is talking about in terms of how you bring things that you know already to bear. And this, presently, in terms of a bias for action. But at the same time, become more -- these become more comprehensive, accurate, and robust over time as a tool development question. So, that is the second complexity to this.

And part of that, obviously, has to do with, not just then developing tools, but making sure that from the point of view of the usage of those methods and tools that there is training.

And then, there is a fourth complexity to this, which has to do with that last point, is that, just like it is to Jody's point and Phyllis's point, a lot of these are very new concepts that require, not just those of you here around this table or even EPA, but other partners, states, and local government, business and industry, and communities all having on the same page in terms of what exactly are you talking about.

Like, for example, the EJG -- the vision between the environmental justice geographic assessment tool is that some day that communities, and government, and business and industry are going to be using the same set of parameters and indicators, some day.

I mean that requires, not just that you have it technically sound, but you have to have agreement in volume that everyone wants to think these things are important. So, that is why the last one becomes real important.

And it is not clarified yet. I mean I think these are just on the table at this point for these to come out. And it may not be necessary, actually, to be that prescriptive at this point.

But this is the reason why, all these complexities, to why it is there. Because at this point in this process, everyone came forward with their ideas. And to be true to the process, we need to reflect that. But, clearly, the way it is being presented is not the right way it is going to be presented.

MR. FIELDS: I see Veronica.

MS. EADY: I just wanted to echo that. I wanted to encourage the rewording of it. As somebody who reads master's thesis for a living, --

(Laughter)

MS. EADY: -- I had to go through this again, and again, and again, just the title, to figure out what it is that it meant.

So, screening, targeting, and prioritization, your STP, I understand where it is going, but maybe if you could drop one or more words, and take out and "and" or something, and make it just a little crisper because I had a hard time embracing that wording.

MR. FIELDS: I appreciate the comments. And we will definitely go back and take them into account. And, Larry, I want to just say, for you, you are not a troublemaker at all.

And we know that you are one of those people who really support a lot of what we are doing in this workgroup. And it is really helpful for us to hear your reaction because your reaction is reflective of how other people in EPA may feel about what we communicate as well.

So, it was really helpful for us today to be getting your input on some of these draft recommendations so we can refine them and make them better as we develop final recommendations during the summer.

Other comments on this particular section before we go to the last section? No one wants to stand in the way of that last section. Great.

Capacity and Resource Issues

MR. FIELDS: All right. We will move on to theme number eight, which is, for EPA, and states, and others, it is probably one of the more, local governments as well, Walter, probably one of the more difficult pieces of all of this, which is the Building of Capacity and Resources.

And those entities have to work to try to see what they can do to provide resources to communities. The private sector needs to look at what it can do to provide resource support as well.

So, this theme is to address capacity and resource issues within EPA, and the states, within affected communities, tribes, we should add in the private sector as well, as well as all relevant stakeholders, local governments. Everybody that plays in this arena has resource issues.

So, the first action item is, again, we will play with some of the wording here, but that EPA ensure that there are adequate resources to meaningfully participate in community-based efforts to address cumulative risks and impacts as part of a paradigm shift to community-based approaches.

EPA should ensure that their EJ action plans have adequate resource commitments to fully accomplish this set of actions.

So, let me just summarize. EPA should allocate a portion of its budget, including its environmental grants programs, especially to projects enhancing the study of cumulative risks and impacts in implementation of cumulative risk reduction plans.

Anyway, how do people feel about this request that EPA provide adequate resources to carry out this agenda here?

MR. LEE: Can I make --

MR. FIELDS: Sure.

MR. LEE: -- an observation? And I just wanted to say that this discussion has really been really, really good. Not necessarily from figuring out whether it is a short term, long term -- intermediate, or long term because most of what you say you are starting out and they are going to be long. And so that wasn't necessarily -- I mean that was just, in fact, I think a mechanism to which you get at the deeper question of what exactly is meant by this, by what is being said.

And this particular recommendation -- or this theme, right, is actually a lot of restatement of the other ones because, in fact, all the other recommendation themes has themes which talk about building capacity, but it needs to be pointed out.

