

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
Business Meeting
February 6 - 7, 2007
Washington, D.C.

-- REPORT --

Approved: Richard Moore
Richard Moore, Chair

Charles Le
Charles Lee, DFO

The following report summarizes the business meeting of the Executive Council of the National Environmental Justice Advisory Council (NEJAC) which took place on February 6 and 7, 2007 at the Washington Plaza Hotel in Washington, DC. Mr. Richard Moore, Executive Director, Southwest Network for Environmental and Economic Justice served as the Chair of the Executive Council. Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, U.S. Environmental Protection Agency (EPA or the Agency) Office of Environmental Justice (OEJ) serves as the Designated Federal Officer (DFO) for the Executive Council. Exhibit 1 lists the members of the Executive Council who were in attendance as well as those member(s) who were unable to attend the meeting.

This synopsis provides highlights from the presentations and discussions held during the meeting. This summary is organized into six sections: 1.0 Introduction, 2.0 Dialogue with Senior Management, 3.0 Overview Presentations, 4.0 Background and Dialogue on EPA Charge, 5.0 Next Steps, and 6.0 Conclusion.

1.0 Introduction

The purpose of this business meeting was to provide new members of the Executive Council with an orientation to EPA and NEJAC policies and procedures. In addition, the Executive Council reviewed and discussed the draft EPA charge regarding air quality impacts of goods movement.

The members of the Executive Council heard remarks from the following individuals:

- Mr. Moore emphasized the need for the members of the Executive Council to work together to create a good dialogue. He indicated that members of the NEJAC Executive Council should learn from each other's

Exhibit 1

NEJAC Executive Council

Members in Attendance

Mr. Richard Moore, **Chair**
Mr. Charles Lee, **DFO**
Mr. Chuck Barlow
Ms. Sue Briggum
Ms. Kathryn Brown
Ms. Jolene Catron
Mr. William Harper
Ms. Jodena Henneke
Mr. Christian Holmes
Ms. Joyce King
Mr. J. Langdon Marsh
Mr. Gregory Melanson
Mr. Paul Mohai
Mr. Shankar Prasad
Mr. John Ridgway
Mr. John Rosenthal
Ms. Patricia Salkin*
Mr. Omega Wilson
Ms. Elizabeth Yeampierre

Members Unable to Attend

Ms. Donele Wilkins

* Attended on February 6, 2007 only

experiences throughout this process and added that he looked forward to working with EPA, OEJ, and the members of the Executive Council.

- Mr. Barry Hill, Director, EPA OEJ, commended the members for their commitment to environmental justice, the NEJAC, and the issue of goods movement. He noted that EPA will benefit from the level of expertise, knowledge, and experience represented by the members of the Executive Council.

The Executive Council members introduced themselves and commented about what they would like to achieve as members of the NEJAC Executive Council. Examples included:

- Develop recommendations to minimize the footprint of waste transportation;
- Encourage the use of collaborative-problem solving to address goods movement issues;
- Explore the processes in which environmental disparities occur;
- Explore the intersections between environmental justice and local land use and zoning policies; and
- Examine the implications of aging infrastructure on environmental justice communities.

2.0 Dialogue with Senior EPA Official

Mr. Grant Nakayama, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA), welcomed the members of the Executive Council. He then emphasized the important role that the NEJAC plays in helping EPA fulfill its mission, noting that he as well as the Agency takes the recommendations established by the NEJAC very seriously. Accenting his desire to hear from the Executive Council, Mr. Nakayama extended an invitation to its members to contact him regarding policy matters.

Mr. Nakayama addressed the progress made by EPA on the issue of environmental justice, which has included:

- EPA Administrator Johnson's November 2005 memo reaffirming the Agency's commitment to environmental justice by directing EPA offices to establish measurable outcomes for eight national environmental justice priorities;
- Reorganized EPA's Incident Command System in response to recommendations from last year's NEJAC Executive Council to better communicate with environmental justice communities during a natural disaster;
- Induction of OEJ as an ex officio member of the Regulatory Steering Committee; and
- Emphasized his commitment to ensure that EPA responds to all of the NEJAC's recommendations publicly, including posting response letters on EPA's Web site.

With respect to the issue of goods movement, he discussed EPA's efforts to address this issue. For example, through a partnership with the Office of Air and Radiation (OAR), OECA has increased the number of wood stoves and diesel retrofits and advanced policy relating to this issue. He expressed his interest in addressing the concerns of affected communities through education and awareness.

