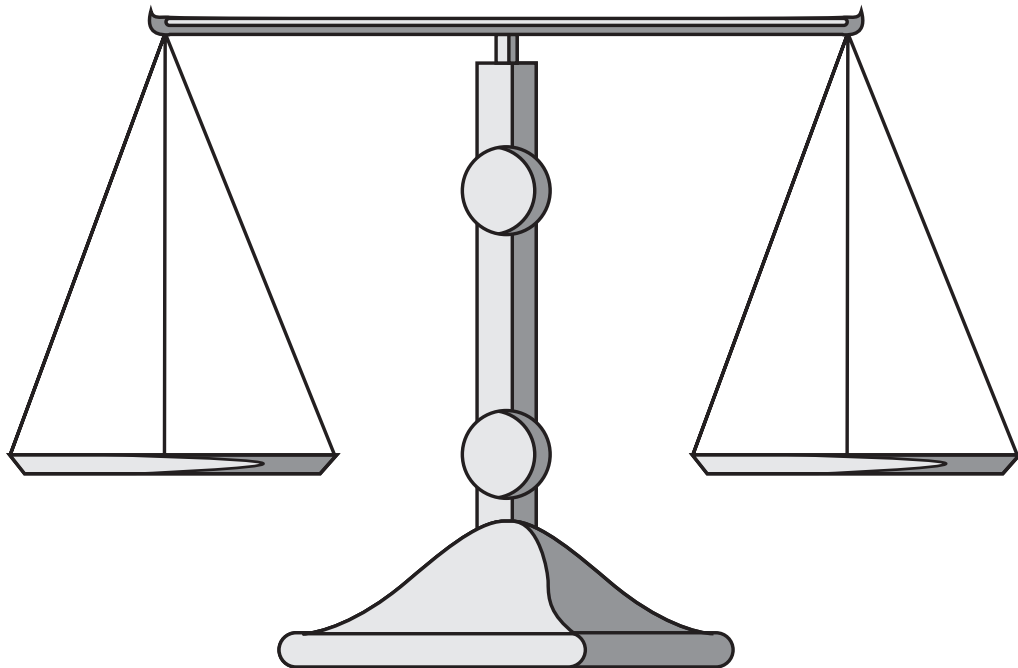


Office of Environmental Justice (OEJ)



# Summary of the Meeting of the National Environmental Justice Advisory Council

**A FEDERAL ADVISORY COMMITTEE**



**EXECUTIVE SUMMARY**

Hilton Crystal City at National Airport  
Arlington, Virginia  
**November 30 through December 2, 1999**

## **PREFACE**

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. The NEJAC is made up of 25 members, and one DFO, who serve on a parent council that has six subcommittees. Along with the NEJAC members who fill subcommittee posts, an additional 39 individuals serve on the various subcommittees. To date, NEJAC has held fourteen meetings in the following locations:

- Washington, D.C., May 20, 1994
- Albuquerque, New Mexico, August 3 through 5, 1994
- Herndon, Virginia, October 25 through 27, 1994
- Atlanta, Georgia, January 17 and 18, 1995
- Arlington, Virginia, July 25 and 26, 1995
- Washington, D.C., December 12 through 14, 1995
- Detroit, Michigan, May 29 through 31, 1996
- Baltimore, Maryland, December 10 through 12, 1996
- Wabeno, Wisconsin, May 13 through 15, 1997
- Durham, North Carolina, December 8 through 10, 1997
- Arlington, Virginia, February 23 through 24, 1998 (Special Business Meeting)
- Oakland, California, May 31 through June 2, 1998
- Baton Rouge, Louisiana, December 7 through 10, 1998
- Arlington, Virginia, November 30 through December 2, 1999

The NEJAC also has held other meetings which include:

- Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities held in Boston, Massachusetts; Philadelphia, Pennsylvania; Detroit, Michigan; Oakland, California; and Atlanta, Georgia in the Summer 1995
- Relocation Roundtable, Pensacola, Florida, May 2 through 4, 1996
- Environmental Justice Enforcement and Compliance Assurance Roundtable, San Antonio, Texas, October 17 through 19, 1996
- Environmental Justice Enforcement Roundtable, Durham, North Carolina, December 11 through 13, 1997
- International Roundtable on Environmental Justice on the U.S./Mexico Border, San Diego, California, August 19 through 21, 1999.

As a federal advisory committee, the NEJAC is bound by all requirements of the Federal Advisory Committee Act (FACA) of October 6, 1972. Those requirements include:

- Members must be selected and appointed by EPA
- Members must attend and participate fully in meetings of NEJAC
- Meetings must be open to the public, except as specified by the Administrator
- All meetings must be announced in the Federal Register
- Public participation must be allowed at all public meetings

- The public must be provided access to materials distributed during the meeting
- Meeting minutes must be kept and made available to the public
- A designated federal official (DFO) must be present at all meetings of the NEJAC (and its subcommittees)
- NEJAC must provide independent judgment that is not influenced by special interest groups

Each subcommittee, formed to deal with a specific topic and to facilitate the conduct of the business of NEJAC, has a DFO and is bound by the requirements of FACA. Subcommittees of the NEJAC meet independently of the full NEJAC and present their findings to the NEJAC for review. Subcommittees cannot make recommendations independently to EPA. In addition to the six subcommittees, the NEJAC has established a Protocol Committee, the members of which are the chair of NEJAC and the chairs of each subcommittee.

Members of the NEJAC are presented in the table on the following page. A list of the members of each of the six subcommittees are presented in the appropriate chapters of the report.

<b>NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEMBERS OF THE EXECUTIVE COUNCIL (1999)</b>	
<b>Designated Federal Official:</b> Mr. Charles Lee, Associate Director for Policy and Interagency Liason, EPA Office of Environmental Justice	<b>Chair:</b> Mr. Haywood Turrentine
<b>Members</b>	
Mr. Don Aragon	Ms. Annabelle Jaramillo
Ms. Rose Marie Augustine	Ms. Vernice Miller-Travis
Ms. Leslie Ann Beckoff Cormier	Mr. David Moore
Ms. Sue Briggum	Dr. Marinelle Payton
Mr. Dwayne Beavers	Mr. Gerald Prout
Mr. Luke Cole	Ms. Rosa Hilda Ramos
Mr. Fernando Cuevas, Sr.	Ms. Peggy Shepard
Ms. Rosa Franklin	Ms. Jane Stahl
Mr. Arnoldo Garcia	Mr. Gerald Torres
Dr. Michel Gelobter	Mr. Damon Whitehead
Mr. Tom Goldtooth	Ms. Margaret Williams
Ms. Jennifer Hill-Kelley	Mr. Tseming Yang

EPA's Office of Environmental Justice (OEJ) maintains transcripts, summary reports, and other material distributed during the meetings. Those documents are available to the public upon request.

Comments or questions can be directed to OEJ through the Internet. OEJ's Internet E-mail address is:

***environmental-justice-epa@.epa.gov***

Executive Summaries of the reports of the NEJAC meetings are available in English and Spanish on the Internet at the NEJAC's World Wide Web home page:

***<http://www.epa.gov/oeca/main/ejnejac/index.html>*** > (click on the publications icon)

## EXECUTIVE SUMMARY

### INTRODUCTION

Exhibit ES-1

This executive summary provides highlights of the fourteenth meeting of the National Environmental Justice Advisory Council (NEJAC), held November 30 through December 2, 1999 at the Hilton Crystal City at National Airport in Arlington, Virginia. Each of the six subcommittees met for a full day on December 1, 1999. The NEJAC hosted on November 30 a public comment period which focused on issues related to environmental justice and the issuance of environmental permits. The NEJAC also hosted on December 1 a second public comment period for general environmental justice issues. Approximately 400 persons attended the meetings and the public comment periods.

The NEJAC is a federal advisory committee that was established by charter on September 30, 1993 to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. Mr. Haywood Turrentine, Laborers' District Council Education and Training Trust Fund (an affiliate of the Laborers' International Union of North America), serves as the chair of the Executive Council. Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, EPA Office of Environmental Justice (OEJ), serves as the Designated Federal Official (DFO) for the Executive Council. Exhibit ES-1 lists the chair and DFO of the executive council, as well as the persons who chair the six subcommittees of the NEJAC and the EPA staff appointed to serve as the DFOs for the subcommittees.

OEJ maintains transcripts and summary reports of the proceedings of the NEJAC meetings. Those documents are available to the public upon request. The public also has access to the executive summaries of reports of previous meetings, as well as other publications of the NEJAC, through the World Wide Web at <http://www.epa.gov/oeca/main/ej/nejac/index.html> (click on the publications icon). The summaries are available in both English- and Spanish-language versions.

### REMARKS

Ms. Carol Browner, Administrator, EPA, extended her appreciation to representatives of EPA and members of the NEJAC who have been working on addressing issues related to environmental justice at the agency. She stated that addressing environmental justice is not an easy task and one that is not becoming easier to address as new evidence is identified that minority and low-income communities do bear a disproportionate "brunt of [the impacts of] our modern technological society." She emphasized the need for

#### NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL CHAIRS AND DESIGNATED FEDERAL OFFICIALS (DFO)

##### Executive Council:

Mr. Haywood Turrentine, **Chair**  
Mr. Charles Lee, **DFO**

##### Air and Water Subcommittee:

Dr. Michel Gelobter, **Chair**  
Ms. Alice Walker, **co-DFO**  
Dr. Wil Wilson, **co-DFO**

##### Enforcement Subcommittee:

Mr. Luke Cole, **Chair**  
Ms. Shirley Pate, **DFO**

##### Health and Research Subcommittee:

Dr. Marinelle Payton, **Chair**  
Mr. Lawrence Martin, **co-DFO**  
Mr. Chen Wen, **co-DFO**

##### Indigenous Peoples Subcommittee:

Mr. Tom Goldtooth, **Chair**  
Mr. Daniel Gogal, **Acting DFO**  
Mr. Anthony Hanson, **Alternate DFO**

##### International Subcommittee:

Mr. Arnoldo Garcia, **Chair**  
Ms. Wendy Graham, **DFO**

##### Waste and Facility Siting Subcommittee:

Ms. Vernice Miller-Travis, **Chair**  
Mr. Kent Benjamin, **DFO**

the members of the NEJAC to stay focused on the topic of this meeting. Ms. Browner expressed her belief that when decision-makers truly engage a local community, up front and in an informed and meaningful manner, the quality of the decision that the agency or other regulatory entity is able to make is dramatically improved compared to a decision that is made without the engagement of the community. She continued by saying that the challenge that lays before EPA is how to involve a local community in an effective, open, honest, and informed manner.

Ms. Browner concluded her remarks by stating that the agency needs to take a “real look” at the regulatory decisions made as well as the guidance and framework that EPA issues to state and local governments to ensure that principles related to environmental justice are being integrated into the decision-making process for issuing permits.

Mr. Steven Herman, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA), expressed the agency’s continuous appreciation to the members of the NEJAC for their invaluable assistance in providing EPA advice and counsel on issues related to environmental justice. Mr. Herman then noted the change in format for this and future meetings of the NEJAC. He explained that each NEJAC meeting now will focus on a single issue and its relationship to environmental justice. Announcing that this meeting of the NEJAC would focus on permitting, Mr. Herman stated that through panel discussions, members of the NEJAC, EPA, and other meeting participants will examine aspects of permitting related to various authorities and opportunities where the agency can ensure that environmental justice is integrated into the decision-making process for issuing permits. Mr. Herman concluded his remarks by noting that numerous assistant administrators and other senior-level managers of EPA will be in attendance at this meeting.

Mr. Barry Hill, Director, EPA OEJ, began his remarks by stating that environmental justice is “something that belongs to everyone” in that every American citizen is entitled to clean air, water, and land based on the United States’ protective environmental laws. He continued by defining environmental justice, and explaining that the concept:

- ▶ Acknowledges that environmental justice is a basic right of all Americans to live and work in environmentally protected surroundings.
- ▶ Recognizes that environmental justice is not only an environmental issue, but a public health issue.
- ▶ Recognizes that environmental justice is forward-looking and goal-oriented because the concept seeks to include affected communities in the decision-making processes.
- ▶ Indicates that environmental justice is inclusive.

Mr. Hill then stated that based on these premises the definition of environmental justice is compatible with the mission of EPA to protect human health and to safeguard the environment.

Continuing his remarks, Mr. Hill pointed out that environmental justice is at a critical stage from the point of view of environmental law and public policy. He then proceeded to provide historical examples of environmental justice, starting with the issuance in 1987 of a report by the United Church of Christ on race and environmental contamination to present day legal cases to highlight the various stages of environmental justice as a legal concept.

Mr. Hill concluded his remarks by stating that for this meeting OEJ has asked the NEJAC to provide advice and recommendations on how best to integrate environmental justice into the decision-making process related to permitting so that the concept can be applied as measurable, rationalized, and routine standards of evaluation.

Ms. Samantha Fairchild, Director, Office of Enforcement, Compliance, and Environmental Justice, EPA Region 3, emphasized that environmental justice continues to be a major area of concern at EPA Region

3 and that the regional office has taken steps to improve communication among all affected stakeholders. For example, she explained that EPA Region 3 is developing partnerships with state environmental agencies in the five-state region to provide assistance during the decision-making process related to permits. This effort includes establishing consistent meetings with states to discuss potential environmental justice issues before those issues become legal problems, she said. Ms. Fairchild also noted that EPA Region 3 has participated in Pennsylvania's Environmental Equity Work Group to define and identify criteria for environmental justice communities.

Continuing her remarks, Ms. Fairchild also noted that the regional office has been involved in several studies to investigate public health issues in environmental justice areas with heavy industry as well as conducted a study in a southwest Philadelphia, Pennsylvania area that is heavily concentrated with auto body and paint shops. She explained that the information collected from these studies will assist the state of Pennsylvania and Region 3 meet the needs of its citizens. Ms. Fairchild concluded her remarks by stating that the NEJAC is a valuable tool to grapple with the many complex problems facing communities related to environmental justice.

Mr. Bradley Campbell, White House Council on Environmental Quality (CEQ), reported on the second environmental justice listening session held in New York, New York in March 1999 that continued to bring together various federal agencies and community members to discuss issues related to environmental justice. Mr. Campbell explained that the purpose of the listening sessions was to ensure the environmental justice principles that have been integrated into EPA's policies and programs also are being implemented in other federal agencies actions that affect local communities. As a result of the listening session, he noted, several federal agencies, such as the U.S. Army Corps of Engineers (USACE), agreed to reopen public comment periods to review permits related to transportation decisions for New York City. In addition, the Healthcare Financing Administration agreed to help local New York communities to gain better access to medical care for asthma related health problems.

### **PUBLIC COMMENT PERIODS**

The NEJAC hosted public comment periods on November 30 and December 1, 1999. More than 30 people participated in the two public comment periods. Significant concerns expressed during the public comment periods included:

- ▶ Several commenters continued to express concern about the "unfair process" under which permits are issued by the Louisiana Department of Environmental Quality (LDEQ).
- ▶ Many commenters expressed concern about the "unrealistic" time frame by which to review and provide comments on proposed permits during the decision-making process. Many commenters recommended that EPA revise the time line related to issuing a permit to provide for earlier notification of a proposed permit, as well as provide documents in easier to understand language.
- ▶ Several commenters expressed concern about the lack of options available for recourse once a permit has been issued and a facility has begun operations.
- ▶ Several commenters recommended that the NEJAC address environmental justice issues at federal facilities.

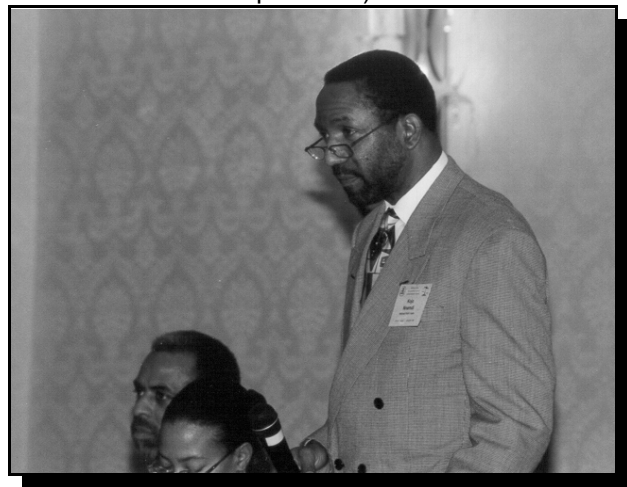
## PANELS ON PERMITTING AND ENVIRONMENTAL JUSTICE

The NEJAC, in its continuing efforts to provide independent advice to the EPA Administrator on areas related to environmental justice, focused its fourteenth meeting on a specific policy issue -- permitting and environmental justice. On Tuesday, November 30, 1999, the members of the NEJAC listened to a series of panels comprised of various stakeholders that were designed to provide insight into the issues and concerns raised with respect to environmental justice in the permitting process.

Mr. Richard Lazarus, Professor of Law, Georgetown University Law Center and former member of the Enforcement Subcommittee of the NEJAC, provided background information on the historical development of integrating concerns related to environmental justice into the permitting process. Mr. Lazarus explained that "environmental justice permitting" refers to the consideration of concerns related to environmental justice in the context of an environmental permitting authority's decision to grant, deny, or condition a permit at a facility, the operation of which has adverse or potentially adverse environmental effects on the community. Ms. Zulene Mayfield, Chester Residents Concerned for Quality Living, presented an overview on the challenges her community has faced related to state environmental agencies and the permitting process. Ms. Mayfield emphasized the necessity for local and state agencies to allow local affected communities to participate earlier and more often in the decision-making process. Mr. Carlos Porras, Communities for a Better Environment, provided information on several communities near Los Angeles, California facing environmental justice issues related to air quality and permitting. Mr. Porras explained that there are several challenges EPA needs to address related to permitting that included collecting more reliable data.