So, rather than, I think -- suggest going into this, I would want -- I would suggest you take up the point that Walter suggested. Right.

But I would suggest that you do it in a different way, which is to go back to the original conception of what we

wanted to do that we weren't quite able to do. Because I think it became clearer to me, in the course of this discussion, how you can actually reduce this thing down to about 10 to 12 particular action items.

MR. FIELDS: Yes. Right.

MR. LEE: You can actually do that. Because they actually do crosswalk all eight themes. Right? And so, some of this is -- I mean I don't -- in the PowerPoint presentation, there was some suggested proposed action items that was more categorically developed in nature.

But I think there are -- it comes down to -- and I don't think that this is necessarily the way to do it and the workgroup needs to take this and then say okay, does this really reflect this? Because there are certain kinds of things that you may want to really emphasize for the sake of emphasis, not necessarily because it is categorical.

But I mean clearly the first one to implement all eight themes, not to just the first one. Because all eight of them, as the workgroup has said, are interdependent on each other. And that is why you get all those repetitions. Right? Are pilots. I mean that is clearly the first one. Right?

The second one has to do with development of tools. And that is a big category. That is a capacity question as well as tool development, and training, and things like that.

But that is a big question because there are legal tools, such as the ones you are talking about in terms of use of statutory authorities, assessment tools, policy tools, et cetera, et cetera. Right? So, I mean that is the second, maybe, category.

The third one is, perhaps, things on having to do with building consensus. Did it develop the dialogues? What are we talking -- what are you talking about?

The stakeholder discussions, the scientific symposium, the advisory panels, the think tanks, things of this nature that are really important because everybody is, perhaps, talking about different things, the same things using different words, or perhaps using the same words and really talking about different things. And so, just getting beyond that.

The third one has to do with, and these are not necessarily all or in order of importance, has to do with these concept of vulnerability, the research and policy implications, looking at the literature, and its relationship to social, cultural factors, and indicators, et cetera.

The fifth one in our category will be training. And that is not just training in terms of EPA, but also training -- promotion or training in terms of communities, and training in terms of other partners, business and industry, et cetera.

The sixth one has to do with an area that has to do with personnel development, skills development, recruitment, social science capacity, community expertise, understanding of traditional knowledge, and so on, and so forth. All right. That is the --.

The seventh one has to do with strategic partnerships, to use Walter's words. And that is somewhat related to the other ones.

The eighth one has to do with community-based approaches, community-based participatory research, et cetera.

The ninth one has to do with targeting, or prioritization, and use of indicators, and things of this nature for that.

And then, the last one has to do with ways to structure this into EPA's strategic plans and action plans. That is where the budget types of questions come in.

So, just as an offer of, perhaps, a way now to think about how we then synthesize all this into something that then allows for focus on these 10 to 12 different areas that begins immediately, but we know has a very long term time horizon. And so, that is my observation --

MR. FIELDS: I think that is a good point.

MR. LEE: -- in sitting here and listening to you.

MR. FIELDS: And Judy has the answer on a piece of paper there.

(Laughter)

MR. FIELDS: But I think that, and this would be more palatable to the agency folks in general, that the set of 64 recommendations that we have talked about really are probably, as Charles said, more like probably 15 or so once you do the consolidation, integration, et cetera. There is not as many, quote, "things" as people might think. And we will do a lot of that as a workgroup as we leave this meeting and move forward.

But Judy has, I think, a good way to maybe, Charles, as you were doing, trying to synthesize some of what we have heard today and putting it into a logical framework moving forward. So, I will let Judy talk for a little bit.

MS. ESPINOSA: Well, first of all, I just want to say about this last theme or this last recommendation I am disappointed that we can't talk about EPA's budget 'cause I really wanted to start allocating that for them. And so, I am sorry we can't do that.

(Laughter)

MS. ESPINOSA: But, Charles, great minds, of course, think alike. I am sitting here looking at these matrices up on the wall and thinking about all of these action items in our eight themes.

And I like our eight themes. I think they cover a lot. And the explanations that go with them, I haven't heard any concerns about that or really hard questions about that. I think it is these action items that are just -- they are continuously duplicative and they go on and on.