Mr. Nakayama reiterated OECA's commitment to addressing environmental injustice. He emphasized his pledge to publicly respond to the NEJAC's recommendations, and cited three response letters, which he wrote to reply to the recommendations established by the last NEJAC Executive Council.

The following is a summary of the discussion among the Executive Council members:

- Ms. Jolene Catron, Wind River Alliance, stressed the need to tailor trainings to the particular audience, especially for tribal communities. She pointed out that tribal law and politics are unique and were not reflected in the training. Echoing Ms. Catron's comments, Ms. Jody Henneke, Texas Commission on Environmental Quality, noted that EPA training is often taught from the federal perspective; however, state laws and procedures differ. She stressed that training taught from this perspective may not provide staff with the appropriate knowledge regarding processes within states. Mr. Nakayama explained that OEJ is working to provide collaborative problem-solving training which addresses the audience-specific needs.
- Ms. Henneke stated that communities need to have a list of potential SEP projects ready. She noted that her organization is very sensitive to the affected community and attempts to use SEPs relating to the affected areas. Mr. Moore indicated that a recent state SEP improved the local fire department's ability to handle chemical-related accidents.
- Mr. Shankar Prasad, California Environmental Protection Agency, suggested that the members of the U.S. Department of Transportation (DOT) and the U.S. Federal Highway Administration (FHWA) be engaged in the discussions about goods movement. Mr. Nakayama stressed that the issue of goods movement is bigger than EPA; it involves other agencies such as DOT, FHWA, and local port authorities.

3.0 Overview Presentations

This section provides a summary of the four overview presentations regarding EPA, the environmental justice movement, the NEJAC process, and the FACA requirements. In addition, the summary captures the dialogue following each presentation.

3.1 EPA Overview

Mr. Lee reviewed EPA's mission and five strategic goals, including Administrator Johnson's memorandum requiring that environmental justice be integrated into each of the strategic goals. He discussed the history of the Agency and the diversity within EPA's staff - 30% of the staff is African American, Asian, Hispanic, and Native American and 51% of the staff is women. He also reviewed EPA's organizational structure, including that OEJ is within OECA; the relationships between Headquarters offices and regional offices; and that each office includes an environmental justice coordinator. He reviewed the roles and responsibilities of key stakeholder groups, including states and municipalities, which serve as delegates between the community and the federal government, businesses and industry, and environmental groups, and tribal governments, which are sovereign nations. He stressed the importance of involving all stakeholder groups in any environmental justice dialogue. He summarized the FACA regulation and its relationship to the NEJAC, which included the description and requirements of a federal advisory committee.

The following are highlights of the discussion that followed the presentation:

- OEJ is within OECA, and therefore reports directly to the Assistant Administrator of OECA.
- OAR will be responsible for addressing and implementing the NEJAC's recommendations regarding goods movement.
- Approximately 40 states have environmental justice-related contacts or activities as published in the 2004 *Environmental Justice for All* report by Hastings School of the Law and the American Bar Association.

3.2 Environmental Justice Overview

Exhibit 2

Mr. Lee reviewed the key milestones of the environmental justice movement, including the 1987 United Church of Christ (UCC) report, *Toxic Waste and Race*, the creation of the Office of Environmental Equity, and the issuance of Executive Order 12898. He stressed the importance of all of these events as a collection and not a solitary event. He then outlined the six factors that result from disproportionate effects, including proximity to exposure, unique exposure pathways, susceptible populations, multiple and cumulative risks/impacts, vulnerable physical

Office of Environmental Justice Strategies

- Integration of environmental justice in EPA policies, programs, and activities
- Constructive and collaborative problem-solving
- Financial assistance to community-based organizations and other groups

infrastructure, and lack of meaningful participation in decision-making. During his discussion about the primary strategies for institutionalizing environmental justice, he highlighted the memos from EPA Administrators Whitman and Johnson, which reinforced the need to integrate environmental justice into all EPA programs and policies. He cited the successes of his office's collaborative problem-solving efforts, including the creation of the Environmental Justice Collaborative Problem-Solving (CPS) Model. Additionally, he noted that the recipients of the Environmental Justice CPS Collaborative Problem Solving Cooperative Agreements have achieved tangible results in the environmental and public health fields. OEJ, he noted, has developed several training programs, including the *Using Environmental Laws and Alternative Dispute Resolution to Address Environmental Justice* workshops and the online *Fundamental of Environmental Justice* training. Mr. Lee emphasized that OEJ strives to engage stakeholders in decision-making through groups such as the NEJAC.