The panel presentations included (Exhibit ES-2 provides the names of the panelists):

- ▶ *Facilitated Dialogue* — Mr. Kojo Nnamdi of National Public Radio, facilitated a dialogue among representatives of communities; industry; tribes; and state, local, and federal governments to identify issues and concerns related to environmental justice and permitting. (Exhibit ES-3 shows Mr. Nnamdi facilitating.) The primary issue identified by all stakeholder groups was that the public should become involved in the permitting process as early and as often as possible. Several members of the panel expressed concern that members of the public believe that public outreach related to permitting is superficial, citing the fact that although a regulation may take two years to develop, the public only receives 30 days in which to review and provide comment.



**ES-3: Mr. Kojo Nnamdi facilitating a dialogue session on issues related to environmental justice and the permitting process.**

- ▶ *EPA Panel* — Senior managers from EPA's Office of Solid Waste and Emergency Response (OSWER), Office of Air and Radiation (OAR), Office of Water (OW), and Region 3 provided information on their program's efforts to incorporate environmental justice into the permitting processes. Each of the headquarter program offices announced to the members of the NEJAC various commitments to increase public involvement and revise the permitting processes to integrate environmental justice into them.

**PANEL PRESENTATIONS ON PERMITTING RELATED TO ENVIRONMENTAL JUSTICE****Overview:**

Introduction: Richard Lazarus, Georgetown University Law Center (Washington, D.C.)  
 Community Case Studies: Zulene Mayfield, Chester Residents Concerned for Quality Living (Chester, Pennsylvania)  
 Carlos Porras, Communities for a Better Environment (Los Angeles, California)

**Facilitated Dialogue:**

Community: Margie Richard, Local Resident (Norco, Louisiana)  
 Community: Zack Lyde, Local Pastor (Brunswick, Georgia)  
 Industry/Business: Michael Steinberg, Morgan, Lewis and Bockius (Washington, D.C.)  
 Tribal/Indigenous: Bill Swaney, Confederated Salish and Kootenai Tribes (Pablo, Montana)  
 State Government: Alissa Harris, State of Pennsylvania (Harrisburg, Pennsylvania)  
 Local Government: Matt Ward, National Association of Local Government Environmental Professionals (Washington, D.C.)  
 Federal Government: William Harnett, U.S. Environmental Protection Agency (EPA), Office of Air Quality Planning and Standards (Washington, D.C.)

**EPA Panel:**

Office of Solid Waste and Emergency Response: Timothy Fields, Jr., Assistant Administrator (AA)  
 Office of Air and Radiation: Robert Brenner, Acting Deputy AA  
 Office of Water: Dana Minerva, Deputy AA  
 Region 3: John Armstead, Associate Director, Environmental Services Division

**Panel 1: Addressing Real Life Dilemmas of Environmental Justice in Permitting: How Do We Respond to the Legacy of Land Use Impacts?**

Academia: Yale Rubin, Professor Emeritus, Massachusetts Institute of Technology (Cambridge, Massachusetts)  
 Industry/Business: Michael Gerrand, Arnold & Porter (New York, New York)  
 Community: Paula Forbis, Environmental Health Coalition (San Diego, California)  
 Local Government: Sarah Lyles, City of Detroit (Detroit, Michigan)

**Panel 2: The Current State of Environmental Justice and Permitting: What Are Its Limitations?**

Industry/Business: Jerry Martin, Dow Chemical (Midland, Michigan)  
 Community: Larry Charles, O.N.E./C.H.A.N.E. (Hartford, Connecticut)  
 State Government: Andrea Kreiner, Delaware Department of Natural Resources and Environmental Control (Dover, Delaware)  
 Federal Government: Steve Heare, EPA Office of Solid Waste

**Panel 3: Opportunities for Improvement: What Factors Should EPA Consider to Help Ensure Environmental Justice in Permitting?**

Academia: Eileen Gauna, Southwestern University Law School, (Los Angeles, California)  
 State Government: Robert Shinn, New Jersey Department of Environmental Protection (Trenton, New Jersey)  
 Community: Nathalie Walker, Earthjustice Legal Defense Fund (New Orleans, Louisiana)  
 Tribal/Indigenous: Stuart Harris, Confederated Tribes of Umatilla (Pendleton, Oregon)



- ▶ *Panel 1: Addressing Real Life Dilemmas of Environmental Justice in Permitting: How Do We Respond to the Legacy of Land Use Impacts?* — Representatives from academia, industry, community, and local government discussed the dilemmas for the permitting process related to the historical development of land use and zoning requirements. Several members of the panel recommended that EPA involve stakeholders of local government earlier in the development of guidance and policy to help prepare local governments to implement new regulations.
- ▶ *Panel 2: The Current State of Environmental Justice and Permitting: What Are Its Limitations?* — This multi stakeholder panel identified areas of concern and gaps related to integrating environmental justice into the permitting process. A primary concern expressed by several members of the panel focused on the need for local, state, and federal government agencies to diversify their staff to better understand the needs and concerns of their constituents.
- ▶ *Panel 3: Opportunities for Improvement: What Factors Should EPA Consider to Help Ensure Environmental Justice in Permitting?* — Members of the multi stakeholder panel provided recommendations to EPA on how to improve efforts to integrate concerns related to environmental justice into the permitting process. Several key recommendations included:
  - Create an air emissions credits trading review board to evaluate the disparate effects the trading of air emissions credits may have on an affected community.
  - Provide additional resources to improve data from geographical information systems to more accurately identify demographics and other cultural considerations.

### COMMON THEMES

During the meetings of the Executive Council and its subcommittees, the members of the NEJAC discussed a wide range of issues related to environmental justice. Specific concerns of and commitments made by the NEJAC include:

- ▶ Continued concern about the “crisis” environmental contamination conditions under which certain residents of Louisiana live.
- ▶ Concern about the lack of public participation in the decision-making process related to issuing permits.
- ▶ Recommendation that EPA develop a process by which the agency can step in to “fill the regulatory gap” left when EPA is not the primary authority.

Members of the NEJAC recommended that the EPA Administrator assume an active role in discussions with LDEQ about the environmental contamination and the issuance of permits in that state. In addition, the Executive Council also approved a resolution that requested that the EPA Administrator recommend that the Inspector General of EPA conduct an audit of the LDEQ to ensure that the state agency is in compliance with applicable environmental laws.

Members of the NEJAC, as well as members of the various panels, agreed that local communities need to be included often and as early as possible in the decision-making process related to issuing permits. The Executive Council agreed to create a special work group to develop a report to provide advice on how EPA can integrate concerns related to environmental justice into the permitting process in a manner that would be beneficial to all stakeholders. Ms. Vernice Miller-Travis, Partnership for Sustainable Brownfields Redevelopment and chair of the Waste and Facility Siting Subcommittee of the NEJAC, agreed to chair the work group.

Several members of the NEJAC expressed concern about several cases, such as waste transfer stations, in which a “regulatory gap” is created because EPA is not the primary authority and the local or state agency

is not responding to concerns of its constituents. The members recommended that EPA develop a process by which the agency can step in to “fill” such a gap.

### **SUMMARIES OF THE SUBCOMMITTEE MEETINGS**

Summarized below are the deliberations of the members of the six subcommittees of the NEJAC during their meetings.

#### ***Air and Water Subcommittee***

The Air and Water Subcommittee reviewed the activities of its three work groups on cumulative permitting, urban air toxics, and fish consumption, and proposed a new work group of the subcommittee which would focus on public utilities. Updates from the current work groups included:

- ▶ The Work Group on Cumulative Permitting proposed a list of issues for EPA to consider related to public participation and permitting.
- ▶ The Work Group on Urban Air Toxics discussed and offered comment to EPA OAR on the agency’s urban air toxic strategy.
- ▶ The Work Group on Fish Consumption focused its efforts on subsistence fish consumption, specifically related to cultural practices of native communities; fish monitoring; the necessity for fish advisories; and reducing human exposure to contaminants in fish.

The subcommittee also hosted a joint session with the Enforcement Subcommittee of the NEJAC that focused on OAR’s economic incentives program (EIP), Tier II/gasoline sulfur rule, and OW’s proposed rule on standards for total maximum daily load (TMDL).

#### ***Enforcement Subcommittee***

The members of the Enforcement Subcommittee heard three presentations on environmental justice and the decision-making process related to permitting. The members of the subcommittee also participated in a discussion about the proposed budget cuts for OECA. In addition, Ms. Ann Goode, Director, EPA Office of Civil Rights (OCR), provided the subcommittee with an update on activities at OCR and the progress on processing administrative complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI).

In addition, the members of the subcommittee discussed at length three pending resolutions that had been forwarded by mail ballot vote to the Executive Council of the NEJAC for approval. The pending resolutions addressed state-issued variances from the Clean Air Act permit requirements, EPA’s proposed guidance on EIP, and the economic benefit to industry of noncompliance with environmental laws. The members of the subcommittee also began discussions on a proposed resolution on concentrated animal feeding operations (CAFO).

#### ***Health and Research Subcommittee***

Members of the Health and Research Subcommittee heard presentations by the following individuals:

- ▶ Dr. Dorothy Patton, EPA Office of Research and Development (ORD), presented information on the responsibilities of ORD, including the office’s activities and new directions for the future.
- ▶ Dr. William Sanders, EPA Office of Pollution Prevention and Toxic Substances (OPPTS), provided an update on EPA’s proposed lead rule, EPA’s community-right-know program, and the agency’s community assistance technical team.

- ▶ Dr. Henry Falk, Agency for Toxic Substances and Disease Registry (ASTDR), discussed his agency's approach to conducting environmental health assessments.
- ▶ Dr. Jerome Balter, Public Interest Law Center of Philadelphia, provided information on a model used by the city of Philadelphia, Pennsylvania to evaluate and support an administrative complaint filed under Title VI.

Members of the subcommittee also agreed to develop resolutions on 1) guidelines for community-based research ethics and 2) to request that EPA and other federal agencies explore opportunities to fund environmental health research topics identified by communities.

### ***Indigenous Peoples Subcommittee***

Members of the Indigenous Peoples Subcommittee continued to discuss the development of a consultation and collaboration guidance to provide assistance to federal and other agencies on how to participate in meaningful consultation with tribal governments and tribal communities. The subcommittee agreed to distribute the draft guidance to all federally recognized tribes for review and comment. In addition, the subcommittee agreed to forward by March 2000 a copy of the guidance to the members of the Executive Council for approval.

Members of the subcommittee also discussed and developed a strategic plan for the subcommittee for the next two years. Several goals express in the strategic plan include identifying key environmental justice issues, particularly related to permitting, in Indian Country and provide training to members of the NEJAC on environmental justice issues related to indigenous peoples.

In addition, members of the subcommittee discussed EPA's proposed core standards for water quality for Indian Country, the air permitting program related to tribes, and the recent trade negotiations related to persistent organic pollutants (POP).

### ***International Subcommittee***

Members of the International Subcommittee reviewed more than 100 recommendations that were generated from the Roundtable on Environmental Justice on the U.S./Mexico Border meeting held in August 1999 in San Diego, California. The members established priorities among the recommendations and decided to focus on:

- ▶ Creation of a binational community-based commission that would monitor and assist in the development of environmental policies that would affect the border region.
- ▶ Cleanup two contaminated sites, Metales y Derivados near Tijuana, Mexico and the Condado Prestos in Ciudad Juarez, Mexico.
- ▶ Conduct of a site assessment of the Matamoros Tamaulipas site in Mexico.

Members of the subcommittee also participated in discussions with Mr. Alan Hecht, Principal Deputy Assistant Administrator, EPA Office of International Activities (OIA); Mr. Gregg Cooke, Regional Administrator, EPA Region 6; and Dr. Clarice Gaylord, Special Assistant to the Regional Administrator, San Diego Border Liaison Office, EPA Region 9.

### **Waste and Facility Siting Subcommittee**

Members of the Waste and Facility Siting Subcommittee discussed issues related to environmental justice and the administration of the Superfund program by EPA. The members of the subcommittee recommended that communities be protected as EPA continues to delegate authority to tribes and states under Superfund.

Members of the Waste Transfer Station Work Group of the subcommittee presented its report of recommendations on criteria for siting waste transfer stations, a planning process to assure a more equitable distribution of waste transfer facilities among communities, and a more deliberative approach to evaluate how many of these types of facilities are necessary. The members of the work group noted that, in the absence of a federal baseline for waste transfer stations, there exists an enormous variability in operating practices among such facilities.

In response to continued concerns expressed during earlier public comment periods of the NEJAC, members of the subcommittee agreed to participate in quarterly conference calls convened by EPA Region 6 to address environmental justice issues related to Calcasieu Parish, Louisiana. Also, members of the subcommittee agreed to address differences between presentations made by staff of EPA related to the relocation of community members of Pensacola, Florida and those comments offered by affected community members during the December 1, 1999 public comment period.

### **SUMMARY OF APPROVED RESOLUTIONS**

This section summarizes resolutions that were discussed by the subcommittees and approved by the Executive Council of the NEJAC during the meeting. Appendix A provides the full text of each resolution that was approved by the Executive Council.

- ▶ The NEJAC recommends that EPA request that Puerto Rico Commonwealth revise its State Implementation Plan to comply with the .1lbs/MBTU federal emission limitation of particulate matter and the appropriate sulfur dioxide emission limitation for the entire island including the non-attainment area.
- ▶ The NEJAC recommends that EPA request that the U.S. Department of State and the United States Trade Representative (USTR) comply with the provisions expressed in Executive Order 12898 on environmental justice and Executive Order 13141 related to environmental reviews of trade agreements.
- ▶ The NEJAC recommends that EPA communicate to the U.S. Secretary of State that the United States supports the adoption of the current draft declaration on the rights of Indigenous Peoples before the United Nations.
- ▶ The NEJAC requests that EPA Region 2 facilitate a meeting between the Westside Homeowners Protective Association, the Venice Park Civic Association, the U.S. Department of Transportation, the South Jersey Transportation Authority, and the New Jersey Department of Environmental Protection to address the issues of exposure of community residents from contaminated soil, long-term air quality issues, and the potential adverse effects to the community residents after the construction of the Atlantic City/Brigantine Connector tunnel project.
- ▶ The NEJAC recommends that the EPA Administrator request that the Inspector General of EPA conduct a full audit of the state of Louisiana's permitting programs with particular attention to the violations of EPA's public participation regulations, the public participation guidelines of the NEJAC, and the provisions of the U.S. Constitution.
- ▶ The NEJAC recommends that EPA amend the agency's proposed EIP regulations to include considerations and requirements related to environmental justice.

- ▶ The NEJAC recommends that EPA's policies on determining appropriate penalties for noncompliance require that these penalties reflect the economic benefit of noncompliance enjoyed by violating facilities.
- ▶ The NEJAC recommends that EPA adopt a national policy which prohibits federal recognition of variances issued by states to the permitting requirements under Title V of the Clean Air Act.

#### NEXT MEETING

The next meeting of the NEJAC is scheduled for May 23 through 26, 2000 in Atlanta, Georgia at the Omni at CNN Center. Planned activities will include two opportunities for the public to offer comments. Exhibit ES-4 identifies the dates and locations of future meetings as well as the issues the NEJAC plans to address. For further information about this pending meeting visit NEJAC's home page on the Internet at: [http://www.epa.gov/oeca/main/ej/nejac/conf\\_ne.html](http://www.epa.gov/oeca/main/ej/nejac/conf_ne.html) or call EPA's toll-free environmental justice hotline at 1-800-962-6215.

Exhibit ES-4

#### FUTURE MEETINGS OF THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

<u>Date</u>	<u>Location</u>	<u>Issue</u>
May 23 - 26, 2000	Atlanta, Georgia	Community Health
December 2000	Washington, D.C.	Interagency Environmental Justice Implementation

**APPENDIX A**  
**FULL TEXT OF THE RESOLUTIONS**

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**RESOLUTION CALLING FOR AN AUDIT OF  
LOUISIANA PERMITTING PROGRAMS**

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WHEREAS, public participation in environmental decision-making is fundamental to environmental justice, as it allows those affected by decisions to take part in them;

WHEREAS, all major environmental laws contain legally binding public participation requirements;

WHEREAS, EPA offices with permitting authority further agreed to and embraced the NEJAC Public Participation Guidelines;

WHEREAS, the right to legal representation is indispensable for public participation and essential to the viability of citizen suit provisions of said federal environmental laws;

WHEREAS, public participation and speech on environmental decisions is constitutionally protected by the 1<sup>st</sup> Amendment;

WHEREAS, NEJAC has heard testimony at each of its last five meetings from residents of Louisiana, who have presented substantial evidence indicating a pattern of intimidation by the State of Louisiana of citizens engaged in public comment, leading to the curtailing of citizens' right to free speech in environmental permitting processes;

WHEREAS, the State of Louisiana has moved to abridge citizens' rights to legal representation in environmental decision-making;

WHEREAS, the failure to guarantee public participation represents dereliction of the State of Louisiana's delegated and authorized environmental permitting programs;

WHEREAS, implementation failures and delegated programs undermine the federal government's authority for those programs at the national level;

WHEREAS, such threats to federal authority, if confirmed, provide grounds for the revocation of the State of Louisiana's permitting authorities;

THEREFORE, BE IT RESOLVED, that the NEJAC recommends that the Administrator direct the Inspector General to conduct a full audit of the State of Louisiana's permitting programs with particular attention to violations of the Agency's public participation regulations, the NEJAC's public participation guidelines, and the U.S. Constitution.