So, like you, I was sitting here thinking about how could we organize this. And I am thinking about proposing to the workgroup some kind of a matrix that we can put these themes on based on some of what you were talking about is categorizing these.

I had some of the same things you did, like review of practices and literature, training, guidance, all the capacity

issues that we talk about in each one of these themes, the pilot programs, program strategies is a big one.

And between kind of coming with something that runs across that might be these subject headings that are action items, you can fill them in in the little blocks with the themes on the side so that you have a quick ready reference about where you are asking the agency to go.

You can also -- I think we ought to seriously consider putting our actions items in a separate chapter, to be very honest with you.

I know we talked about that before in the workgroup and we decided not to do it that way. But I think it would be cleaner if we can hone them down into subject areas. They will crisper. They will be easier to explain.

And then, if we had a matrix that was a one or two page that we could ready reference, I think it would just be a whole lot better.

And so, I would want to support that kind of work with our next phone conference workgroup, whatever it is we are doing because I know we don't have time to do it here.

But I think it will also be easier for us once we do that to look at these and go okay, all these are not short term,

or all these cannot be priorities, or lets take one priority out of each one of these subject areas and really emphasize to the administrator and to the EPA folks this is really what we feel is of greatest concern at this point in time.

MR. FIELDS: All right. And I think that is great. I think that Charles and Judy both have a lot of the same thoughts about how we move forward. And that is good because they are two of the key drivers for us moving forward.

And we avoid our Mary Nelson problem, of having all the, I think you are right, of having all the recommendations in one spot, would make us be able to look at them altogether in one focused, coordinated way and avoid the duplication.

When you try to put recommendations across all of these eight themes, it causes you to sometimes duplicate recommendations in two or three different places, as we have done in this report.

Charles, it would be helpful, I thought, if, also, if you would let the council know kind of what the steps are moving forward.

MR. LEE: Okay.

MR. FIELDS: As we leave this meeting, where we are going.

MR. LEE: Okay. As we said, and has been said, this is actually not the end of the process. This is very much into maybe two-thirds of the way through.

And taking all this discussion, deliberation, and the public comments, the workgroup will work for the next three to four months until September, as scheduled, that the last draft of this report be done by September for transmittal to the executive council for your action -- for your deliberation and action.

In the interim, the first thing, of course, is that there is a 30 day period in which we are accepting written public comments from anyone. And so, we encourage everyone to do that. Of course, not necessarily the executive council, you can get it throughout the whole process. But, certainly, for members of the public, we want to really encourage that so that they can be incorporated.

There are going to be -- there has been, actually, different subcommittees, like the health and research subcommittee, and the indigenous people subcommittee, and the Puerto Rico subcommittee, that have special subsets of the issues they want to look at in terms of this.

And do you know, each, I thought, is on time track to make sure that that gets sent in and be incorporated by the workgroup.

So, what you should do is look to around September for receiving this. But in the meantime, I want to make sure that on the monthly conference calls that a substantial amount of time has been devoted to discussing this.

I think that the fact that there has been a lot of time for the orientation for you, around this, during the past six -- about three or four months now, has been really helpful, I think, because this a very difficult set of issues to get one's hands around.

So, yes, so that is the process. And I think -- I really want to thank Tim, first of all, for his yeoman work here the last couple of hours guiding us through a discussion of the most difficult part of this report process, which is the action items. So, I hope that we give him a round of applause.

(Applause)

MR. LEE: And then, I want to --.

MR. FIELDS: I didn't get a standing ovation or anything. I mean, come on.

(Laughter and applause)

MR. LEE: And then, I think, in terms of as we close up, I wanted to make sure that -- I want to thank Phyllis, and Bill, and Larry, and, of course, Tom, and Larry Starfield for spending the time with you to really be part of this discussion.

And I was wondering if any of you have any final thoughts for the council or the workgroup? Walter.

MR. HANDY: Yes, I think it could be easily misinterpreted that because we have decided to reconfigure this that the work of the workgroup is unappreciated. But I think quite the opposite is the case. That that is what got us to this point.