The following summary highlights the discussion that followed Mr. Lee's presentation:

- Noting that environmental justice is about building capacity, Ms. Elizabeth Yeampierre, United Puerto Rican Organization of Sunset Park, questioned whether EPA considers collaboration efforts when funding a project. Mr. Lee responded that building capacity is the essence of the Environmental Justice CPS Grant Program. Noting that communities have varying needs, the communities must have a solid foundation to effectively negotiate.
- Mr. J. Langdon Marsh, National Consensus Building Institute, suggested that case studies should be developed to capture successful implementation of the Environmental Justice CPS Model.
- Mr. Chuck Barlow, Entergy Corporation, stated that decision-makers at the state level need to listen to the grassroots leaders rather than the national environmental organizations. Ms.

Henneke cited an example in Texas where the affected community was asked to provide direct input to the state agency.

3.3 NEJAC Overview

Mr. Lee presented an overview of the NEJAC, including the charter, history, process, and new charge. The NEJAC Executive Council consists of 19 members for six stakeholder groups, including academia, business and industry, community-based organizations, non-governmental/environmental groups, states and local governments and tribal governments and indigenous organizations. In 1993, EPA established NEJAC with the objective to provide independent advice to EPA about environmental justice issues. The EPA's Achievement in Environmental Justice Award was developed based on the NEJAC's recommendations.

Mr. Lee described the seven steps of the NEJAC process:

- EPA develops a charge and submits it to the NEJAC Executive Council.
- A workgroup, comprised of interested parties, is organized.
- The workgroup drafts a preliminary report and proposes recommendations for consideration by the Executive Council.
- At a public meeting, members of the Executive Council and the public comment about the workgroup's product.
- The Executive Council members review, deliberate on, and then vote on the recommendations.
- The final report and recommendations are submitted to the EPA Administrator.
- The appropriate office within EPA reviews and responds to the recommendations.

Exhibit 3

EPA Charge Criteria

- Relevant to EPA's national environmental justice priorities set forth by Administrator Johnson
- Relevant to Administrator's priorities
- Supports a major EPA program office
- Has a sound legal basis
- Yields recommendations with measurable results
- Practicable means of implementation
- Relevant to affected communities
- Supports stakeholders in environmental justice dialogue

Mr. Lee then went on to explain that a charge must meet the criteria presented described in Exhibit 3. Using several example logic models, he explained the three types of outcomes – Changes in Awareness, Behavior, and Condition. Each outcome represents results at a given point – short-term, intermediate, and long-term. Mr. Lee reviewed the outputs and outcomes included in the NEJAC logic model, noting the emphasis placed on measurable results by EPA and the Office of Management and Budget. In his example, he noted that the members of the Executive Council are depicted as resources in the model since they provide expertise and experience to EPA. Examples of outputs include the results of the public meeting scheduled for September and the recommendations drafted in response to the current charge. An example of an outcome would be how the draft recommendations (outputs) would be used to create policy and practice changes, which would then lead to the long-term goal of improved overall health of environmental communities. While the Executive Council members make their recommendations, he implored them to contemplate the type of outcomes they would like to produce as a result of this draft charge. He noted that OAR wants to bring about behavioral change at ports through improved education

and awareness. He asked the members to think about the outputs needed to create this behavior change. One outcome, he suggested, was to hold a conference for communities affected by goods movement at ports.

Mr. Lee reviewed the draft charge to provide recommendations regarding the impacts of goods movement on community air quality. Exhibit 4 describes the draft charge in further detail. He noted that charge is currently in draft form; however, it will be finalized before the next NEJAC meeting scheduled for September 2007. Stressing the importance of this issue, he commented that over the next 15 years, the amount of cargo entering U.S. ports each year will double. The charge and the NEJAC's recommendations, he said, will help to address this expansion and limit the impact on the local affected communities.

Exhibit 4

EPA Charge

EPA has tasked NEJAC to provide recommendations on ways that EPA can promote proven partnership strategies to identify, mitigate, and/or prevent the disproportionate burden of air pollution on communities resulting from goods movement.