**RESOLUTION ON POLLUTION CAUSED BY THE PUERTO RICO  
ELECTRIC POWER AUTHORITY (PREPA)**

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WHEREAS, the Puerto Rico State Implementation Plan Revision of 1993 to reduce PM10 has failed to obtain attainment in the Guaynabo non attainment area

WHEREAS, NAAQS exceedances have occurred for four consecutive years

WHEREAS, these exceedances were predicted in the modeling process of the 1993 SIP revision

WHEREAS, exceedances in Puerto Rico during dust migration episodes from the Sahara dust and the Monserrate volcano eruptions are always predictable by the available satellite technology

WHEREAS, the state cannot control non anthropogenic emissions, it can control anthropogenic emissions from point sources such as power plants stacks to ensure NAAQS compliance

WHEREAS, the use of a fuel with a sulfur content of 1.5% as a control strategy to minimize the impact of the Puerto Rico Electric Power Authority (PREPA) in the non attainment area in Cata-Guaynabo has failed to obtain attainment in the area



WHEREAS, PREPA has no pollution control in its stacks

WHEREAS, a residual oil with 1.5% of sulfur content is considered a dirty fuel

WHEREAS, the particulate emission limitation (mass emission) of .3lbs/lbs/MBU is less restrictive than the federal standard of 0.1 lbs/MBTU

WHEREAS, the state mass emission standard of 0.3 lbs/MBTU has never been proven by the state to be equivalent to 20% opacity,

WHEREAS, the PR state mass emission limitation of .3lbs/MBTU has been identified by EQB officials as a “typographical error”

WHEREAS, the state emission standard cannot be less restrictive than the federal particulate standards,

WHEREAS, PREPA has been identified as egregious opacity violator while firing 1.5% sulfur fuels since 1993,

WHEREAS, the use of a fuel with 1.5% sulfur content has failed to sustain a clean emission in PREPA's stacks,

WHEREAS, relying in opacity as the only federally emission standard to protect the health of the people from excessive sulfur dioxide emissions from a dirty fuel results in an unequal protection of law to residents,

WHEREAS, PREPA has been convicted of criminal environmental actions in a federal Court as is under certain strict probation terms,

WHEREAS, eliminating the mass emission limitation in a non attainment area for particulates, in the Cataño-Guaynabo area, contravenes the Clean Air Act

WHEREAS, PREPA is the second Public Utility with the highest revenues in the USA,

WHEREAS, PREPA has a monopoly in energy sales, even in the presence of other cogenerators

WHEREAS, PREPA is included by EPA as one of the 100 dirtiest power plants in terms of sulfur dioxide and particulate emissions,

WHEREAS, the installment of appropriate enforceable limitations is the only mechanism available in Puerto Rico to protect its citizens from acid rain and sulfur dioxide emissions because PREPA is exempted to comply with the title IV program provisions

WHEREAS, PREPA has made significant modifications and capital investments and no longer qualifies to be exempted to comply with the New Source Performance Standards,

WHEREAS, Puerto Rico must be treated as a state,

Be it resolved that EPA should take the following actions,

1. To request the Puerto Rico Commonwealth State to revise its State Implementation Plan in order to establish the .1lbs/BMTU Federal emission limitation of particulate, and the appropriate sulfur dioxide emission limitation for the entire island including the non attainment area,
2. To request PREPA to establish a continuous SOx emission monitoring mechanism
3. To request PREPA to fire a residual oil with a sulfur content no higher than .5 percent in all of its plants.

**RESOLUTION ON “CREDIBLE DETERRENCE” CIVIL PENALTIES:  
CAPTURING THE ECONOMIC BENEFIT OF NONCOMPLIANCE**

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Whereas, “Capturing the Economic Benefit” means that when a penalty is assessed against an environmental violator, a significant part of the assessment is calculating the costs avoided as a result of non-compliance, plus the interest earned on money as a result of delayed compliance; and

Whereas, Examples of economic benefit from noncompliance include delayed and avoided pollution control expenses, delayed and avoided installation, operation, and maintenance costs of pollution control equipment, and delayed and avoided costs of one-time acquisitions needed for compliance; and

Whereas, under U.S. EPA Policy and many federal environmental laws and regulations, one of the major considerations in calculation of any proposed penalty assigned to a violator is the question of what the economic benefit was to the violator; and

Whereas, the underlying policy consideration is that the penalty burden must be at least as great as the benefit of the violation or there would be no reason to comply;  
and

Whereas, the EPA Strategic Plan, Goal 9, calls for the Agency to provide a “credible deterrent to pollution and greater compliance with the law”;

We hereby resolve that:

- ▶ EPA Penalty Policy which requires that penalties should include the component of economic benefit should be complied with at the national, regional, and state level.
- ▶ Technical assistance in calculating the economic benefit (EBN calculation training) should be provided to all enforcement authorities who assert that they can’t do it because they don’t know how.
- ▶ A model penalty policy that includes providing for the calculation of economic benefit should be made available to all enforcement authorities who assert that they can’t do it because they don’t have such a penalty policy.
- ▶ Any enforcement authority asserting that their laws prevent them from calculating the economic benefit should be required to provide an Attorney General’s (or the equivalent) certification to that effect.
- ▶ EPA Regional Officials should consider taking independent enforcement actions against facilities in cases where state assessed penalties do not recover substantial economic benefits of noncompliance.
- ▶ A requirement of capturing the economic benefit should be incorporated as part of the Memoranda of Agreement with the Regions, or EPA’s Performance Partnership Agreements with the delegated agencies, or through any other delegation agreements.
- ▶ To establish credible deterrence it should be made clear that agencies are delegated legal authority to establish general pollution control requirements consistent with federal statutory mandates and EPA policies and that as to capturing the economic benefit, they will not be allowed to sink below the minimum.

**RESOLUTION ON EPA TO AMEND ITS ECONOMIC INCENTIVE PROGRAM (EIP)  
REGULATIONS TO INCLUDE ENVIRONMENTAL JUSTICE CONSIDERATIONS  
AND REQUIREMENTS**

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WHEREAS, the EPA is advocating both environmental justice as a means to reduce pollution in communities of color and pollution trading as a cost-effective method to reduce pollution.

WHEREAS, the EPA has adopted Economic Incentive Program (EIP) regulations which establish approvability requirements for pollution trading programs.

WHEREAS, the EIP regulations currently do not include safeguards sufficient to prevent adverse environmental justice impacts, including the creation of toxic hot spots in communities of color.

WHEREAS, the Assistant Administrator of the Office of Air and Radiation (OAR) has met with the NEJAC Enforcement Subcommittee to discuss environmental justice concerns related to emissions trading, and appeared generally receptive to the concerns raised by the NEJAC.

WHEREAS, the NEJAC recognizes the willingness of EPA OAR to continue to have a dialogue with the NEJAC until these issues are resolved.

WHEREAS, certain pollution trading programs have the potential to create, perpetuate or exacerbate air pollution toxic hot spots in communities of color by allowing facilities in those communities to increase or continue emissions.

WHEREAS, certain pollution trading programs allow facilities to increase or continue emissions of highly toxic chemicals, due to offsets obtained from decreases in less toxic chemical emissions, thereby resulting in a net increase in airborne toxicity.

WHEREAS, since stationary source polluters are often disproportionately located in communities of color, while mobile source pollution is widely distributed geographically, mobile to stationary source pollution trading has the potential to create or exacerbate toxic hot spots.

WHEREAS, pollution trading programs require accurate quantification of emissions reduced and increased through the program, and such quantification is particularly difficult in the case of mobile source trading programs.

WHEREAS, pollution credits should only be granted for emission reductions that are real, surplus, and quantifiable, and pollution credits should therefore not be granted for emission reductions that would have resulted even in the absence of the pollution trading program.

WHEREAS, economic modeling tools exist that allow agencies to predict the probable geographic and demographic impact of pollution trading programs, including the location of probable pollution credit purchasers and sellers.

WHEREAS, a fundamental principle of the environmental justice movement is that communities affected by pollution must be allowed to participate in decisions affecting their environment.

BE IT RESOLVED THAT NEJAC urges EPA to Amend the EIP Regulations to:

- ▶ Prohibit the trading of toxic air pollutants, as defined in the Emergency Planning and Community Right-to-Know Act if the result would be adverse health or environmental impact(s) in an environmental justice community, and unless EPA requires the states to develop adequate quantification protocols that must be reviewed and approved by EPA into an enforceable state implementation plan (SIP) prior to trading plan implementation to ensure accurate quantification of pollutants to be traded and to ensure enforceability and verifiability.
- ▶ If trading of toxic chemicals is allowed, prohibit emissions trading that will result in an increase in toxic chemical pollution in already overburdened communities, taking into account cumulative pollution risks. If trading of toxic chemicals is allowed, require implementing agency to consider selective toxicity of specific chemicals being traded, and to prohibit trading that will expose the public to unacceptable risk.
- ▶ Prior to approval of any pollution trading program, require the agency proposing the program to conduct an economic analysis ~~similar~~ comparable to the model prepared by the Regional Economic Modeling, Inc. (REMI) to determine the location of probable emission credit purchasers and sellers. Require the agency to overlay the REMI analysis with demographic information to determine whether the proposed trading program will have an adverse impact on communities of color. Prohibit emissions trading programs that are predicted to have an adverse impact on communities of color.

- ▶ Require that at a minimum, all facilities ~~must~~ install technology-based controls defined as reasonably available control technology (RACT) under the Clean Air Act, and prohibit trading that allows companies to avoid installing RACT.
- ▶ Require all emissions trading programs to incorporate public participation components that include notification to affected communities of any trade that will result in an increase or continuation of toxic chemical pollution, and allow the affected communities a reasonable opportunity to review and comment upon said adverse impacts. Require the responsible agency to retain discretion to revise or reject the proposed pollution trade based upon comments received.
- ▶ Prohibit mobile-to-stationary source trading where the result would be adverse health or environmental impact(s) in an environmental justice community, and unless EPA requires the states to develop adequate quantification protocols that must be reviewed and approved by EPA into an enforceable state implementation plan (SIP) prior to trading plan implementation to ensure accurate quantification of pollutants to be traded and to ensure enforceability and verifiability.
- ▶ EPA should retain requirements in found in the emissions trading policy statement regulation requiring a portion of the economic benefit resulting from pollution trading to benefit the public through increased emission reductions.

**RESOLUTION ON EPA TO ADOPT A NATIONAL POLICY PROHIBITING  
FEDERAL RECOGNITION OF STATE-ISSUED VARIANCES** 

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WHEREAS, the Region IX of the EPA is considering whether to grant federal recognition of state-issued variances from Title V permit requirements, and has proposed to recognize such variances in cases of malfunction, start-up, shut-down, and maintenance;

WHEREAS, the federal recognition of these variances would preclude both federal and community enforcement of the federal Clean Air Act where violations have been documented, and thus provide a disincentive to compliance with Clean Air Act requirements;

WHEREAS, since stationary source polluters are disproportionately located in communities of color, issuance of variances to stationary sources will result in a disproportionate impact on these communities;

WHEREAS, the issuance of variances can result in increased impacts to public health from emissions of air toxics at levels above permit requirements and above those levels which have been analyzed for their impact to public health;

WHEREAS, the issuance of variances could impede reasonable further progress on attainment of federal air quality standards;

WHEREAS, Clean Air Act case law only allows for permit modifications after amendment to the appropriate State Implementation Plan;

WHEREAS, EPA enforcement policy takes into consideration problems such as malfunction, start-up, and shutdown procedures as mitigating factors to penalties assessed for violations;

NOW THEREFORE BE IT RESOLVED THAT:

NEJAC urges EPA to adopt a national policy which:

- ▶ Prohibits federal recognition of variances from Clean Air Act requirements, except for variances resulting in more stringent levels of control at the facility;
- ▶ Acknowledges that existing federal enforcement policies consider the nature of a violation and factors such as malfunction, start-up, shut-down, and maintenance as mitigating factors in determining the appropriate federal enforcement response.

- ▶ Requires consultation with NEJAC before consideration or approving any variance policy, by EPA or any of its regions.

## **RESOLUTION ON THE UNITED NATIONS DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

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WHEREAS Executive Order 12898 establishing the National Environmental Justice Advisory Council (NEJAC) recognizes that Indigenous Peoples as a group are especially vulnerable to disproportionate impacts of environmental despoliation;

WHEREAS Executive Order 13107 of December 15, 1998, requires all Executive Departments and Agencies to respect United States human rights international obligations relevant to their functions, and to perform such functions so as to respect and implement those obligations fully;

WHEREAS the International Covenant on Civil and Political Rights (ICCPR) is an international human rights obligation of the United States, which recognizes the right of all Peoples to Self-Determination, including the right of Peoples to freely pursue their economic, social and cultural development and to freely dispose of their natural wealth and resources;

WHEREAS, the ICCPR also provides that Peoples may not be deprived of their own means of subsistence;

WHEREAS, The Vienna Declaration and Program of Action, also applicable to the United States:

- ▶ Reaffirmed that all human rights are universal, indivisible, interdependent and interrelated;
- ▶ Reaffirmed the commitment of the International Community to ensure the enjoyment of all human rights and fundamental freedoms of Indigenous Peoples and to respect and value the diversity of their cultures and identities;
- ▶ Considered the denial of the right of self determination as a violation of human rights and underlined the importance of the effective realization of this right;
- ▶ Called for concerted, positive steps from the international community to ensure respect for all human rights of Indigenous Peoples on the basis of equality and non-discrimination, recognizing the value of their distinct identities, cultures and social organization;

WHEREAS, the international community has recognized the spiritual relationship between Indigenous Peoples and their lands and territories, notably through International Labor Organization Convention no. 169 and numerous special studies;

WHEREAS, other United Nations studies have found that Indigenous lands are being subjected to unprecedented development and frequently resultant irreparable environmental damage;

WHEREAS, the Right to Development is a right of Peoples in which the enjoyment of self determination and full sovereignty over all natural wealth and resources is fundamental;

WHEREAS, the United Nations Commission on Human Rights is presently considering a Draft declaration on the rights of Indigenous Peoples;

WHEREAS, the present draft of the declaration before the Human Rights Commission was elaborated with the full and ample participation of hundreds of Indigenous Nations and thousands of their representatives before the United Nations Working Group on Indigenous Populations over a 12 year period;

WHEREAS, recognizing and underscoring, that these Indigenous participants found that the present draft before the Commission on Human Rights is a minimal standard to ensure the survival of Indigenous Peoples and their environment;





WHEREAS, the Atlantic City Tunnel route traverses within 25 feet of the remaining residents.

WHEREAS, soils that will be excavated for the construction of the Atlantic City Tunnel are contaminated with heavy metals, petroleum-related compounds, and other organic and inorganic substances at levels in excess of health-based standards established by the New Jersey Department of Environmental Protection and 152,000 cubic yards of these soils will be reuse on site.

WHEREAS, the South Jersey Transportation Authority has rejected the request of community residents for controls ensure that contaminants in the soils do not migrate to the adjacent communities, such as air monitoring – on-site and off-site – of the contaminants found in the soils, continuous engineering controls, and covering of the soils.

WHEREAS, excavation of has continued for 9 months and community residents have begun to complain of respiratory difficulties since the beginning of construction – including the triggering of dormant asthma.

WHEREAS, analysis performed by South Jersey Transportation Authority and the New Jersey Department of Transportation acknowledge the possibility that there could be hot spots of carbon monoxide, particulates and sulfur dioxide in areas adjacent to the tunnel.

WHEREAS, the South Jersey Transportation Authority and the New Jersey Department of Transportation have rejected the request of community residents to install air control devices to address the emissions from vehicles using the tunnel and air monitoring of the emissions for a short time period after the tunnel is constructed to ensure local air quality does not create risk to the adjacent communities.

WHEREAS, South Jersey Transportation Authority has failed to address numerous other issues identified by community residents, including the potential for flooding, safety, and structural damage to homes.

WHEREAS, the Atlantic City Tunnel is funded by the State of New Jersey, administered by one of its agencies, and is to serve a casino that is supported by and would directly benefit the City of Atlantic City and the State of New Jersey.

WHEREAS, the unresponsiveness by all state agencies requires the intervention by the USEPA to prevent irreversible damage to health of community residents and the local communities.

THEREFORE BE IT RESOLVED, that the National Environmental Justice Advisory Council calls upon USEPA to IMMEDIATELY, through its Region II Offices, facilitate the convening of all parties, including the South Jersey Transportation Authority, New Jersey Department of Environmental Protection, and the New Jersey Department of Transportation, to address the immediate issues of exposure of community residents to contaminated soil during construction activities, and other issues of potential impact to the community residents after construction, such as flooding, and safety.

BE IT FURTHER RESOLVED, that the National Environmental Justice Advisory Council calls upon USEPA, in consultation with the US Department of Transportation, to convene a meeting of NJ Department of Transportation and South Jersey Transportation Authority, to address the long term air quality issues associated with tunnel.