And so, I would like to express my appreciation for those people who took the time to develop all these things from which we could distill some other ideas that I think may be better integrated.

MR. LEE: Phyllis.

MS. HARRIS: Yes, real quickly, I also want to thank you on behalf of the agency for the yeomens work here. I thought this was a really good product. And I think that the discussion over the past two days has been extremely productive and puts us on a real good place in terms of moving ahead.

And I would just strongly encourage you as you begin to look at the matrix or however you decide to organize it that you also think about giving the agency a bit more guidance on, of the short term things, what are those items that are of the highest priority and try to bring those down to about five or six. I would really say five. Because in my mind, the 2005 time frame is just four months away, four or five months away. So, I thank you very much.

MR. LEE: Larry.

MR. WEINSTOCK: I just wanted to echo what Phyllis said. I think the -- I think it would -- it is always helpful to think who your reader is and kind of think of the administrator and his job and how many things he has got balanced to really -- or the AAs for that matter.

But I also want to congratulate the committee. I think that just the stuff -- if you had done nothing but this stuff that is on that wall, those matrices and the piece in the middle, which I just think that is some seminal work that, I think, will really have a huge impact.

And I encourage all of you to do whatever you can to make sure that more people see this way of looking at the wall because I think it is just -- I mean as someone who has

been involved in this, I still -- I found it eye opening. But for people who haven't really been involved in it, I think it just really changes the way you look at the world. So, I think you really need to be congratulated for that.

MR. LEE: He is just trying to make trouble that is all.

(Laughter)

MR. LEE: Bill.

MR. SANDERS: I really do think this is tremendously important work that you have done. I think that the work that the workgroup has done to bring us to this plane you should really be congratulated on. I think you are really moving the ball forward.

And I think that this two days of discussion and the interventions we have had from the workgroup members really has served to enhance it.

I really liked the last intervention that Charles had. It was sort of way to rethink the way to do this and putting it into the matrix, I think, would also help to --- across and help us to understand what we need to do.

So, I am looking forward to a paradigm shift, which I do think is the right way to look at what we are trying to do with this initiative in the agency. And my congratulations to all

of you to get us to the point where the agency has something that I think we can respond to in a very positive way.

MR. LEE: Great. I want to make sure, because at the point -- at the end of today, the members of the cumulative risk impacts workgroup has said, those like Wilma, and Connie, and Jody, who are on the executive council, are going to be leaving us. So, I wanted to make sure we give them enough time to give their final thoughts.

But if there is anyone from the executive council that feels moved to say anything, I think we have time to accommodate that. Mary.

MS. NELSON: Yes. I mean, obviously, it is a tremendous work that has been done to bring us to this point. It is a journey. That it is clear that the workgroup has been on a journey. That their ideas now have been modified and modulated by the conversations in the journey they have been on.

It seems to me that these recommendations are very different than anything else, I think, that this NEJAC has done. These are not just a set of sort of recommendations to the administrator. This is a change in the way of doing business, a very clear change in the way of doing business.

So, I think that we have to understand this is a journey and it isn't going to stop in September when the report is done and it goes off to the administrator.

I think maybe we also want to offer ourselves for ongoing input, insight in the journey of implementing this new way of doing business within this thing because it doesn't end, it seems to me, when this report is submitted to the administrator.

MR. LEE: Veronica.

MS. EADY: I want to go last.

MR. LEE: Okay. Andrew.

MR. SAWYERS: I wanted to, essentially, echo most of the points that have been made in out of congratulating and thanking the workgroup. I really sort of agree with Larry's point that there is some seminal work here.

And there is a lot to be appreciated in terms of sort of the structural work that was done and the thinking that went through it. It, obviously, was a very complicated process. But I think the foundation has been prepared, if you will, for sort of a new way to do business, sort of echoing what Mary just said.

And sort of a final point, we have heard Connie over the years sort of talk about environmental justice issues. And I just want to thank Connie for continuing to sort of push and talk about the commitment to ensure that community-type information is involved. And I thank Judy also. And I am sure all the members have sort of done this.