3.4 FACA Overview

Ms. Victoria Robinson, NEJAC National Program Manager, EPA OEJ, provided an overview of the FACA requirements. She described the requirements and responsibilities of FACA members and the DFO as well as travel and ethics rules. She emphasized the need for openness and transparency relating to all meetings of a FACA committee. Public access, she stressed, includes the opportunity for the public to provide comments as well as posting meeting notices in the Federal Register. Commenting about the importance of transparency, she emphasized that FACA meetings and meeting notes are open to the public. She then provided an overview of the committee's limitations as stated in the regulation. The key limitations are as follows:

- Deliberations by the committee must be open to the public;
- Committees are to provide advice and recommendation directly to EPA;
- Subcommittees must report findings to parent committees for deliberation; and
- Work groups may be created to conduct research and gather facts.

Following the presentation, the members engaged in a discussion about the consensus process. Mr. Moore said the recommendations under the previous NEJAC had a unanimous consensus. He thought this was important for the recommendations' validity, and hoped that the group would continue to strive for a high consensus rate. Mr. Lee said that the definition of consensus used by last year's NEJAC was that the members were able to "live with the recommendation." He noted that this did mean that all members were in agreement. Mr. Hill added that the process is collaborative. The charge, he emphasized, is important to other offices as well.

4.0 Background and Dialogue About the EPA Charge

This section provides a summary of the background information provided to the members related to the issue of goods movement, defined as the distribution of freight, with respect to the potential effects of goods movement on environmental justice communities and EPA's efforts to minimize this impact. In addition, the summary captures the dialogue following each presentation.

4.1 Environmental Justice Implications of Goods Movement

Mr. Prasad presented an overview of the environmental justice implications of the goods movement. Drawing from the experiences of the State of California on this topic, his presentation focused on the following key points:

- Due to the increase in international trade, most U.S. ports will continue to increase the quantity of imports in the future. For example, international cargo arriving at the ports of Los Angeles and Long Beach, CA, the largest ports in the U.S., is likely to increase two or three times by 2020.
- To accommodate these increased imports U.S. ports are planning expansions, including expansion of goods movement-related infrastructure. As a result, there is expected to be an increase in air pollutants, including particulate matter, sulfur oxides, and nitrogen oxides, that will be emitted from machinery and vehicles involved in transporting goods. Examples include heavy diesel trucks, trains, ships, harbor craft, and vehicles and equipment used to handle cargo. Studies done by the California Air Resources Board (CARB) and the University of Southern California have shown that communities living near a concentration of these vehicles (i.e., near ports, rail yards, and highways) have an increased risk of developing cancer and children living in these communities are more likely to suffer from reduced lung growth. Demographic studies from Los Angeles and Oakland, CA, show that these affected communities are disproportionately ethnic and low-income populations, a factor common to communities living near goods movement infrastructure.
- In order to understand the magnitude and impact of the goods movement in the U.S., a critical analysis on the areas that will expand and the communities that will be affected by the goods movement should be explored.
- Once these analyses are completed, there will be a need for increased awareness through education and implementation of policies to prevent negative impacts on the surrounding communities. It will be important to involve all stakeholders with jurisdiction in the policy development and implementation. It will also be important to develop additional criteria for land use decisions, promoting clean/advanced technologies for expansion, and encouraging retrofitting through incentives.
- Adequate resources need to be allocated for mitigating local and regional impacts caused by expansion. Examples include internalizing the cost of mitigation to individual projects, implementing a fee-based account for mitigation, providing incentives, and utilizing political will.

The following summary highlights the discussion that followed Mr. Prasad's presentation:

- Mr. Omega Wilson, West End Revitalization Association, inquired about goods movement-related studies focused on the effects of the goods movement and port expansion on ocean ecosystems. Mr. Prasad said that work has been started relating to the productivity of fisheries; however, many data gaps still exist.
- Mr. Christian Holmes, World Wildlife Fund, noted that homeland security is always a prevalent issue relating to goods movement. Ms. Sue Briggum, Waste Management, Inc., asked about whether a pre-certification process for trucks moving across the border was viable. She noted that this would minimize idling time at border crossings for a subset of trucks. Responding, Mr. Prasad commented that transport regulations must continually be reviewed and expanded.
- Mr. Paul Mohai, University of Michigan School of Natural Resources, asked if there is data concerning transportation related accidents and how port expansion will increase these accidents. Mr. Prasad said this data is not available, but the data will be collected in the future.
- Mr. John Ridgway, Washington State Department of Ecology, wanted to confirm that studies are not just looking at goods movement impacts around ports, but also goods movement impacts at border crossings. Mr. Prasad said the proposed charge will require NEJAC to review all forms of goods movement, including railway, transfer stations, and border crossings.
- Mr. Marsh inquired as to the influence communities have to block highway expansion through their neighborhood. Mr. Prasad stated that it is unclear what influence the community will have, emphasizing that this is a wildcard.