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**APPENDIX B**  
**LIST OF PARTICIPANTS**

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**December 1999 NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL  
List of Attendees**

Total: 397

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**Marilyn Ababio**

326 Pagosa Court  
Palmdar, CA 93551  
*Phone:* 661-273-7874  
*Fax:* 661-273-0593  
*E-mail:* marabio@aol.com

**Julian Agyeman**

Editor  
Department of Urban and Environmental Policy  
Tufts University  
Local Environment  
97 Talbot Avenue  
Medford, MA 02155  
*Phone:* 617-627-3394  
*Fax:* 617-627-3377  
*E-mail:* julian.agyeman@tufts.edu

**LaVern Ajanaku**

Environmental Justice Coordinator  
Georgia Environmental Protection Division  
205 Butler Street, SE, Suite 1162  
Atlanta, GA 30334  
*Phone:* 404-657-8688  
*Fax:* 404-651-9425  
*E-mail:* lavern\_1ajanku@mail.dnr.state.ga.us

**Rich Albores**

Counsel  
Environmental Appeals Board  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1103b)  
Washington, DC 20460  
*Phone:* 202-501-7060  
*Fax:* 202-501-7580  
*E-mail:* albores.richard@epamail.epa.gov

**Mustafa Ali**

Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2606  
*Fax:* 202-501-0740  
*E-mail:* ali.mustafa@epa.gov

**Mike Allen**

Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2313A)  
Washington, DC 20460  
*Phone:* 202-564-5404  
*Fax:* 202-564-5412  
*E-mail:* allen.mike@epa.gov

**John Alter**

Office of Prevention, Pesticides, and Toxic  
Substances  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 7404)  
Washington, DC 20460  
*Phone:* 202-260-4315  
*Fax:* 202-260-1096  
*E-mail:* alter.john@epa.gov

**Don Aragon**

Executive Director  
Wind River Environmental Quality Commission  
Shoshone and Northern Arapaho Tribes  
P.O. Box 217  
Fort Washakie, WY 82514  
*Phone:* 307-332-3164  
*Fax:* 307-332-7579  
*E-mail:* wreqc-twe@wyoming.com

**Thomas M. Armitage**

Engineering and Analysis Division  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4305)  
Washington, DC 20460  
*Phone:* 202-260-5388  
*Fax:* 202-260-9380  
*E-mail:* armitage.thomas@epa.gov

**John A. Armstead**

Associate Director  
Environmental Services Division  
Region 3  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029  
*Phone:* 215-814-3127  
*Fax:* 215-814-2782  
*E-mail:* armstead.john@epamail.epa.gov

**Warren Arthur**

Environmental Justice Coordinator  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue  
Dallas, TX 76133  
*Phone:* 214-665-8504  
*Fax:* 214-665-7264  
*E-mail:* arthur.warren@epa.gov

**Michele Aston**

Office of Reinvention Policy  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1803)  
Washington, DC 20460  
*Phone:* 202-260-8767  
*Fax:* 202-260-1812  
*E-mail:* aston.michele@epa.gov

**Shirley Augurson**

Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, (6RA-DJ)  
Dallas, TX 75202-2733  
*Phone:* 214-665-7401  
*Fax:* 214-665-7446  
*E-mail:* augurson.shirley@epa.gov

**Rose M. Augustine**

President  
Tucsonans For A Clean Environment  
7051 W. Bopp Road  
Tucson, AZ 85735-8621  
*Phone:* 602-883-8424  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Cecil C. Bailey**

Program Analyst  
Environmental Justice Grants  
Region 7  
U.S. Environmental Protection Agency  
901 North 5th Street  
Kansas City, MO 66101  
*Phone:* 913-551-7462  
*Fax:* 913-551-7941  
*E-mail:* bailey.cecil@epa.gov

**Kathleen Bailey**

Senior Management Analyst  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1801)  
Washington, DC 20460  
*Phone:* 202-260-3413  
*Fax:* 202-401-2474  
*E-mail:* bailey.kathleen@epa.gov

**Bev Baker**

Environmental Scientist  
CBPO  
U.S. Environmental Protection Agency  
410 Severn Avenue, Suite 109  
Annapolis, MD 20912  
*Phone:* 410-267-5772  
*Fax:* 410-267-5777  
*E-mail:* baker.beverly@epamail.epa.gov

## December 1999 NEJAC Meeting

### List of Attendees

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**Olivia Balandran**

Regional Administrators Office  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, (6RA-DJ)  
Dallas, TX 75202-2733  
*Phone:* 214-665-7257  
*Fax:* 214-665-6648  
*E-mail:* Not Provided

**Fannie Ball**

Score  
109 Houston Avenue  
Oak Ridge, TN 37830  
*Phone:* 423-483-6073  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Jerome Balter**

Public Interest Law Center of Philadelphia  
125 south Ninth Street  
Philadelphia, PA 19107  
*Phone:* 215-627-7100  
*Fax:* 215-627-3183  
*E-mail:* Not Provided

**Elvie Barlow**

Environmental Scientist  
Environmental Justice/Community Liaison  
Program  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960  
*Phone:* 404-562-9650  
*Fax:* 404-562-9664  
*E-mail:* barlow.elvie@epa.gov

**Elaine Barron**

Paso del Norte Air Quality Task Force  
1717 Brown Street, Bldg. 1-A  
El Paso, TX 79912  
*Phone:* 915-533-3566  
*Fax:* 915-533-6102  
*E-mail:* embarronmd@usa.net

**Elizabeth Bartlett**

Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, NW  
Atlanta, GA 30303  
*Phone:* 404-562-9122  
*Fax:* 404-562-9095  
*E-mail:* bartlett.elizabeth@epa.gov

**Rolando Bascumbe**

Associate Regional Counsel  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Sharon Beard**

Industrial Hygienist  
Worker Education and Training Program  
National Institute of Environmental Health  
Sciences  
U.S. Department of Health and Human  
Services  
P.O. Box 12233, (MD EC-25)  
Research Triangle Park, NC 27709-2233  
*Phone:* 919-541-1863  
*Fax:* 919-558-7049  
*E-mail:* beard1@niehs.nih.gov

**Dwayne Beavers**

Program Manager  
Office of Environmental Services  
Cherokee Nation  
P.O. Box 948  
Tahlequah, OK 74465-0671  
*Phone:* 918-458-5496  
*Fax:* 918-458-5499  
*E-mail:* Not Provided

**Jay Benforado**

Deputy Associate Administrator  
Office of Policy, Economics, and Innovation  
Office of Policy  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* 202-260-4332  
*Fax:* 202-260-1812  
*E-mail:* Not Provided

**Kent Benjamin**

Program Analyst  
Outreach and Special Projects Staff  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5101)  
Washington, DC 20460  
*Phone:* 202-260-2822  
*Fax:* 202-260-6606  
*E-mail:* benjamin.kent@epa.gov

**Pamela Bingham**

Research Engineer  
Bingham Consulting Services  
P.O. Box 8248  
Silver Spring, MD 20907  
*Phone:* 202-260-6451  
*Fax:* 202-401-9710  
*E-mail:* bingham\_engrsvs@hotmail.com

**Debbie Bishop**

Office of International Activities  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20640  
*Phone:* 202-564-6437  
*Fax:* 202-565-5412  
*E-mail:* bishop.debbie@epa.gov

**Shelly Blake**

Office Manager  
Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20004  
*Phone:* 202-564-2633  
*Fax:* 202-501-1079  
*E-mail:* blake.shelley@epamail.epa.gov

**Gale Bonanno**

Special Assistant  
Office of Environmental Compliance  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2243  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Robert W. Bookman**

Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303  
*Phone:* 404-562-9169  
*Fax:* 404-562-9164  
*E-mail:* bookman.robert @ epamail.epa.gov

**Frank Bove**

Agency for Toxic Substances and Disease  
Registry  
1600 Clifton Road, NE Mailstop E-31  
Atlanta, GA 30333  
*Phone:* (404)639-5126  
*Fax:* (404) 639-6219  
*E-mail:* fjb0@cdc.gov

## December 1999 NEJAC Meeting

### List of Attendees

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**Gina Bowler**

Program Analyst  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5304W)  
Washington, DC 20460  
*Phone:* 202-308-7279  
*Fax:* 703-308-0522  
*E-mail:* bowler.gina@epa.gov

**Doris Bradshaw**

Defense Depot Memphis Tennessee  
Concerned Citizens Committee  
1458 East Mallory Avenue  
Memphis, TN 38106  
*Phone:* 901-942-0329  
*Fax:* 901-942-0800  
*E-mail:* ddmtdccc411@aol.com

**Kenneth Bradshaw**

Program Director  
Defense Depot Memphis Tennessee  
Concerned Citizens Committee  
1458 East Mallory Avenue  
Memphis, TN 38106  
*Phone:* 901-942-0329  
*Fax:* 901-942-0800  
*E-mail:* ddmtdccc411@aol.com

**Jose T. Bravo**

Southwest Network for Environmental and  
Economic Justice  
1066 Larwood Road  
San Diego, CA 92114  
*Phone:* 619-461-5011  
*Fax:* 619-461-5011  
*E-mail:* tonali@pacbell.net

**Marc Brenman**

Senior Policy Advisor  
Departmental Office of Civil Rights  
Office of the Secretary  
U.S. Department of Transportation  
400 7th Street, SW  
Room 10217, S-30  
Washington, DC 20590  
*Phone:* 202-366-1119  
*Fax:* 202-366-9371  
*E-mail:* marc.brenman@ost.dot.gov

**Robert Brenner**

Deputy Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC AR443)  
Washington, DC 20460  
*Phone:* 202-564-1668  
*Fax:* 202-505-0394  
*E-mail:* brenner.robert@epa.gov

**Sue Briggum**

Director  
Governmental Affairs  
Waste Management, Inc.  
601 Pennsylvania Avenue, NW  
North Building #300  
Washington, DC 20004  
*Phone:* 202-628-3500  
*Fax:* 202-628-0400  
*E-mail:* sue\_briggum@wastemanagement.com

**Jeanette Brown**

Director  
Small Business Administration  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* 202-564-4100  
*Fax:* Not Provided  
*E-mail:* brown.jeanette@epa.gov

**Rosalind Brown**

Chief  
Office of Customer Services  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104  
*Phone:* 404-562-8633  
*Fax:* 404-562-8628  
*E-mail:* brown.rosalind@epa.gov

**Carol Browner**

Administrator  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1101)  
Washington, DC 20460  
*Phone:* 202-260-4700  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Mark Brownstein**

Public Service Enterprise Group  
Address Not Provided  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Bunyan Bryant**

Professor  
School of Natural Resources and Environment  
University of Michigan  
430 East University, Dana Building  
Ann Arbor, MI 48109-1115  
*Phone:* 734-769-4493  
*Fax:* 734-763-2470  
*E-mail:* bbryant@umich.edu

**Lakeisha Bryant**

Attorney/Advisor  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC  
*Phone:* 202-564-5616  
*Fax:* 202-564-5442  
*E-mail:* bryant.lakeisha@epa.gov

**Marjorie Bucholtz**

Brownfields Team Leader  
Outreach and Special Projects Staff  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5103)  
Washington, DC 20460  
*Phone:* 202-260-9605  
*Fax:* 202-960-6754  
*E-mail:* Not Provided

**Jan Buhrmann**

Environmental Justice Program  
Region 8  
U.S. Environmental Protection Agency  
999 18th Street, Suite 500  
Denver, CO 80202  
*Phone:* 303-312-6557  
*Fax:* 303-312-6409  
*E-mail:* buhrmann.jan@epa.gov

**William Burkhardt**

Manager, Environmental Government  
Relations  
The Procter & Gamble Company  
11310 Cornell Park Drive  
Cincinnati, OH 45242  
*Phone:* 513-626-4411  
*Fax:* 513-626-1678  
*E-mail:* burkhardt.wt@pg.com

## December 1999 NEJAC Meeting

### List of Attendees

#### Page 4

---

**Alice Cage**

NBRE Member  
NBRE  
525 Rafe Meyer Road  
Baton Rouge, LA 70807  
*Phone:* 225-775-6554  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Mike Callahan**

U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC P623-D)  
Washington, DC 20460  
*Phone:* 202-564-320  
*Fax:* 202-565-0077  
*E-mail:* callahan.michael@epa.gov

**Barry K. Campbell**

The EOP Group Incorporated  
819 Seventh Street, NW, Suite 400  
Washington, DC 20001  
*Phone:* 202-833-8940  
*Fax:* 202-833-8945  
*E-mail:* bkcampbell@819eagle.com

**Bradley Campbell**

Associate Director  
White House Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503  
*Phone:* 202-395-5750  
*Fax:* 202-456-0753  
*E-mail:* Not Provided

**Pat Carey**

Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* 703-603-8772  
*Fax:* 703-603-9100  
*E-mail:* carey.pat.epa.gov

**Connie Carr**

Region 3  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103  
*Phone:* 215-814-3147  
*Fax:* 215-814-30001  
*E-mail:* carr.cornelius@epamail.epa.gov

**Gary Carroll**

Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2404  
*Fax:* 202-501-0740  
*E-mail:* Not Provided

**Daisy Carter**

Director  
Project Awake  
Rt 2, Box 282  
Coatopa, AL 35470  
*Phone:* 205-652-6823  
*Fax:* 205-652-4320  
*E-mail:* Not Provided

**Ellen Case**

Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1102)  
Washington, DC 20460  
*Phone:* 202-260-4712  
*Fax:* 202-260-3412  
*E-mail:* Not Provided

**Larry Charles**

ONE/CHANE, Inc.  
2065 Main Street  
Hartford, CT 06120  
*Phone:* 860-525-0190  
*Fax:* 860-522-8266  
*E-mail:* larry.charles@snet.net

**Jerry Clifford**

Deputy Regional Administrator  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
*Phone:* 214-665-2100  
*Fax:* 214-665-6648  
*E-mail:* clifford.jerry@epa.gov

**Luke Cole**

General Counsel  
Center on Race, Poverty and the Environment  
California Rural Legal Assistance Foundation  
631 Howard Street, Suite 330  
San Francisco, CA 94105-3907  
*Phone:* 415-495-8990  
*Fax:* 415-495-8849  
*E-mail:* crpe@igc.apc.org

**Samuel J. Coleman**

Director  
Compliance Assurance and Enforcement  
Division (6EN)  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
*Phone:* 214-665-2210  
*Fax:* 214-665-7446  
*E-mail:* coleman.sam@epa.gov

**Monica Abreu Conley**

Department of Environmental Conservation  
State of New York  
50 Wolf Road (Room 627)  
Albany, NY 12233-5500  
*Phone:* 518-457-0090  
*Fax:* 518-485-8478  
*E-mail:* mlconley@gw.dec.state.ny.us

**Gregg A. Cooke**

Regional Administrator  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
*Phone:* 214-665-2100  
*Fax:* 214-665-6648  
*E-mail:* cooke.gregg@epa.gov

**Tiffany Cooper**

Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5101)  
Washington, DC 20460  
*Phone:* 202-260-0859  
*Fax:* 202-260-6606  
*E-mail:* cooper.tiffany@epa.gov

**Michael Corbin**

Attorney  
The Corbin Law Firm, P.C.  
1718 M Street, NW, Suite 299  
Washington, DC 20036  
*Phone:* 703-897-1577  
*Fax:* 703-897-9767  
*E-mail:* mccorbin@cpcug.org

**Leslie Cormier**

Public Affairs Director  
DuPont Specialty Chemicals  
Barley Mill Plaza, Building 23, Room 1359  
Routes 48 & 141  
Wilmington, DE 19805  
*Phone:* 302-992-4273  
*Fax:* 302-892-1135  
*E-mail:* leslie.a.cormier@usa.dupont.com

## December 1999 NEJAC Meeting

### List of Attendees

#### Page 5

---

**Elizabeth A. Cotsworth**

Office of Solid Waste  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5301W)  
Washington, DC 20460  
*Phone:* 703-308-8895  
*Fax:* 703-308-0513  
*E-mail:* cotsworth.elizabeth@epa.gov

**Ann Coyle**

Office of Regional Counsel  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard, (C-14J)  
Chicago, IL 60604  
*Phone:* 312-886-2248  
*Fax:* 312-886-0747  
*E-mail:* coyle.ann@epa.gov

**Martin Coyne**

Associate Editor  
Water Policy Report  
Inside Washington Publishers  
1225 Jefferson Davis Highway, Suite 1400  
Arlington, VA 22202  
*Phone:* 703-416-8564  
*Fax:* 703-416-8543  
*E-mail:* Not Provided

**Jenny Craig**

Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 6103A)  
Washington, DC 20460  
*Phone:* 202-564-1674  
*Fax:* 202-564-1557  
*E-mail:* craig.jeneva@epa.gov

**Elizabeth Crowe**

Chemical Weapons Working Group  
P.O. Box 467  
Berea, KY 40403  
*Phone:* 606-986-0868  
*Fax:* 606-986-2695  
*E-mail:* kefcrowe@acs.eku.edu

**Fernando Cuevas**

Vice President  
Farm Labor Organizing Committee  
326 East Maple Street  
Winter Garden, FL 34787  
*Phone:* 407-877-2949  
*Fax:* 407-877-0031  
*E-mail:* Not Provided

**Erin Curran**

Employees for Environmental Responsibility  
Address Not Provided  
*Phone:* 202-265-7337  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Vernell Cutter**

CFEJ  
1115 Habersham Street  
Savannah, GA 31401  
*Phone:* 912-236-6479  
*Fax:* 912-236-7757  
*E-mail:* v\_cutter@yahoo.com

**Clydia J. Cuykendall**

Associate General Counsel  
JC Penney  
P.O. Box 1001  
Dallas, TX 75301-1104  
*Phone:* 972-431-1290  
*Fax:* 972-431-1133  
*E-mail:* cjcuyken@jcpenny.com

**Lottie Dalton**

N.B.R.E. Member  
N.B.R.E.  
P.O. Box 781  
Baker, LA 70704  
*Phone:* 225-775-3794  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Dagmar M. Darjean**

Mossville Environmental Action Now  
(M.E.A.N.), Inc.  
4117 Perkins Avenue  
Sulphur-Mossville, LA 70663  
*Phone:* 337-882-7476  
*Fax:* 337-882-7476  
*E-mail:* delilith@aol.com

**Lawrence Dark**

5236 North East Cleveland  
Portland, OR 97211  
*Phone:* 503-318-5432  
*Fax:* 503-727-1117  
*E-mail:* ldark@orednet.org

**Rebecca Davidson**

Delaware Tribe of Western Oklahoma  
P.O. Box 825  
Anadarko, OK 73009  
*Phone:* 405-247-2448  
*Fax:* Not Provided  
*E-mail:* aapanahkih@tanet.net

**Katherine Dawes**

Office of Policy and Reinvention  
Office of Policy  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1802)  
Washington, DC 20460  
*Phone:* 202-260-8394  
*Fax:* 202-260-3125  
*E-mail:* dawes.katherine@epa.gov

**Joanne Dea**

Standards and Applied Science Division  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4305)  
Washington, DC 20460  
*Phone:* 202-260-0180  
*Fax:* 202-260-4580  
*E-mail:* dea.joanne@epa.gov

**Carol Dennis**

Office of Management and Budget  
725 17th Street, NW, Room 8026  
New Executive Office Building  
Washington, DC 20503  
*Phone:* 202-395-4822  
*Fax:* 202-395-5836  
*E-mail:* carol\_r\_dennis@omb.eop.gov

**Michael J. DiBartolomeis**

California Office of Environmental Health  
Hazard Assessment  
1515 Clay Street, 16th Floor  
Oakland, CA 94612  
*Phone:* 510-622-3164  
*Fax:* 510-622-3218  
*E-mail:* mdibarto@oehha.ca.gov

**Trevor Smith Diggins**

Vice President  
Frontline Corporate Communications Inc.  
22 Frederick Street, Suite 910  
Kitchener, Ontario N2H 6M6  
*Phone:* 888-848-9898  
*Fax:* 519-741-9323  
*E-mail:* diggins@onthefrontlines.com

**Debra Dobson**

Four Mile Hibernian Community Association  
Inc.  
2025 Four Mile lane  
Charleston, SC 29405  
*Phone:* 843-853-4548  
*Fax:* 843-792-3757  
*E-mail:* Not Provided