So, for someone who has been working with community organizations for the last 10, 12 years trying to address EJ issues, it is such a complicated issue engaging, I think, the breath of sort of community-type research is really important.

So, thank you all, thank Connie, thank all of you for what I think is a very important effort. And I look forward to sort of reading the drafts over the next couple months to ensure that this product sort of reaches -- goes as far as it can possibly go.

MR. LEE: Juan.

MR. PARRAS: I would kind of like to echo what everybody has been saying. The committee did an excellent job. And I may not have this right, but I think it was what Neil Armstrong had said, "This is one giant step for mankind."

(Laughter)

MR. PARRAS: I want to thank you.

MR. LEE: Listen, let me just let each of the workgroup members, starting with Jody and going to Tim, just have a few words. Their observations about this conversation or the work they have done.

MS. HENNEKE: One of the things that we have kind of been talking amongst ourselves over here for a while and I guess one of the things that is gratifying to me is, although today has been painful as we have gone through this, frankly, what we have been talking about has been more style and not substantive.

And so, from that perspective, it was nice to go through this today to recognize that pretty much we are all in agreement here. And given the volatility of this subject that is pretty cool.

At least what I am leaving here with this is, we just need to make it a little more readable, a little more -- and the workgroup got to hear me say I have worked in -- on many teams where we were over-lawyered and over-engineered and I thought this one has been a little over-PhD'd at times.

(Laughter)

MS. HENNEKE: And I say that because I really do think that most of what today has been about is style. But that is, from my perspective, much easier to deal with than arguing over substance. So, from that, that is pretty cool.

And other than that, I told Connie I think Andrew just called her pushy, which I am not sure that I would agree with.

(Laughter)

MS. HENNEKE: But it has been an interesting process to go through. And with that, I will leave it to Connie.

MR. LEE: Connie.

MS. TUCKER: I love you too, Andrew.

(Laughter)

MS. TUCKER: But I have to be honest, I can't take credit for this cumulative risk report. I mean by the time I got on cumulative risk workgroup, I had just come out of the P2. And man, I really spent a lot of time on that. And I just didn't have the time to spend on this report.

I would have if it was needed, but it wasn't needed. It was just such a great group of people who worked very, very, very hard. And although I did some work, they did 50 times more than I ever did on this report. So, I really can't take credit for it.

I can only share with all of the communities across this country, communities of color and lower income communities who are suffering from cumulative risk.

And, actually, after the first meeting, I cried because it was real affection that we were finally getting to a tool that would in a scientific way address the cumulative risk that we have been trying to get addressed for so long.

So, I thank all of you. And I thank the EPA for finally delivering the beginning of the process that can help us address these concerns. Thank you.

MR. LEE: Shankar, you know you had to go after her the last time too. That was really hard for him to do.

(Laughter)

MR. PRASAD: It has been a privilege, actually, to be working in this group. And having initiated the terrible word EJ Authority Agency six years back and absolutely to be recognized to be in more that the NEJAC subgroup has been a real great experience as well as it made me more humble to the cause.

We started that work at the South Coast in '94, South in the Los Angeles area, '94/'95 time frame. And then, when it came to be 1999, we could not use the word environmental

justice, however, in the street corner. So, we started that program as a neighborhood assessment program. And absolutely we had five, up to six, legislations passed in the state.

And now, to be able to work on this cumulative impacts and this -- I feel it has been a privilege. And the leadership shown by the bodied chair so far -- subgroup, and support given by Tim and everybody else, and the leadership of Charles has really made us learn a lot through the process.

And, once again, I want to thank the NEJAC for the opportunity that we have had. And we will do our best to make this more readable, palatable, and acceptable. Thank you.

MR. LEE: Wilma.

MS. SUBRA: First I would like to thank you, Charles, and your staff for putting together a workgroup that had the diversity of issues and the diversity of opinions and experiences that made this project move forward.

I think this report and the process that will come out of it as it is implemented will do more to improve the quality of life and the health of community members that all of us sitting around the table work with or try to work with on a daily basis.

It will probably not be appreciated in the short term, but in the long term I think we will look back and see that this was a turning point and it made dealing with environmental issues on the community level really, really change from this point forward. So, thank you very much for the opportunity to participate.