## December 1999 NEJAC Meeting

### List of Attendees

#### Page 6

---

**Richard T. Drury**

Legal Director  
Communities for a Better Environment  
500 Howard Street, Suite 506  
San Francisco, CA 94105  
*Phone:* 415-243-8373  
*Fax:* 415-243-8930  
*E-mail:* richarddrury@hotmail.com

**Delbert DuBois**

Four Mile Hibernian Community Association,  
Inc.  
2025 Four Mile Lane  
Charleston, SC 29405  
*Phone:* 843-853-4548  
*Fax:* 843-792-3757  
*E-mail:* Not Provided

**Josephine DuBois**

Four Mile Hibernian Community Association  
Inc.  
2025 Four Mile lane  
Charleston, SC 29405  
*Phone:* 843-853-4548  
*Fax:* 843-792-3757  
*E-mail:* Not Provided

**Frances Dubrowski**

Attorney At Law  
Law Offices of Frances Dubrowski  
1320 19th Street, NW, Suite 200  
Washington, DC 20036  
*Phone:* 202-667-5795  
*Fax:* 202-667-2302  
*E-mail:* dubrowski@aol.com

**Veronica Eady**

Executive Office of Environmental Affairs  
State of Massachusetts  
100 Cambridge Street, 20th Floor  
Boston, MA 02202  
*Phone:* 617-626-1053  
*Fax:* 617-626-1180  
*E-mail:* veronica.eady@state.ma.us

**T. Eaport**

EDU  
1010 Massachusetts Avenue, NW  
Washington, DC 20001  
*Phone:* 202-289-4435  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Carl Edlund**

Superfund Branch (6SF-L/N)  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
*Phone:* 214-665-2200  
*Fax:* 214-665-6660  
*E-mail:* edlund.carl@epa.gov

**Chebyll C. Edwards**

Office of Air and Radiation  
U.S. Environmental Protection Agency  
MD-15  
Research Triangle Park, NC 27711  
*Phone:* 919-541-5428  
*Fax:* 919-541-0237  
*E-mail:* edwards.chebyll@epa.gov

**Jim Eichner**

Environment & Natural Resources Division  
U.S. Department of Justice  
601 D Street, NW, Room 8036  
Washington, DC 20004  
*Phone:* 202-514-0624  
*Fax:* 202-514-4231  
*E-mail:* james.eichner@usdot.gov

**Natalie Ellington**

Water Management Division  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303  
*Phone:* 404-562-9453  
*Fax:* 404-562-9439  
*E-mail:* ellington.natalie@epa.gov

**Samantha Phillips Fairchild**

Director  
Office of Enforcement Compliance and  
Environmental Justice  
Region 3  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103  
*Phone:* 215-814-2106  
*Fax:* 215-814-2905  
*E-mail:* fairchild.samantha@epamail.epa.gov

**Caron Falcouer**

Region 4  
U.S. Environmental Protection Agency  
61 Forsythe Street  
Atlanta, GA 30303  
*Phone:* 404-562-8451  
*Fax:* Not Provided  
*E-mail:* Not Provided

**Henry Falk**

Assistant Administrator  
Agency for Toxic Substances and Disease  
Registry  
1600 Clifton Road, NE  
Atlanta, GA 30333  
*Phone:* 404-639-0700  
*Fax:* 404-639-0744  
*E-mail:* hxf1@cdc.gov

**Joan Harrigan Farrelly**

U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4606)  
Washington, DC 20460  
*Phone:* 202-260-6672  
*Fax:* 202-260-0732  
*E-mail:* farrelly.joan@epa.gov

**Denise Feiber**

Environmental Science & Engineering, Inc.  
404 SW 140th Terrace  
Newberry, FL 32669-3000  
*Phone:* 352-333-2605  
*Fax:* 352-333-6633  
*E-mail:* ddfeiber@esemail.com

**Nigel Fields**

Office of Research and Development  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 8723E)  
Washington, DC 20460  
*Phone:* 202-564-6936  
*Fax:* 202-565-2448  
*E-mail:* fields.negel@epa.gov

**Timothy Fields, Jr.**

Assistant Administrator  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5101)  
Washington, DC 20460  
*Phone:* 202-260-4610  
*Fax:* 202-260-3527  
*E-mail:* fields.timothy@epa.gov

**LaTonya Flint**

Public Affairs Specialist  
Region 7  
U.S. Environmental Protection Agency  
901 North 5th Street  
Kansas City, KS 66101  
*Phone:* 913-551-7555  
*Fax:* 913-551-7066  
*E-mail:* flint.latonya@epa.gov

## December 1999 NEJAC Meeting

### List of Attendees

#### Page 7

---

**Terry Flynn**

Frontline Corporate Communications  
Incorporated  
22 Federick Street, Suite 910  
Kitchener, Ontario N2H 6M6  
*Phone:* 519-741-9011  
*Fax:* 519-741-9323  
*E-mail:* flynn@onthefrontlines.com

**Paula Forbis**

Environmental Health Coalition  
1717 Kettner Boulevard, Suite 100  
San Diego, CA 92101  
*Phone:* 619-235-0281  
*Fax:* 619-232-3670  
*E-mail:* Not Provided

**Catherine Fox**

Environmental Accountability Division  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303  
*Phone:* 404-562-9634  
*Fax:* 404-562-9598  
*E-mail:* fox.catherine@epa.gov

**Rosa Franklin**

Washington State Senator  
409 Legislative Building  
P.O. Box 40482  
Olympia, WA 98504-0482  
*Phone:* 360-786-7656  
*Fax:* 360-786-7524  
*E-mail:* franklin\_ro@leg.wa.gov

**Anna Frazier**

Coordinator  
DINE CArE  
HC-63, Box 263  
Winslow, AZ 86047  
*Phone:* 602-657-3291  
*Fax:* 602-657-3319  
*E-mail:* dinecare@cnetco.com

**Myra Frazier**

Office of Policy  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2175)  
Washington, DC 20460  
*Phone:* 202-260-2784  
*Fax:* 202-260-6405  
*E-mail:* frazier.myra@epamail.epa.gov

**Katharine Fredriksen**

Public Affairs  
Koch Industries, Inc.  
1450 G Street, NW, Suite 445  
Washington, DC 20005  
*Phone:* 202-737-1977  
*Fax:* 202-737-8111  
*E-mail:* fredrikk@kochind.com

**Jennifer Friday**

Joint Center for Political and Economic Studies  
1090 Vermont Avenue, NW, Suite 1100  
Washington, DC 20005  
*Phone:* 202-789-3500  
*Fax:* 202-789-6390  
*E-mail:* jfriday@jointcenter.org

**Gregory Fried**

Manufacturing Energy and Transportation  
Division  
Office of Environment and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2223A)  
Washington, DC 20460  
*Phone:* 202-564-7016  
*Fax:* 202-564-0050  
*E-mail:* fried.gregory@epa.gov

**James Friloux**

Ombudsman  
Louisiana Department of Environmental Quality  
P.O. Box 82263  
Baton Rouge, LA 70884  
*Phone:* 225-765-0735  
*Fax:* 225-765-0746  
*E-mail:* jim\_f@deq.state.la.us

**Jan Fritz**

University of Cincinnati  
7300 Aracoma Forest Drive  
Cincinnati, OH 45237  
*Phone:* 513-556-0208  
*Fax:* 513-556-1274  
*E-mail:* jan.fritz@uc.edu

**Arnita Gadson**

University of Louisville, KY  
West Co Environmental Task Force  
1015 West Chestnut  
Louisville, KY 40203  
*Phone:* 502-852-4609  
*Fax:* 502-852-4610  
*E-mail:* ahgads01@gwise.lou.edu or  
ahgads01@belknap.pob

**Arnoldo Garcia**

Regional Community Organizer  
Urban Habitat Program  
P.O. Box 29908 Presidio Station  
San Francisco, CA 94129  
*Phone:* 415-561-3332  
*Fax:* 415-561-3334  
*E-mail:* agarcia@igc.apc.org

**Linda Garczynski**

Director  
Outreach and Special Projects Staff  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5101)  
Washington, DC 20460  
*Phone:* 202-260-1223  
*Fax:* 202-260-6606  
*E-mail:* garczynski.linda@epa.gov

**Eileen Gauna**

Professor  
Southwestern University Law School  
675 South Westmoreland Avenue  
Los Angeles, CA 90005  
*Phone:* 213-738-6752-  
*Fax:* 213-383-1688  
*E-mail:* egauna@swlaw.edu

**Clarice Gaylord**

Special Assistant to the Regional Administrator  
San Diego Border Liaison Office  
Region 9  
U.S. Environmental Protection Agency  
610 West Ash Street, Suite 703  
San Diego, CA 92101  
*Phone:* 619-235-4767  
*Fax:* 619-235-4771  
*E-mail:* gaylord.clarice@epa.gov

**Michel Gelobter**

Graduate Department of Public Administration  
Rutgers University  
714 Hill Hall  
Newark, NJ 07102  
*Phone:* 209-353-5093 ext. 18  
*Fax:* 209-927-4574  
*E-mail:* gelobter@andromeda.rutgers.edu

**Michael Gerrard**

Arnold & Porter  
399 Park Avenue, 35th Floor  
New York, NY 10022  
*Phone:* 212-715-1000  
*Fax:* 212-715-1399  
*E-mail:* michael\_gerrard@aporter.com



## December 1999 NEJAC Meeting

### List of Attendees

Page 9

---

#### **Beth Hailstock**

Director  
Environmental Justice Center  
Cincinnati Health Department  
3101 Burnet Avenue  
Cincinnati, OH 45229  
*Phone:* 513-357-7206  
*Fax:* 513-357-7262  
*E-mail:* beth.hailstock@chdburn.rcc.org

#### **Loren Hall**

Office of Civil Rights  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1201)  
Washington, DC 20460  
*Phone:* 202-260-3931  
*Fax:* 202-260-4580  
*E-mail:* hall.loren@epamail.epa.gov

#### **Robert W. Hall**

Office of Solid Waste  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20024  
*Phone:* 703-308-8432  
*Fax:* Not Provided  
*E-mail:* hall.robert@epa.gov

#### **Martin Halper**

Senior Science Advisor  
Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2601  
*Fax:* 202-501-0740  
*E-mail:* halper.martin@epa.gov

#### **Brad Hamilton**

Director  
Native American Affairs Office  
Dept. Of Human Resources  
State of Kansas  
1430 S.W. Topeka Boulevard  
Topeka, KS 66612-1853  
*Phone:* 785-368-7319  
*Fax:* 785-296-1795  
*E-mail:* bbhamilt@hr.state.ks.us

#### **Denise Hamilton**

Environmental Engineer-NPDES Permitting  
Region 6  
U.S. Environmental Protection Agency  
1446 Ross Avenue  
Dallas, TX  
*Phone:* 214-665-2775  
*Fax:* 214-665-2191  
*E-mail:* hamilton.denise@epa.gov

#### **James Hamilton**

Associate Professor  
Duke University  
Box 90245 Duke  
Durham, NC 27708  
*Phone:* 919-613-7358  
*Fax:* 919-681-8288  
*E-mail:* jayth@pps.duke.edu

#### **Tony Hanson**

American Indian Environmental Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4104)  
Washington, DC 20460  
*Phone:* 202-260-8106  
*Fax:* 202-260-7509  
*E-mail:* Not Provided

#### **William Harnett**

Acting Director  
Information Transfer and Program Integration  
Division  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
MD-12  
Research Triangle Park, NC 27711  
*Phone:* 919-541-4979  
*Fax:* 919-541-4979  
*E-mail:* harnett.bill@epa.gov

#### **Alisa Harris**

Office of Chief Counsel  
State of Pennsylvania  
Rachel Carson Office Building, P.O. Box 2063  
Harrisburg, PA 17105-2063  
*Phone:* 717-783-9731  
*Fax:* 717-783-8926  
*E-mail:* Not Provided

#### **Reginald Harris**

Environmental Justice Coordinator  
Region 3  
U.S. Environmental Protection Agency  
1650 Arch Street, (3EC00)  
Philadelphia, PA 19103  
*Phone:* 215-814-2988  
*Fax:* 215-814-2905  
*E-mail:* harris.reggie@epa.gov

#### **Rita Harris**

Community Living in Peace, Inc.  
1373 South Avenue  
Memphis, TN 38106  
*Phone:* 901-948-6002  
*Fax:* 901-948-6002  
*E-mail:* xundu@usa.net

#### **Stuart Harris**

Department of Natural Resources  
Confederated Tribes of the Umatilla  
P.O. Box 638  
Pendleton, OR 97801  
*Phone:* 541-276-0105  
*Fax:* 541-278-5380  
*E-mail:* Not Provided

#### **Rose Harvell**

Environmental Justice Coordinator  
Office of Site Remediation Enforcement  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2273A)  
Washington, DC 20460  
*Phone:* 202-564-6056  
*Fax:* 202-564-0074  
*E-mail:* harvell.rose@epa.gov

#### **Albertha D. Hasten**

Concerned Citizens of Iberville Parish  
32365 Doc Dean Street  
White Castle, LA 70788  
*Phone:* 225-545-1034  
*Fax:* 225-545-1034  
*E-mail:* Not Provided

#### **Melva J. Hayden**

Environmental Justice Coordinator  
Office of the Regional Administrator  
Region 2  
U.S. Environmental Protection Agency  
290 Broadway, Room 2637  
New York City, NY 10007  
*Phone:* 212-637-5027  
*Fax:* 212-637-4943  
*E-mail:* hayden.melva@epa.gov

#### **Peter Hayes**

Associate Editor  
Superfund Report  
Inside Washington Publishers  
1225 Jefferson Davis Highway, Suite 1400  
Arlington, VA 22202  
*Phone:* 703-416-8518  
*Fax:* 703-416-8543  
*E-mail:* superfundreport@yahoo.com

## December 1999 NEJAC Meeting

### List of Attendees

Page 10

---

#### Stephen Heare

Acting Director  
Permits and State Programs Division  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5303 W)  
Washington, DC 20460  
*Phone:* 703-308-8801  
*Fax:* 703-308-8617  
*E-mail:* heare.stephen@epamail.epa.gov

#### Alan Hecht

Principal Deputy Assistant Administrator  
Office of International Activities  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20450  
*Phone:* 202-564-6600  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Judy Hecht

Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4102)  
Washington, DC 20460  
*Phone:* 202-260-5682  
*Fax:* 202-401-3372  
*E-mail:* hecht.judy@epa.gov

#### Jody Henneke

Director - Office of public Assistance  
Texas Natural Resource Conservation  
Commission  
P.O. Box 13087 (MC 108)  
Austin, TX 73087  
*Phone:* 512-239-4085  
*Fax:* 512-239-4007  
*E-mail:* jhenneke@tnrcc.state.tx.us.com

#### Steven Herman

Assistant Administrator  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2440  
*Fax:* 202-501-3842  
*E-mail:* herman.steven@epa.gov

#### Ivie Higgins

Coalition for Environmentally Responsible  
Economies  
11 Arlington Street, 6th Floor  
Boston, MA 02116  
*Phone:* 617-247-0700  
*Fax:* 617-267-5400  
*E-mail:* higgins@ceres.org

#### Barry Hill

Director  
Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 22460  
*Phone:* 202-564-2515  
*Fax:* 202-501-0964  
*E-mail:* hill.barry@epa.gov

#### Kathleen Hill

Native American Studies Department  
Humboldt State University  
Arcata, CA 95521  
*Phone:* 707-826-4322  
*Fax:* 707-826-4418  
*E-mail:* ksh7@axe.humboldt.edu

#### Pat K. Hill

Senior Manager  
Federal Regulatory Affairs  
Georgia-Pacific Corporation  
1875 Eye Street, NW, Suite 775  
Washington, DC 20006  
*Phone:* 202-659-3600  
*Fax:* 202-223-1398  
*E-mail:* phill@gapac.com

#### Jennifer Hill-Kelley

Oneida Nation of Wisconsin  
P.O. Box 365  
3759 West Mason Street  
Oneida, WI 54155  
*Phone:* 920-497-5812  
*Fax:* 920-496-7883  
*E-mail:* jhillkel@oneidanation.org

#### Kendolyn Hodges-Simons

Attorney Advisor  
Office of Enforcement and Regulatory  
Compliance  
Environmental Health Administration  
D.C. Department of Health  
51 N Street, NE, 6th Floor  
Washington, DC 20002  
*Phone:* 202-535-2609  
*Fax:* 202-535-1359  
*E-mail:* Not Provided

#### Pierre Hollingsworth

NAACP  
526 Pacific Avenue (TH-4)  
Atlantic City, NJ 08401  
*Phone:* 609-345-5298  
*Fax:* 609-345-5230  
*E-mail:* Not Provided

#### Mike Holloway

Program Analyst  
Indoor Environments Division  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 6609J)  
Washington, DC 20460  
*Phone:* 202-564-9426  
*Fax:* 202-565-2039  
*E-mail:* holloway.mike@epa.gov

#### Michael K. Holmes

Northside Education Center  
St. Louis Community College  
4666 Natural Bridge  
St. Louis, MO 63115  
*Phone:* 314-381-3822  
*Fax:* 314-381-4637  
*E-mail:* mholmes@ccm.stlcc.cc.mo.us

#### Robert Holmes

Director  
Southern Center for Studies in Public Policy  
Clark Atlanta University  
223 James P. Brawley Drive, SW  
Atlanta, GA 30314  
*Phone:* 404-880-8089  
*Fax:* 404-880-8090  
*E-mail:* bholmes@cau.edu

#### Brian Holtzclaw

Environmental Justice Waste Management  
Division  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303  
*Phone:* 404-562-8684  
*Fax:* 404-562-8628  
*E-mail:* holtzclaw.brian@epa.gov

#### Savonala "Savi" Horne

Staff Attorney  
Land Loss Prevention Project  
P.O. Box 179  
Durham, NC 27713  
*Phone:* 919-682-5969  
*Fax:* 919-688-5596  
*E-mail:* savillpp@mindspring.com

## December 1999 NEJAC Meeting

### List of Attendees

Page 11

---

#### **Nancy Howard**

Water Resources Planner  
Newport News Waterworks  
2600 Washington Avenue  
Newport News, VA 23607  
*Phone:* 757-926-7177  
*Fax:* 757-926-7179  
*E-mail:* nhowardoci.newport-news.va.us

#### **Matthew Hunte**

The EOP Group, Inc.  
819 7th Street, NW  
Washington, DC 20001  
*Phone:* 202-833-8940  
*Fax:* 202-833-8945  
*E-mail:* mfhunte@819eagle.com

#### **Daniel Isales**

Office of Environmental Justice  
Region 3  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029  
*Phone:* 215-814-2647  
*Fax:* 215-814-2905  
*E-mail:* isales.daniel@epamail.epa.gov

#### **Ken Israels**

Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
*Phone:* 415-744-1194  
*Fax:* 415-744-1076  
*E-mail:* israels.ken@epamail.epa.gov

#### **Rose Jackson**

Community Relations Specialist  
Waste Management Division  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303  
*Phone:* 404-562-8940  
*Fax:* 404-562-8896  
*E-mail:* jackson.rose@epamail.epa.gov

#### **Sarah James**

Tribal Member  
Council of Aphascan Tribal Governments  
P.O. Box 51  
Artic Village, AK 99722  
*Phone:* 907-587-5315  
*Fax:* 907-587-5900  
*E-mail:* not provided

#### **Annabelle E. Jaramillo**

Citizens' Representative  
Office of the Governor  
State of Oregon  
160 State Capitol  
Salem, OR 97310  
*Phone:* 503-378-5116  
*Fax:* 503-378-6827  
*E-mail:* annabelle.e.jaramillo@state.or.us

#### **Karla Johnson**

Environmental Justice Regional Team  
Manager  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (T-16J)  
Chicago, IL 60604  
*Phone:* 312-886-5993  
*Fax:* 312-886-2737  
*E-mail:* johnson.karla@epa.gov

#### **Michael Johnson**

Real Estate Investor  
NAACP  
1619 Columbia Avenue  
Atlantic City, NJ 08401  
*Phone:* 609-345-5298  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### **Sabrina Johnson**

Policy Analyst  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* 202-564-1173  
*Fax:* 202-564-1554  
*E-mail:* johnson.sabrina@epa.gov

#### **Khanna Johnston**

Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, (6RA-DJ)  
Dallas, TX 75202  
*Phone:* 214-665-2716  
*Fax:* 214-665-6490  
*E-mail:* johnston.khanna@epamail.epa.gov

#### **Carolyn Jones-Gray**

Frederick Douglas Community Improvement  
Council  
2009 18th Street, SE  
Washington, DC 20020  
*Phone:* 202-678-3532  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### **Teresa Juarez**

New Mexico Alliance  
P.O. Box 759  
Chimayo, NM 87522  
*Phone:* 505-351-2404  
*Fax:* 505-351-1031  
*E-mail:* tjuarez@la-tierra.com

#### **Rochele Kadish**

Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1108A)  
Washington, DC 20460  
*Phone:* 202-564-3106  
*Fax:* 202-501-0062  
*E-mail:* kadish.rochele@epa.gov

#### **Ntale Kajumba**

Environmental Justice Team  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30310  
*Phone:* 404-562-9620  
*Fax:* Not Provided  
*E-mail:* kajumba.ntale@epamail.epa.gov

#### **Bob Keccam**

Office of Air and Radiation  
U.S. Environmental Protection Agency  
MD-12  
Research Triangle Park, NC 27711  
*Phone:* 919-541-4028  
*Fax:* 919-541-4028  
*E-mail:* kellam.bob@epa.gov

#### **Jeff Keohane**

Attorney Advisor  
Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2322)  
Washington, DC 20460  
*Phone:* 202-564-5548  
*Fax:* 202-260-5541  
*E-mail:* keohane.geffrey@epa.gov

#### **Derrick Kimbrough**

Community Involvement Coordinator  
Office of Public Affairs  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (P-19J)  
Chicago, IL 60604  
*Phone:* 312-886-9749  
*Fax:* 312-353-1155  
*E-mail:* kimbrough.derrick@epa.gov

## December 1999 NEJAC Meeting

### List of Attendees

Page 12

---

#### Daphne King

Office Automation Clerk  
Region 7  
U.S. Environmental Protection Agency  
901 North 5th Street  
Kansas City, KS 66101  
*Phone:* 913-551-7815  
*Fax:* 913-551-7941  
*E-mail:* king.daphne@epa.gov

#### Karen King

Policy Analyst  
MBD, Inc.  
1100 Connecticut Avenue, N.W. Suite 300  
Washington, DC 20036  
*Phone:* 202-429-1800  
*Fax:* 202-429-8655  
*E-mail:* karking@worldnet.att.net

#### Marva E. King

Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2599  
*Fax:* 202-501-0740  
*E-mail:* king.marva@epa.gov

#### Michelle W. King

Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-4287  
*Fax:* 202-501-0740  
*E-mail:* king.michelle-w@epa.gov

#### Toshia King

Office of Waste  
Office of Solid Waste And Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5303W)  
Washington, DC 20746  
*Phone:* 703-308-7033  
*Fax:* 703-308-8617  
*E-mail:* Not Provided

#### Pamela J. Kingfisher

Director  
Shining Waters  
Box 182  
Rowe, NM 87562  
*Phone:* 505-757-3382  
*Fax:* 505-757-3382  
*E-mail:* pamejean@roadrunner.com

#### Jackie Kittrell

General Counsel  
Environmental Health Network  
318 Lynnwood  
Knoxville, TN 37918  
*Phone:* 423-522-1139  
*Fax:* 423-689-8297  
*E-mail:* jackieo@mindspring.com

#### David Klauder

Director, Regional Staff  
Office of Research and Development  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* 202-564-6496  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Michele L. Knorr

Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2333A)  
Washington, DC 20460  
*Phone:* 202-564-5631  
*Fax:* 202-564-5644  
*E-mail:* knorr.michele@epa.gov

#### Robert Knox

Associate Director  
Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2604  
*Fax:* 202-501-0740  
*E-mail:* knox.robert@epa.gov

#### Myron O. Knudson

Director  
Superfund Division  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
*Phone:* 214-665-6701  
*Fax:* 214-665-7330  
*E-mail:* knudson.myron@epa.gov

#### Cassandra Koutalidis

Alternative Resources, Inc.  
9 Pond Lane  
Concord, MA 01742  
*Phone:* 978-371-2054  
*Fax:* 978-371-7269  
*E-mail:* ckoutalidis@alt-res.com

#### Andrea Kreiner

Delaware Department of Natural Resources &  
Environmental Control  
89 Kings Highway  
Dover, DE 19901  
*Phone:* 302-739-4403  
*Fax:* 302-739-6242  
*E-mail:* akreiner@state.de.us

#### Arnold Kuzmack

Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* 202-260-5821  
*Fax:* 202-260-5394  
*E-mail:* kuzmack.arnold@epa.gov

#### Wendy Laird-Benner

Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street, WTR - 4  
San Francisco, CA 94105-3901  
*Phone:* 415-744-1168  
*Fax:* 415-744-1078  
*E-mail:* laird-benner.wendy@epamail.epa.gov

#### Brad A. Lambert

Harris, DeVillie and Associates, Inc.  
307 France Street  
Baton Rouge, LA 70802  
*Phone:* 225-344-0381  
*Fax:* 225-336-0211  
*E-mail:* blambert@hdaissues.com

#### Wesley Lambert

Region 4  
U.S. Environmental Protection Agency  
3446 Rock Creek Drive  
Rex, GA 30273  
*Phone:* 770-968-3270  
*Fax:* 404-562-8835  
*E-mail:* lambert.wesley@epa.gov

## December 1999 NEJAC Meeting

### List of Attendees

Page 13

---

#### David LaRoche

Senior Advisor-Tribal Programs  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 6604J)  
Washington, DC  
*Phone:* 202-260-7652  
*Fax:* 202-260-8509  
*E-mail:* laroche.david@epamail.epa.gov

#### Gretchen Latowsky

Project Manager  
JSI Center for Environmental Health Studies  
44 Farnsworth Street  
Boston, MA 02210  
*Phone:* 617-482-9485  
*Fax:* 617-482-0617  
*E-mail:* glatowsky@jsi.com

#### Richard Lazarus

Professor  
Georgetown University Law Center  
600 New Jersey Avenue, NW  
Washington, DC 20001  
*Phone:* 202-662-9129  
*Fax:* 202-662-9408  
*E-mail:* lazarusr@law.georgetown.edu

#### Adora Iris Lee

Minister for Environmental Justice  
United Church of Christ  
5113 Georgia Avenue, NW  
Washington, DC 20011  
*Phone:* 202-291-1593  
*Fax:* 202-291-3933  
*E-mail:* adoracrj@aol.com

#### Charles Lee

Associate Director  
Office of Environmental Justice  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2597  
*Fax:* 202-501-0740  
*E-mail:* lee.charles@epa.gov

#### Carol Leftwich

Project Manager  
Environmental Council of the States  
444 North Capitol Street, NW, Suite 305  
Washington, DC 20001  
*Phone:* 202-624-3660  
*Fax:* 202-624-3666  
*E-mail:* leftwich@sso.org

#### Jacqueline Lescott

Regulatory Representative  
Associated Builders & Contractors  
1300 N. 17th Street, Suite 800  
Rosslyn, VA 22209  
*Phone:* 703-812-2036  
*Fax:* 703-812-8202  
*E-mail:* lescott@abc.org

#### Michael Letourneau

Region 10  
U.S. Environmental Protection Agency  
1200 Sixth Avenue (CEJ-163)  
Seattle, WA 98101  
*Phone:* 206-553-1687  
*Fax:* 206-553-7176  
*E-mail:* letourneau.mike@epa.gov

#### Frederick Leutner

Chief, Water Quality Standards Branch  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4305)  
Washington, DC 20460  
*Phone:* 202-260-1542  
*Fax:* 202-260-9830  
*E-mail:* leutner.fred@epa.gov

#### Steven Levy

Office of Solid Waste  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5306 W)  
Washington, DC 20460  
*Phone:* 703-308-7267  
*Fax:* 703-308-8686  
*E-mail:* levy.steve@epa.gov

#### Sheila Lewis

Office of Environmental Justice  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-0163  
*Fax:* 202-501-0740  
*E-mail:* Not Provided

#### Sarah Lile

Director of Environmental Affairs  
Department of Environmental Affairs  
Region 5  
U.S. Environmental Protection Agency  
660 Woodward Avenue, Suite 1650  
Detroit, MI 48226  
*Phone:* 313-237-3092  
*Fax:* 313-224-1547  
*E-mail:* Not Provided

#### Benjamin Lim

Chemist  
Office of Prevention, Pesticides, and Toxic Substances  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 7404)  
Washington, DC 20460  
*Phone:* 202-260-1509  
*Fax:* 202-260-3453  
*E-mail:* lim.benjamin@epa.gov

#### L. Diane Long

North Carolina Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, NC 27699-2601  
*Phone:* 919-715-4195  
*Fax:* 919-715-3060  
*E-mail:* diane.long@ncmail.net

#### Sylvia Lowrance

Deputy Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2101A)  
Washington, DC 20460  
*Phone:* 202-260-7960  
*Fax:* 202-501-3842  
*E-mail:* lowrance.sylvia@epa.gov

#### Zack Lyde

Director  
Save the People  
P.O. Box 1994  
Brunswick, GA 31521  
*Phone:* 912-265-1275  
*Fax:* 912-265-7008  
*E-mail:* Not Provided



## December 1999 NEJAC Meeting

### List of Attendees

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---

#### **Pamela Lyons**

Director  
Office of Equal Opportunity, Contract  
Assistance & Env. Equity  
New Jersey Department of Environmental  
Protection  
P.O. Box 402  
Trenton, NJ 08625  
*Phone:* 609-984-9742  
*Fax:* 609-984-9789  
*E-mail:* plyons@dep.state.nj.us

#### **Michael J. Lythcott**

Citizens Against Toxic Exposure  
6 Julian Way  
Marlboro, NJ 07746-1615  
*Phone:* 723-617-2076  
*Fax:* 723-617-2071  
*E-mail:* adeyemi@world.oberlin.edu

#### **Jim MacDonald**

Trustee  
Pittsburg (California) Unified School District  
274 Pebble Beach Loop  
Pittsburg, CA 94565  
*Phone:* 925-439-7665  
*Fax:* 925-473-1886  
*E-mail:* jmacdonald@pittsburg.k12.ca.us

#### **Alfonse Mannato**

Senior Regulatory Analyst  
American Petroleum Institute  
1220 L Street, NW  
Washington, DC 20005-4070  
*Phone:* 202-6828325  
*Fax:* 202-682-8031  
*E-mail:* mannatoa@api.org

#### **Enrique Manzanilla**

Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street, CMD - 1  
San Francisco, CA 94105  
*Phone:* 415-744-1015  
*Fax:* 415-744-1598  
*E-mail:* manzanilla.enrique@epa.gov

#### **Freya Margand**

Environmental Protection Specialist  
Office of Solid Waste/PSPD  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5303W)  
Washington, DC 20460  
*Phone:* 703-605-0633  
*Fax:* 703-308-8638  
*E-mail:* margand.freya@epa.gov

#### **Jerry Martin**

The DOW Chemical Company  
2030 Dow Center  
Midland, MI 48674  
*Phone:* 517-636-8790  
*Fax:* 517-636-0389  
*E-mail:* jbmartin@dow.com

#### **Lawrence Martin**

Office of Research and Development  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 8103R)  
Washington, DC 20460  
*Phone:* 202-564-6497  
*Fax:* 202-564-2926  
*E-mail:* martin.lawrence@epa.gov

#### **Neftali Garcia Martinez**

Scientific and Technical Services  
RR-9 Buzon  
1722, Cupey Alto  
San Juan, 00926  
*Phone:* 787-292-0620  
*Fax:* 787-760-0496  
*E-mail:* sctinc@caribe.net

#### **Richard Mason**

Shintech, Inc.  
24 Greenway Plaza  
Houston, TX 77046  
*Phone:* 713-965-0713  
*Fax:* 713-965-0629  
*E-mail:* dmason@shin-tech.com

#### **Alicia Maticardi**

Office of Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban  
Development  
451 7th Street, SW, Room 5249  
Washington, DC 20410  
*Phone:* 202-708-0614 ext. 7069  
*Fax:* 202-708-1425  
*E-mail:* alicia\_maticardi@hud.gov

#### **Paul Matthai**

Pollution Prevention Division  
Office of Prevention, Pesticides, and Toxic  
Substances  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 7409)  
Washington, DC 20460  
*Phone:* 202-260-3385  
*Fax:* 202-260-0178  
*E-mail:* matthai.paul@epamail.epa.gov

#### **Doris Maxwell**

Management Analyst  
Office of Air Quality Planning and Standards  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
MD-13  
Research Triangle Park, NC 27711  
*Phone:* 919-541-5312  
*Fax:* 919-541-0072  
*E-mail:* maxwell.doris@epamail.epa.gov

#### **Lisa Maybee**

Environmental Director  
1508 Route 438  
Irving, NY 14081  
*Phone:* 716-532-0024  
*Fax:* 716-532-0035  
*E-mail:* sniepd1@aol.com

#### **Zulene Mayfield**

Chair  
Chester Residents Concerned for Quality  
Living  
2731 West Third Street  
Chester, PA 19013  
*Phone:* 610-485-6683  
*Fax:* 610-485-5300  
*E-mail:* crcqll@aol.com

#### **John McCarroll**

Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street, WST-4  
San Francisco, CA 94105  
*Phone:* 415-744-2064  
*Fax:* 415-744-1044  
*E-mail:* mccarroll.john@epa.gov

#### **Mildred McClain**

Executive Director  
Citizens for Environmental Justice  
1115 Habersham Street  
Savannah, GA 31401  
*Phone:* 912-233-0907  
*Fax:* 912-233-5105  
*E-mail:* cfej@bellsouth.net

#### **Keith McCoy**

Director, Environmental Quality, Resources,  
Environment & Regulation  
National Association of Manufacturers  
1331 Pennsylvania Avenue, NW  
Washington, DC 20004-1790  
*Phone:* 202-637-3175  
*Fax:* 202-637-3182  
*E-mail:* kmcoy@nam.org

## December 1999 NEJAC Meeting

### List of Attendees

Page 15

---

#### **Donna Gross McDaniel**

Program Coordinator  
Laborers-AGC Education and Training Fund  
37 Deerfield Road  
P.O. Box 37  
Pomfret Center, CT 06259  
*Phone:* 860-974-0800 ext. 109  
*Fax:* 860-974-3157  
*E-mail:* dmcdaniel@laborers-agc.org

#### **Kate McGlooin**

Manager, External Relations  
CMA  
1300 Wilson Boulevard  
Arlington, VA 22209  
*Phone:* 703-741-5812  
*Fax:* 703-741-6812  
*E-mail:* kate\_mcglooin@cmahq.com

#### **Laura McKelvey**

Environmental Scientist  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
MD-15  
Research Triangle Park, NC 27711  
*Phone:* 919-541-5497  
*Fax:* 919-541-7690  
*E-mail:* mckelvey.laura@epa.gov

#### **Kara McKoy-Belle**

Environmental Justice Office  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200, (6EN)  
Dallas, TX 75202-2733  
*Phone:* 214-665-8337  
*Fax:* 214-665-6660  
*E-mail:* mckoy.kara.@epa.gov

#### **Brian McLean**

Acid Rain Division  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 6204J)  
*Phone:* 202-564-9150  
*Fax:* 202-565-2141  
*E-mail:* mclean.brian@epa.gov

#### **Tanya J. Meekins**

Media Relations Office  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1703)  
Washington, DC 20460  
*Phone:* 202-2601387  
*Fax:* 202-260-3522  
*E-mail:* meekins.tanya@epamail.gov

#### **Jayne Michaud**

Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5204G)  
Washington, DC 20460  
*Phone:* 703-603-8847  
*Fax:* 703-603-9104  
*E-mail:* michaud.jayne@epa.gov