MR. GONZALEZ: I can't say it any better than Wilma just said it and the ones before me, but I also want to thank the workgroup because I think everyone brought their own expertise and formed a team because we knew that the outcome of it went beyond our own agendas or our own professional backgrounds.

But that we wanted to embark on this journey to ensure that we looked toward the future of protecting the health and safety of our communities.

To the EPA, and I think we have all said it resoundingly, thank you for taking this charge. Because it has been said time and time again, it is more than EPA. But I feel strongly that in EPA taking the charge and bringing in all the other Federal, state, and local partners will make a difference.

The issue about vulnerability and cumulative risk is something that we live everyday. And this is an opportunity to

make some sense of it and ensure that, again, we protect, not only now, but in the future.

MS. ESPINOSA: Well, I just want to thank my co-chair who left earlier, which is probably good because she is like Connie, she cries every time that we talk about this and go around table.

(Laughter)

MS. ESPINOSA: And, frankly, Sue was wonderful and has been doing this for many, many years. And I think we all owe her a great deal of gratitude for her openness, and for her ability to come to the table and bring other business and industry folks along with her, and continued to explain as she goes out to different forum, for all the time in seminars, and workshops and what this is all about and doesn't tire in doing that.

She put a lot of work into this document and wrote a lot of it in the middle of the night, I know, with Charles, who I also won't finish thanking today because we still have the summer to continue to do this work, but I will thank for allowing me to be a co-chair on this.

And I want to give a special thanks, also, to Connie because she also, like Sue, has been on the NEJAC, and

working with communities, and been on the ground and talking about these issues for a multitude of years.

And because of Connie and the community she represents and people like her, we wouldn't be talking about this now. It has taken a long time to come here, but it has come here.

And the acceptance of the concept of cumulative risk assessment, and vulnerability, and disparities, and all that goes with it is amazingly critical at this time. And I appreciate being a part of it. It is truly an honor to be with colleagues like this and to be able to do this kind of work.

I think that the folks that are sitting here with us and have been in the regions, Phyllis, and Larry, and Bill, and Barry, and all of you, it is amazing that you sit here with us and listen to this. And I so much appreciate that.

I mean you are very high level people and you have entre into the administrator's office and other high level areas with your sister agencies as well. And if you are willing to carry the water that means a lot to me. And I know that it means a lot to people in the workgroup.

It is important that you sit with us. And it is important that you listen to us. And it is important that you cause trouble

like Larry continues to do. And it is important that you tell us what is workable and what is not. And I really appreciate you doing that.

I think it is important to the NEJAC generally and important that people see that you care about this work that much.

MR. LEE: Tim.

MR. FIELDS: I can't add very much to what has already been said. I am just glad Sue is not here. Because --

(Laughter)

MR. FIELDS: -- if Sue were here, Sue and Connie would both be crying right now. One sets the other off. So, we are glad Sue is not here for that purpose of it --

MS. TUCKER: Thank you.

MR. FIELDS: -- because they would both be boo-hooing right now. But, seriously, we really thank the NEJAC executive council. You have provided an excellent set of comments at this meeting. And it has really been helpful, I know.

I think we had a very credible document coming to this meeting. But after your comments, I am confident we are

1 going to have an even more excellent document in September
2 when this is all over because of the excellent feedback we got
3 yesterday and today about this topic.
4 I really thank my former colleagues at EPA, as well,
5 for excellent comments that they made, for time, commitment,
6 by Phyllis, and Larry, and Bill, and Tom, and Bill, and all the
7 folks who had to leave early.
8 Larry Starfield, obviously, at Region Six, who hosted
9 this meeting. Mike Callahan. I mean there is so many people
10 we could mention in Region Six who have been tremendously
11 helpful to us as well.
12 But this workgroup that was assembled, I thank
13 Charles Lee for his leadership and assembling this workgroup.
14 I have worked on a number of workgroups, task forces over
15 my more than 33 years in this environmental business and I
16 have never been on a group that has been so complimentary
17 of one another.
18 We pulled together a group of people, thanks to
19 Charles's insight, that really was the best group I have ever
20 worked with in my years of service on any topic. So, I really
21 commend this workgroup.