#### **Vernice Miller-Travis**

Partnership For Sustainable Brownfields  
Redevelopment  
104 Jewett Place  
Bowie, MD 20721  
*Phone:* Not Provided  
*Fax:* 410-338-2751  
*E-mail:* vmiller@nrhc.org

#### **Dana Minerva**

Deputy Assistant Administrator  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4101)  
Washington, DC 20460  
*Phone:* 202-260-5700  
*Fax:* 202-260-5711  
*E-mail:* minerva.dana@epa.gov

#### **Marsha Minter**

Special Assistant  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1102)  
Washington, DC 20460  
*Phone:* 202-260-6626  
*Fax:* 202-260-4852  
*E-mail:* minter.marsha@epamail.epa.gov

#### **Cristina Miranda**

Intern  
Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2636  
*Fax:* 202-501-0740  
*E-mail:* miranda.cristina@epa.gov

#### **Harold Mitchell**

Director  
REGENESIS  
101 Anita Drive  
Spartanburg, SC 29302  
*Phone:* 864-542-8420  
*Fax:* 864-582-4062  
*E-mail:* not provided

#### **Rita M. Monroy**

COSSMHO  
1501 Sixteenth Street, NW  
Washington, DC 20036  
*Phone:* 202-797-4334  
*Fax:* 202-797-4353  
*E-mail:* rmonroy@cossmho.org

#### **Lillian Mood, R.N.**

Community Liaison  
South Carolina Department of Health and  
Environmental Control  
2600 Bull Street  
Columbia, SC 29201  
*Phone:* 803-898-3929  
*Fax:* 803-898-3931  
*E-mail:* moodlh@columb30.dhec.state.sc.us

#### **John R. Moody**

Waste Management Division  
Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street, WST-4  
San Francisco, CA 94105-3901  
*Phone:* 415-744-2058  
*Fax:* 415-538-5053  
*E-mail:* moody.john@epamail.epa.gov

#### **Alma Black Moore**

Frontline Corporate Communications Inc.  
2163 Airways Boulevard  
Memphis, TN 38114  
*Phone:* 901-544-0613  
*Fax:* 901-544-0639  
*E-mail:* ablack1@midsouth.rr.com

#### **Anthony Moore**

Director of Policy  
Department of Environmental Quality  
State of Virginia  
629 E. Main Street  
P.O. Box 10009  
Richmond, VA 23240-0009  
*Phone:* 804-698-4484  
*Fax:* 804-698-4346  
*E-mail:* aumoore@deq.state.va.us

#### **Althea M. Moses**

Program Manager  
Office of Environmental Justice  
Region 7  
U.S. Environmental Protection Agency  
726 Minnesota Avenue  
Kansas City, KS 66101  
*Phone:* 913-551-7649  
*Fax:* 913-551-7976  
*E-mail:* moses.althea@epa.gov

## December 1999 NEJAC Meeting

### List of Attendees

Page 16

---

#### Edgar J. Mouton

Mossville Environmental Action Now  
(M.E.A.N.), Inc.  
3608 E. Burton  
Sulphur, LA 70663  
*Phone:* 337-625-8414  
*Fax:* 337-882-7476  
*E-mail:* meanmoss@yahoo.com

#### Kathryn Mutz

Natural Resources Law Center  
University of Colorado School of Law  
Campus Box 401  
Boulder, CO 80309-0401  
*Phone:* 303-492-1293  
*Fax:* 303-492-1297  
*E-mail:* kathryn.mutz@colorado.edu

#### Mildred Myers

South Carolina Environmental Watch  
P.O. Box 373  
Gadsden, SC 29052  
*Phone:* 803-353-8423  
*Fax:* 803-353-8427  
*E-mail:* Not Provided

#### Oleda Myers

South Carolina Environmental Water  
P.O. Box 372  
Gadsden, SC 29052  
*Phone:* 803-353-8423  
*Fax:* 803-353-8427  
*E-mail:* omyers3@bellsouth.net

#### Vernon Myers

Permits  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5305W)  
Washington, DC 20460  
*Phone:* 703-308-8660  
*Fax:* 703-308-8609  
*E-mail:* myers.vernon@epamail.epa.gov

#### Paul Nadeau

Senior Process Manager for Reforms  
Office of Emergency and Remedial Response  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5204G)  
Washington, DC 20460  
*Phone:* 703-603-8794  
*Fax:* 703-603-9104  
*E-mail:* nadeau.paul@epa.gov

#### Tia Newman-Fields

Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2622  
*Fax:* 202-505-0740  
*E-mail:* newman-fields.tia@epamail.epa.gov

#### David Nicholas

Policy Analyst  
Office of Solid Waste  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5103)  
Washington, DC 20460  
*Phone:* 202-260-4512  
*Fax:* 202-401-1496  
*E-mail:* nicholas,david@epa.gov

#### William Nitze

Assistant Administrator  
Office of International Activities  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2670R)  
Washington, DC 20460  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Kojo Nnamdi

Host, Public Interest  
National Public Radio  
Address Not Provided  
Washington, DC 20460  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Duncan Norton

General Counsel  
Texas National Resource Conservation  
Commission  
12100 N. Park 35 Circle  
Austin, TX 78711  
*Phone:* 523-239-5525  
*Fax:* 512-239-5533  
*E-mail:* Not Provided

#### Davy Obey

Associate Editor  
Clean Air Report  
1225 Jefferson Davis Highway, Suite 1400  
Arlington, VA 22209  
*Phone:* 703-416-8516  
*Fax:* 703-416-8543  
*E-mail:* sunrd@aol.com

#### Joyce Olin

Federal Facilities Enforcement Office  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2261A)  
Washington, DC 20460  
*Phone:* 202-564-2582  
*Fax:* 202-501-0644  
*E-mail:* olin.joyce@epa.gov

#### Juan Orozco

Northwest Community Education Center  
P.O. Box 800  
Granger, WA 98932  
*Phone:* 509-854-2222  
*Fax:* 509-854-2223  
*E-mail:* Not Provided

#### Richard B. Ossias

Air and Radiation Law Office  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2344)  
Washington, DC 20460  
*Phone:* 202-260-7984  
*Fax:* 202-260-0586  
*E-mail:* ossias.richard@epa.gov

#### James Owens

Region 1  
U.S. Environmental Protection Agency  
One Congress Street, Suite 1100 (MIO)  
Boston, MA 02114-2023  
*Phone:* 617-918-1911 ext. or 1900  
*Fax:* 617-918-1929  
*E-mail:* owens.james@epa.gov

#### Bill Painter

Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

## December 1999 NEJAC Meeting

### List of Attendees

Page 17

---

#### Quentin Pair

Trail Attorney  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, DC 20044-7611  
*Phone:* 202-514-1999  
*Fax:* 202-514-2583  
*E-mail:* quentin.pair@usdoj.gov

#### Luis E. Palacios

Vice President  
Creative Concepts, Environmental Research & Development  
613 Ave Ponce de Leon, Suite 206  
San Juan, 00917-4801  
*Phone:* 787-763-9013  
*Fax:* 787-763-9013  
*E-mail:* lcdo.luispalacios@abanet.org

#### Sonia Palacios

Creative Concepts, Environmental Research & Development  
San Juan, Puerto Rico 00917  
*Phone:* 787-760-5665  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Louis Paley

Office of Planning and Policy Analysis  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2613  
*Fax:* 202-501-0284  
*E-mail:* paley.louis@epa.gov

#### Romel L. Pascual

Regional Environmental Justice Team Leader  
Environmental Justice Office  
Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street, CMD-6  
San Francisco, CA 94105  
*Phone:* 415-744-1212  
*Fax:* 415-744-1598  
*E-mail:* pascual.romel@epamail.epa.gov

#### Manuel Pastor

Universtiy of California- Santa Cruz  
Address Not Provided  
,  
*Phone:* 831-459-5919  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Shirley Pate

Office of Enforcement Capacity and Outreach  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2607  
*Fax:* 202-501-0284  
*E-mail:* pate.shirley@epa.gov

#### Dorothy Patton

Office of Science Policy  
Office of Research and Development  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 8105)  
Washington, DC 20460  
*Phone:* Not Provided  
*Fax:* 202-564-6705  
*E-mail:* Not Provided

#### Marinelle Payton

Environmental-Occupational Medicine  
School of Public Health  
Harvard University Medical School  
134 Marlborough Street  
Boston, MA 02116  
*Phone:* 617-525-2731  
*Fax:* 617-731-1451  
*E-mail:* remar@gauss.bwh.harvard.edu

#### Sonia Peters

Office of Environmental Justice  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2634  
*Fax:* 202-501-0740  
*E-mail:* peters.sonia@epa.gov

#### Erika Petrovich

Special Assistant  
Region 2  
U.S. Environmental Protection Agency  
290 Broadway  
New York, NY 10007-1866  
*Phone:* 212-637-5036  
*Fax:* 212-637-5024  
*E-mail:* Not Provided

#### Pamela Phillips

Superfund Division  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
*Phone:* 214-665-6701  
*Fax:* 214-665-7330  
*E-mail:* phillips.pamela@epa.gov

#### Janet Phoenix

Manager  
Northeast Environmental Justice Network  
1025 Connecticut Avenue, NW, Suite 1200  
Washington, DC 20036  
*Phone:* 202-974-2474  
*Fax:* 202-659-1192  
*E-mail:* phoenixj@nsc.org

#### Victoria Plata

Region 10  
U.S. Environmental Protection Agency  
1200 Sixth Avenue (CEJ-163)  
Seattle, WA 98101  
*Phone:* 206-553-8580  
*Fax:* 206-553-7151  
*E-mail:* Not Provided

#### Jerry Poje

Chemical Safety and Hazard Investigation Board  
Address Not Provided  
,  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Carlos Porras

Communities for a Better Environment  
605 West Olympic Boulevard, Suite 850  
Los Angeles, CA 90015  
*Phone:* 213-486-5114 ext. 109  
*Fax:* 213-486-5139  
*E-mail:* lacausala@aol.com

#### Gerald Prout

Director  
Regulatory Affairs  
FMC Corporation  
1667 K Street, NW, Suite 400  
Washington, DC 20006  
*Phone:* 202-956-5209  
*Fax:* 202-956-5235  
*E-mail:* jerry\_prout@fmc.com

## December 1999 NEJAC Meeting

### List of Attendees

Page 18

---

#### Idaho Purce

INEEL Health E.S.  
448 N. 6th Street  
Pocatello, ID 83201  
*Phone:* 208-232-8297  
*Fax:* 208-232-0768  
*E-mail:* johnpurce@aol.com

#### Yale Rabin

Yale Rabin Planning Consultant  
6 Farrar Street  
Cambridge, MA 02138  
*Phone:* 617-661-0037  
*Fax:* 617-661-8697  
*E-mail:* Not Provided

#### Connie Raines

Manager  
Environmental Justice and Community Liaison  
Program  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104  
*Phone:* 404-562-9671  
*Fax:* 404-562-9664  
*E-mail:* raines.connie@epa.gov

#### Oscar Ramirez, Jr.

Deputy Director, Water Division  
Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200, (6WQ-D)  
Dallas, TX 75202-2733  
*Phone:* 214-665-7390  
*Fax:* 214-665-7373  
*E-mail:* ramirez.oscar@epa.gov

#### Rosa Ramos

Community Leader  
Community of Catano Against Pollution  
La Marina Avenue, Mf 6, Marina Bahia  
Catano, 00962  
*Phone:* 787-788-0837  
*Fax:* 787-788-0837  
*E-mail:* rosah@coqui.net

#### Karen Randolph

Office of Solid Waste/PSPD  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5303W)  
Washington, DC 20460  
*Phone:* 703-308-8651  
*Fax:* 703-308-8617  
*E-mail:* randolph.karen@epamail.epa.gov

#### Arthur Ray

Deputy Secretary  
Maryland Department of the Environment  
2500 Broening Highway  
Baltimore, MD 21224  
*Phone:* 410-631-3086  
*Fax:* 410-631-3888  
*E-mail:* aray@mde.state.md.us

#### Doretta Reaves

Public Liaison Specialist  
Office of Communications, Education and  
Public Affairs  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1702)  
Washington, DC 20460  
*Phone:* 202-260-3534  
*Fax:* 202-260-0130  
*E-mail:* reaves.doretta@epamail.epa.gov

#### Deldi Reyes

Region 8  
U.S. Environmental Protection Agency  
999 18th Street, Suite 500  
Denver, CO 80202-2466  
*Phone:* 303-312-6055  
*Fax:* 303-312-6409  
*E-mail:* reyes.deldi@epamail.epa.gov

#### Margie F. Richard

President  
Concerned Citizens of Norco  
28 Washington Street  
Norco, LA 70079  
*Phone:* 225-764-8135  
*Fax:* 225-488-3081  
*E-mail:* Not Provided

#### John Ridgway

Washington State Department of Ecology  
P.O. Box 47659  
Olympia, WA 98504-7659  
*Phone:* 360-407-6713  
*Fax:* 360-407-6715  
*E-mail:* jrid461@ecy.wa.gov

#### Clifford Roberts

St. James Citizens for Jobs and the  
Environment  
P.O. Box 162  
Convent, LA 70723  
*Phone:* 225-562-3671  
*Fax:* Not Provided  
*E-mail:* pacellnp@eatel.net

#### Dennis Roberts, II

Business Development Manager  
Advanced Resources Technologies, Inc.  
105 Oronoco Street  
Alexandria, VA 22314  
*Phone:* 703-836-8811  
*Fax:* 703-683-8055  
*E-mail:* dennis.roberts@team-arti.com

#### Gloria W. Roberts

St. James Citizens for Jobs and the  
Environment  
P.O. Box 162  
Convent, LA 70723  
*Phone:* 225-562-3671  
*Fax:* Not Provided  
*E-mail:* pacellnp@eatel.net

#### Avis Robinson

Deputy Office Director  
Office of Policy and Reinvention  
Office of Policy  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* 202-260-9147  
*Fax:* 202-401-0454  
*E-mail:* robinson.avis@epa.gov

#### Leonard Robinson

TAMCO  
12459 Arrow Highway  
P.O. Box 325  
Rancho Cucamonga, CA 91739  
*Phone:* 909-899-0631 Ext.203  
*Fax:* 909-899-1910  
*E-mail:* lrobinson@gte.net

#### James Rollins

819 7th Street, NW Suite 400  
Washington, DC 20001  
*Phone:* 202-833-8940  
*Fax:* 202-833-8945  
*E-mail:* jerdrlins@819eagle.com

#### Angela Rooney

Ward 5 Coalition for Environmental Justice  
3425 14th Street, NE  
Washington, DC 20017  
*Phone:* 202-526-4592  
*Fax:* Not Provided  
*E-mail:* Not Provided

## December 1999 NEJAC Meeting

### List of Attendees

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---

#### **Caren Rothstein**

Office of Pollution Prevention and Toxics  
Office of Prevention, Pesticides, and Toxic  
Substances  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 7405)  
Washington, DC 20460  
*Phone:* 202-260-0065  
*Fax:* 202-260-1847  
*E-mail:* rothstein.caren@epa.gov

#### **Margaret Round**

Consultant  
Clean Air Task Force  
104 Farquhar Street  
Roslindale, MA 02131  
*Phone:* 617-325-4974  
*Fax:* 617-325-7384  
*E-mail:* margaret.round@prodigy.net

#### **Jeffrey Ruch**

Public Employees for Environmental  
Responsibility  
2001 S street, NW, Suite 570  
Washington, DC 20009  
*Phone:* 202-265-7337  
*Fax:* 202-265-4192  
*E-mail:* jruch@peer.org

#### **Carol Rushin**

ARA-ECEJ  
Region 8  
U.S. Environmental Protection Agency  
999 18th Street, Suite 500  
Denver, CO 80202-2466  
*Phone:* 303-312-7028  
*Fax:* 303-312-6191  
*E-mail:* rushin.carol@epamail.epa.gov

#### **Alberto Saldamando**

General Counsel  
International Indian Treaty Council  
2390 Mission Street, Suite 301  
San Francisco, CA 94110  
*Phone:* 415-641-4482  
*Fax:* 415-641-1298  
*E-mail:* iitc@igc.apc.org

#### **J. Gilbert Sanchez**

Tribal Environmental Watch Alliance  
Rt. 5, Box 442-B  
Española, NM 87532  
*Phone:* 505-747-7100  
*Fax:* 505-747-7100  
*E-mail:* tewawn@la-tierra.com

#### **Mavis M. Sanders**

Office of Civil Rights  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1201)  
Washington, DC 20460  
*Phone:* 202-260-5356  
*Fax:* 202-260-4580  
*E-mail:* sanders.mavis@epa.com

#### **William H. Sanders, III**

Director  
Office of Pollution Prevention and Toxics  
Office of Prevention, Pesticides, and Toxic  
Substances  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 7401)  
Washington, DC 20460  
*Phone:* 202-260-3810  
*Fax:* 202-260-0575  
*E-mail:* sanders.william@epa.gov

#### **Sonya Sasseville**

Permits and State Programs Division  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (MC 5303W)  
Washington, DC 20460  
*Phone:* 202-308-8648  
*Fax:* 202-308-8638  
*E-mail:* sasseville.sonya@epa.gov

#### **Barbara Sattler**

University of Maryland - School of Nursing  
655 W. Lombard Street, Room 665  
Baltimore, MD 21201  
*Phone:* 410-706-1849  
*Fax:* 410-706-0295  
*E-mail:* bsattler@ehc.umaryland.edu

#### **Maria Sayoe**

Office of International Affairs  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 20460)  
Washington, DC 20460  
*Phone:* 202-564-6433  
*Fax:* 202-565-2412  
*E-mail:* sayoe.maria@epa.gov

#### **Jim Schulman**

Executive Director  
SCI  
631 E Street, NE  
Washington, DC 20002  
*Phone:* 202-544-0069  
*Fax:* 202-544-9460  
*E-mail:* jschulman@igc.org

#### **Antoinette G. Sebastian**

Senior Environmental Policy Analyst  
Community Planning and Development  
U.S. Department of Housing and Urban  
Development  
451 7th Street, SW, Room 7248  
Washington, DC 20410  
*Phone:* 202-708-0614 ext. 4458  
*Fax:* 202-708-3363  
*E-mail:* antoinette\_sebastian@hud.gov