1 I commend excellent leadership we had in Judy and
2 Sue working together as a team to lead us, and guide us, and
3 direct us.
4 And the members of the workgroup all contributed
5 many substantive things to this agenda. So, it was a great
6 pleasure. And we look forward to bringing it home over the
7 next few months.
8 But it has been a great effort and we really
9 appreciate being part of this NEJAC workgroup on cumulative
10 risks and impacts. So, Charles.
11 MR. LEE: Thanks, Tim. Veronica is going to have the
12 last word. And then, I guess we can adjourn. But I have to
13 say that it would really be remiss of me if I didn't offer my own
14 sense of appreciation, profound appreciation, for all the hard
15 work that is represented by, not only the people here, but the
16 other, I think, 15, 16 members of the workgroup.
17 You should know that, and I am not going to say who
18 was and who wasn't, we only had been able to budget for a
19 number of persons from the workgroup to come here and
20 present to you. A number of the persons here came. They
21 called me up and said well, because you couldn't provide the

1 support for me to come, didn't mean that I wasn't going to be
2 here.
3 And so, a number of them came on their own dime.
4 And it was really something that we are really appreciative of.
5 And they really added a lot to the discussion.
6 But I think that Judy said it at the beginning of the
7 meeting when she said that she thought that when I talked with
8 her about being on this workgroup that it may, perhaps, be one
9 of the most important things that she will ever embark upon.
10 And I think you have said it yourself, the sense -- the
11 work that has been done, in my only personal opinion, is a
12 really great contribution. And like Larry said, a lot of things that
13 they came up with were really seminal concepts.
14 And the time horizon of this effort, I like to say, is not
15 at six months or a year, but, at least, 10 to
16 20 years. And I think this is really worth the investment. And I
17 really thank you for that. So, Veronica.
18 MS. EADY: Thanks, Charles. Well, in closing, when
19 the handout came out and I counted through, and I said oh,
20 well, how many do we have to go through today, and I saw
21 that there were 64, I thought -- my heart sunk. And I thought

1 we couldn't possibly go through 64 of these, not when so
2 many people had comments just on the first bullet.
3 After having been through 64 of them, I have two
4 comments. The first comment is I am amazed at how much
5 work you all were able to achieve in the last year. I mean
6 these are detailed and thought out. And I am just amazed. I
7 have never seen anything like it. So, I want to commend you
8 for that.
9 And the second thing is that, Tim, you are a miracle
10 worker. Again, I didn't think it was going to happen. I didn't
11 think we could facilitate this conversation through 64, but you
12 managed to do it. So, congratulations.
13 But I wanted to say one other thing just have been
14 through these 64 and been through the report. As Chair, it just
15 makes me really, really proud to be associated with you all.
16 And to have this report happen under my watch, it is an
17 incredible honor. So, I want to thank you.
18 Even though you all did all the work, it just makes me
19 more and more proud to be part of NEJAC and to be able to
20 chair this body. So, I wanted to thank you for that amazing,
21 amazing work.

We are going to take a break for dinner. I did want to mention a couple of things. First of all, we start tonight at 7:00 o'clock for public comment. Tonight's comments will be general environmental justice comments.

When I last checked with the desk about an hour or 90 minutes ago, they had 23 people signed up. Who knows how many more we are going to get. So, I hope you get a chance to have a meal and prepare yourselves for that.

(Laughter)

MS. EADY: I know I will. And I think that is it. Please try to be on time. That was the other thing I wanted to say, yes. The sign up sheet that Mary and Judy put together for disseminating the report, don't forget to turn that in to Victoria, over there, (indicating), in the red, on your way out.

And I don't know, do you have to leave, any of you, Tim, Hector, Shankar? Are any of you going to be here for the rest of the --? Okay. Hector, Tim. Okay. Great. Okay. Well, thank you all very much.

(Whereupon, the meeting was adjourned at 5:02 p.m. to reconvene at 7:00 p.m.)