#### **Mary Settle**

Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2594  
*Fax:* 202-501-0740  
*E-mail:* settle.mary@epa.gov

#### **Michael Shapiro**

Deputy Assistant Administrator  
Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5101)  
Washington, DC 20460  
*Phone:* 202-260-4610  
*Fax:* 202-260-3527  
*E-mail:* shapiro.miike@epamail.epa.gov

#### **Sally L. Shaver**

Office of Air and Radiation  
U.S. Environmental Protection Agency  
(MD-13)  
Research Triangle Park, NC 27711  
*Phone:* 919-541-5572  
*Fax:* 919-541-0072  
*E-mail:* shaver.sally@epa.gov

#### **Christian Shaw**

Legislative Assistant  
NPRADC  
1899 L Street, NW Suite 1000  
Washington, DC 20036  
*Phone:* 202-457-0480  
*Fax:* 202-457-0486  
*E-mail:* christian\_shaw@npradc.org

#### **Peggy M. Shepard**

Executive Director  
West Harlem Environmental Action, Inc.  
271 West 125th Street, Suite 211  
New York, NY 10027  
*Phone:* 212-961-1000 ext. 303  
*Fax:* 212-961-1015  
*E-mail:* wheact@igc.org

## December 1999 NEJAC Meeting

### List of Attendees

Page 20

---

#### Wendy Shepherd

North Carolina Department of Environment  
and Natural Resources  
401 Oberlin Road, Suite 150  
Raleigh, NC 27605  
*Phone:* 919-733-0692  
*Fax:* 919-733-4810  
*E-mail:* wendy.shepherd@ncmail.net

#### Robert Shinn

Commissioner  
Department of Environmental Justice  
New Jersey Department of Environment  
Protection  
401 E. State Street, P.O. Box 402, 7th Floor  
Trenton, NJ 08625  
*Phone:* 609-292-2885  
*Fax:* 609-292-7695  
*E-mail:* rshinn@dep.state.nj.us

#### Kris Shurr

Region 8  
U.S. Environmental Protection Agency  
999 18th Street, Suite 500  
Denver, CO 80202-2466  
*Phone:* 303-312-6139  
*Fax:* 303-312-6064  
*E-mail:* shurr.kris@epamail.epa.gov

#### Virinder Singh

Renewable Energy Policy Project  
1612 K Street, NW, Suite 410  
Washington, DC 20006  
*Phone:* 202-293-1197  
*Fax:* 202-293-5857  
*E-mail:* virinders@repp.org

#### Damu Imara Smith

Southern Regional Representative  
Greenpeace USA  
1436 U Street, NW  
Washington, DC 20009  
*Phone:* 202-319-2410  
*Fax:* 202-462-4507  
*E-mail:* damu.smith@wdc.greenpeace.org

#### Linda K. Smith

Associate Director For Resources  
Management  
Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2602  
*Fax:* 202-501-1162  
*E-mail:* smith.linda@epa.gov

#### Joe Solis

Region 7  
U.S. Environmental Protection Agency  
901 North 5th Street  
Kansas City, KS 64108  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Scot Spencer

Transportation Specialist  
Environmental Defense Fund  
1875 Connecticut Avenue, Suite 1016  
Washington, DC 21016  
*Phone:* 202-387-3500  
*Fax:* 202-234-6049  
*E-mail:* scot\_spencer@edf.org

#### Moses Squeochs

Yakama Nation  
P.O. Box 151, Fort Road  
Toppenish, WA 98948  
*Phone:* 509-865-5121  
*Fax:* 509-865-5522  
*E-mail:* mos6@yakama.com

#### Jane Stahl

State of Connecticut  
79 Elm Street  
Hartford, CT 06106-5127  
*Phone:* 860-424-3009  
*Fax:* 860-424-4054  
*E-mail:* jane.stahl@po.state.ct.us

#### Mathy V. Stanislaus

Director  
Environmental Compliance  
Enviro-Sciences, Inc.  
199 Arlington Place  
Staten Island, NY 10303  
*Phone:* 718-448-7916 ext. 1246  
*Fax:* 718-448-8666  
*E-mail:* mstanisl@concentric.net

#### John Stanton

Associate Editor  
Inside EPA  
1225 Jefferson Davis Highway, Suite 1400  
Arlington, VA 22202  
*Phone:* 703-416-8536  
*Fax:* 703-416-8543  
*E-mail:* john.stanton@iwpnews.com

#### Michael Steinberg

Morgan, Lewis and Bockius  
1800 M Street, NW  
Washington, DC 20036  
*Phone:* 202-467-7000  
*Fax:* 202-467-7176  
*E-mail:* stei7141@mlb.com

#### Juanita Stewart

President  
North Baton Rouge Environmental Association  
P.O. Box 781  
Baker, LA 70704  
*Phone:* 225-774-7143  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Lora Strine

Policy and Program Evaluation Division  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2273A)  
Washington, DC 20460  
*Phone:* 202-564-6077  
*Fax:* 202-564-0074  
*E-mail:* strine.lora@epa.gov

#### Dean Suagee

Vermont Law School  
Chelsea Street  
South Royalton, VT 05068  
*Phone:* 802-763-8303 ext. 2341  
*Fax:* 802-763-2940  
*E-mail:* dsuagee@vermontlaw.edu

#### Bill Swaney

Environmental Division Manager  
Confederated Salish and Kootnai Tribes  
P.O. Box 278  
Pablo, MT 59855-0278  
*Phone:* 406-675-2700  
*Fax:* 406-675-2713  
*E-mail:* billys@cskt.org

#### Charles Swiden

President of Board  
Environmental Crisis Center  
1936 East 30th Street  
Baltimore, MD 21218  
*Phone:* 410-235-7110  
*Fax:* Not Provided  
*E-mail:* not provided

## December 1999 NEJAC Meeting

### List of Attendees

Page 21

---

#### Nicholas Targ

Counsel  
Office of Environmental Justice  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2201A)  
Washington, DC 20460  
*Phone:* 202-564-2406  
*Fax:* 202-501-0740  
*E-mail:* targ.nicholas@epa.gov

#### Michael Taylor

Vita Nuova  
97 Head of Meadow  
Newton, CT 06470  
*Phone:* 203-270-3413  
*Fax:* 203-270-3422  
*E-mail:* taylorm@pcnet.com

#### Christopher Thomas

Office of Enforcement and Compliance  
Environmental Justice  
Region 3  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103-2029  
*Phone:* 215-814-5555  
*Fax:* 215-814-2905  
*E-mail:* thomas.chris@epamail.epa.gov

#### Doreen E. Thompson

Chief  
Office of Enforcement and Regulatory  
Compliance  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
51 North Street, NE, 6th Floor  
Washington, DC 20003  
*Phone:* 202-535-2505  
*Fax:* 202-535-1359  
*E-mail:* Not Provided

#### James L. Thompson, Jr.

Office of Criminal Enforcement  
Region 3  
U.S. Environmental Protection Agency  
1650 Arch Street, (3CE00)  
Philadelphia, PA 19107-2029  
*Phone:* 215-814-2374  
*Fax:* 215-814-2383  
*E-mail:* thompson.james@epa.gov

#### Joan Thurman

Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4305)  
Washington, DC 20460  
*Phone:* 202-564-4497  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### Francisco A. Tomei-Torres

Minority Health Program Specialist  
Agency for Toxic Substances and Disease  
Registry  
1600 Clifton Road, Mail stop E28  
Atlanta, GA 30333  
*Phone:* 404-639-5060  
*Fax:* 404-639-5063  
*E-mail:* fbt3@cdc.gov

#### Gerald Torres

University of Texas Law School  
727 East Dean Keeton, Room 3266  
Austin, TX 78705  
*Phone:* 512-471-2680  
*Fax:* 512-471-6988  
*E-mail:* gtorres@mail.law.utexas.edu

#### Arthur A. Totten

Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 2252A)  
Washington, DC 20460  
*Phone:* 202-564-7164  
*Fax:* 202-501-0072  
*E-mail:* totten.arthur@epa.gov

#### Connie Tucker

Executive Director  
Southern Organizing Committee for Economic  
and Social Justice  
P.O. Box 10518  
Atlanta, GA 30310  
*Phone:* 404-755-2855  
*Fax:* 404-755-0575  
*E-mail:* socejp@igc.apc.org

#### Robin Turner

Joint Center for Political and Economic Studies  
1090 Vermont Avenue, Northwest  
Suite 1100  
Washington, DC 20005  
*Phone:* 202-789-3500  
*Fax:* 202-789-6390  
*E-mail:* rturner@jointcenter.org

#### Haywood Turrentine

Laborers Education Training Trust Fund  
500 Lancaster Pike  
Exton, PA 19341  
*Phone:* 610-524-0404  
*Fax:* 610-524-6411  
*E-mail:* hlj1@aol.com

#### Delta Enid Valente

Project Manager  
Farm Worker Health  
Office of Prevention, Pesticides, and Toxic  
Substances  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 7506C)  
Washington, DC 20460  
*Phone:* 703-305-7164  
*Fax:* 703-308-2962  
*E-mail:* valente.delta@epa.gov

#### Alice Walker

Program Analyst  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 4102)  
Washington, DC 20460  
*Phone:* 202-260-1919  
*Fax:* 202-269-3597  
*E-mail:* walker.alice@epa.gov

#### Nathalie Walker

Earthjustice Legal Defense Fund  
400 Magazine Street, Suite 401  
New Orleans, LA 70130  
*Phone:* 504-522-1394  
*Fax:* 504-566-7242  
*E-mail:* nwalker@earthjustice.org

#### Matt Ward

National Association of Local Government  
Environmental Professionals  
1350 New York Avenue, NW  
Washington, DC 20005  
*Phone:* 202-879-4093  
*Fax:* 202-393-2866  
*E-mail:* matt.ward@spiegelmc.com

#### Roger K. Ward

Office of the Secretary  
Louisiana Department of Environmental  
Quality  
P.O. Box 82263  
Baton Rouge, LA 70884  
*Phone:* 225-765-0741  
*Fax:* 225-765-0746  
*E-mail:* roger\_w@deq.state.la.us



## December 1999 NEJAC Meeting

### List of Attendees

Page 22

---

#### **Oliver L. Warnsley**

Superfund Division  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (SR-6J)  
Chicago, IL 60604  
*Phone:* 312-886-0442  
*Fax:* 312-886-4071  
*E-mail:* warnsley.oliver@epa.gov

#### **Barbara Warren**

Consumer Policy Institute of the Consumers  
Union  
101 Truman Avenue  
Yonkers, NY 10703  
*Phone:* 718-984-6446  
*Fax:* 718-984-0500  
*E-mail:* warrenba@email.msn.com

#### **Joan Warren**

Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### **Daniel Wartenberg**

Professor  
EOHSI  
170 Frelinghousen House  
Piscataway, NJ 08859  
*Phone:* 732-445-0197  
*Fax:* 732-445-0784  
*E-mail:* dew@ehsi.rutgers.edu

#### **David Wawer**

Chemical Manufacturers Association  
1300 Wilson Boulevard  
Arlington, VA 22209  
*Phone:* 703-741-5161  
*Fax:* 703-741-6161  
*E-mail:* david\_wawer@cmahq.com

#### **Suzanne E. Wells**

Director  
Community Involvement and Outreach Center  
Superfund Program  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5204G)  
Washington, DC 20460  
*Phone:* 703-603-8863  
*Fax:* 703-603-9100  
*E-mail:* wells.suzanne@epa.gov

#### **Chen H. Wen**

Program Analyst  
Office of Pollution Prevention and Toxic  
Substances  
Office of Prevention, Pesticides, and Toxic  
Substances  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 7404)  
Washington, DC 20460  
*Phone:* 202-260-4109  
*Fax:* 202-260-0178  
*E-mail:* wen.chen@epamail.gov

#### **Frank Wennin**

Consultant  
Environment Crisis Center  
2541 St. Paul Street  
Baltimore, MD 21224  
*Phone:* 410-662-7758  
*Fax:* Not Provided  
*E-mail:* Not Provided

#### **Carol A. Wettstein**

Environmental Justice Coordinator  
U.S. Forest Service  
U.S. Department of Agriculture  
P.O. Box 96090  
Washington, DC 20090-6090  
*Phone:* 202-205-1588  
*Fax:* 202-205-1174  
*E-mail:* cwettstein/wo@fs.fed.us

#### **Angele C. White**

ICMA  
777 North Capitol Street, NE, Suite 500  
Washington, DC 20002  
*Phone:* 202-962-3563  
*Fax:* 202-962-3500  
*E-mail:* awhite@icma.org

#### **Damon Whitehead**

Staff Attorney  
Lawyer's Committee For Civil Rights Under  
the Law  
1450 G Street, NW, Suite 400  
Washington, DC 20005  
*Phone:* 202-662-8600  
*Fax:* 202-783-5113  
*E-mail:* dwhitehe@lawyerscomm.org

#### **Amina Wilkins**

Environmental Scientist  
National Center for Environmental Assessment  
Office of Research and Development  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 8623)  
Washington, DC 20460  
*Phone:* 202-564-3256  
*Fax:* 202-565-0076  
*E-mail:* wilkins.amina@epamail.epa.gov

#### **Margaret Williams**

President  
Citizens Against Toxic Exposure  
6400 Marianna Drive  
Pensacola, FL 32504  
*Phone:* 904-494-2601  
*Fax:* 904-479-2044  
*E-mail:* Not Provided

#### **Lillian A. Wilmore**

Director  
(Kiowa heritage)  
Native Ecology Initiative  
P.O. Box 470829  
Brookline Village, MA 02447-0829  
*Phone:* 617-232-5742  
*Fax:* 617-277-1656  
*E-mail:* naecology@aol.com

#### **J. Wil Wilson**

Senior Scientist  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 6101)  
Washington, DC 20460  
*Phone:* 202-564-1954  
*Fax:* 202-564-1549  
*E-mail:* wil\_wilson@epa.gov.com

#### **Mary Wilson**

Region 6  
U.S. Environmental Protection Agency  
1445 Ross Avenue, Suite 1200, (6MD-D)  
Dallas, TX 75202  
*Phone:* 214-665-6439  
*Fax:* 214-665-8072  
*E-mail:* mwilson@epamail.epa.gov

#### **Nancy Wilson**

Office of Solid Waste and Emergency  
Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5104)  
Washington, DC 20460  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* Not Provided

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### List of Attendees

Page 23

---

#### **Anna Marie Wood**

Senior Regulatory Impact Analyst  
Office of Enforcement and Compliance  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 6103A)  
Washington, DC 20164  
*Phone:* 202-564-1664  
*Fax:* 202-564-1554  
*E-mail:* wood.anna@epa.gov

#### **James Woolford**

Director, Federal Facilities Restoration and Reuse Office  
Office of Solid Waste  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 5101)  
Washington, DC 20460  
*Phone:* 202-260-1606  
*Fax:* 202-260-3527  
*E-mail:* Not Provided

#### **Linda Woolley**

Principal  
LegisLaw  
1115 Connecticut Avenue, NW, 500  
Washington, DC 20036  
*Phone:* 202-466-4840  
*Fax:* 202-466-4841  
*E-mail:* legislaw@aol.com

#### **Eddie L. Wright**

Environmental Analyst  
Waste Management Division  
Region 4  
U.S. Environmental Protection Agency  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104  
*Phone:* 404-562-8669  
*Fax:* 404-562-8628  
*E-mail:* wright.eddie@epa.gov

#### **George Wyeth**

Senior Counsel  
Office of Reinvention Policy  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, (MC 1803)  
Washington, DC 20460  
*Phone:* 202-260-7726  
*Fax:* Not Provided  
*E-mail:* wyeth.george@epa.gov

#### **Michelle Xenox**

Shundahai Network  
5007 Elmhurst Lane  
Las Vegas, NV 89108  
*Phone:* 702-647-3095  
*Fax:* 702-547-9385  
*E-mail:* shundahai@shundahai.org

#### **Gerald H. Yamada**

Attorney  
Paul, Hastings, Janofsky and Walker LLP  
1200 Pennsylvania Avenue, NW, 10th Floor  
Washington, DC 20004  
*Phone:* 202-508-9573  
*Fax:* 202-508-9700  
*E-mail:* ghyamada@phjw.com

#### **Marianne Yamaguchi**

Director  
Santa Monica Bay Restoration Project  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013  
*Phone:* 213-576-6614  
*Fax:* 213-576-6646  
*E-mail:* myamaguc@rb4.swrcb.ca.gov

#### **Tseming Yang**

Vermont School of Law  
Chelsea Street, Whitcomb House  
South Royalton, VT 05068  
*Phone:* 802-763-8303 ext. 2344  
*Fax:* 802-763-2663  
*E-mail:* tyang@vermontlaw.edu

#### **Harold Yates**

Senior Community Involvement Coordinator  
Hazardous Site Cleanup Division  
Region 3  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103  
*Phone:* 215-814-5530  
*Fax:* Not Provided  
*E-mail:* yates.hal@epamail.epa.gov

#### **Bill Yellowtail**

Regional Administrator  
Region 8  
U.S. Environmental Protection Agency  
999 18th Street, Suite 500  
Denver, CO 80202-2466  
*Phone:* 303-312-6308  
*Fax:* 303-312-6882  
*E-mail:* yellowtail.bill@epa.gov

#### **Laura Yoshii**

Deputy Regional Administrator  
Cross Media Division  
Region 9  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
*Phone:* 415-744-1001  
*Fax:* 415-744-2499  
*E-mail:* yoshii.laura@epa.gov

#### **James Younger**

Region 1  
U.S. Environmental Protection Agency  
One Congress Street, Suite 1100  
Boston, MA 02114-2023  
*Phone:* 617-918-1059  
*Fax:* 617-918-1029  
*E-mail:* younger.james@epamail.epa.gov

#### **Hal Zenick**

Acting Deputy Assistant Administrator  
Office of Research and Development  
U.S. Environmental Protection Agency  
MD-87  
Research Triangle Park, NC 22771  
*Phone:* Not Provided  
*Fax:* Not Provided  
*E-mail:* zenick.hal@epa.gov