4.2 Public Health Concerns about Exposure to Pollution Related to Goods Movement

Mr. Robert Brenner, Director, Office of Policy Analysis and Review, EPA Office of Air and Radiation, provided background information about public health concerns related to the effects of exposure to pollution resulting from goods movement, which explored the health effects of the goods movement on the communities living in closest proximity to the pollution sources, specifically high traffic volume roads. He stated that the NEJAC previously had provided many beneficial recommendations, citing the diesel truck retrofit program and Community Action for a Renewed Environment (CARE) program. Key points of his presentation included:

- A significant fraction (8 to 13%) of the U.S. population lives close to "major roads."
- Concentrations of air toxics, particularly particulate matter (PM), volatile organic compounds, carbon monoxide, and nitrogen dioxide are significantly higher in high traffic volume areas. For example, University of Tennessee-Knoxville investigators monitored ambient PM_{2.5} and meteorology at three truck stops in Knoxville, TN continuously for 8 months. These truck stops combined have overnight parking spaces for 700 trucks. Results showed that the 8-month average PM_{2.5} contours were much higher than the annual standard of 15 micrograms per cubic meter.
- Elevated concentrations of air toxics are associated with increases in mortality rate, higher prevalence of respiratory symptoms and asthma, and an increased risk of adverse birth outcomes. Based on a dispersion modeling study by the CARB, annual emissions from the ports of Los Angeles and Long Beach, CA could be expected to produce 28 premature deaths, 750 asthma attacks, 6,600 days of work loss, and 35,000 minor restricted activity days at the

current levels. While populations living in these high traffic areas have been correlated with income and race, there could be confounding factors affecting the health of these populations.

- In 20 to 25 years, roughly all on- and off-road vehicles and fuel will be clean reducing adverse health impacts associated with diesel engine emissions. In the interim, it is important to continue mitigating the health impacts of the polluting engines by retrofitting, reducing idling, and retiring older trucks. By targeting facilities involved with goods movement (i.e., ports, truck terminals, and railroads), EPA has worked with facilities to develop analogous programs to reduce air pollutants.
- Additionally, retrofitting trucks entering ports will benefit the communities around the ports and elsewhere.

Following the presentation, the members of the Executive Council provided the following comment:

- Mr. Ridgway asked for clarification about minor restricted activity days. Mr. Brenner said on these days, citizens are encouraged to stay at home and restrict their outdoor activity because of poor air quality. There were no other post-presentation questions.

4.3 National Clean Diesel Campaign with a focus on the SmartWay Transport Partnership.

Mr. Mitch Greenberg, Program Director of SmartWay Transport Partnership, EPA Office of Transportation and Air Quality, gave an overview of the Agency's National Clean Diesel Campaign with a focus on the SmartWay Transport Partnership (the Partnership). Key points of his presentation included:

- The goal of the National Clean Diesel Campaign is to retrofit all on- and off-road diesel engines through cost effective strategies and coordination with local and regional communities. The Partnership, a voluntary collaboration that develops relationships between shippers and carriers to encourage increased energy efficiency while reducing air pollution, is the freight component of the National Clean Diesel Campaign. The Partnership continues to grow in importance as goods movement by freight increases.
- The Partnership encourages its carrier partners to invest in energy efficient technologies, such as auxiliary power units (APUs), direct fire heater, and single-wide tires that decreases fuel consumption resulting in monetary savings. For example, truckers by law are required to rest for ten hours after 12-14 hours of driving. During this time, truck drivers may run their trucks to power electronic devices or provide heat or air conditioning to their cabs. An APU is a SmartWay strategy that provides electricity to the cab for these purposes without having to idle the truck. By reducing idling, truck drivers will reduce fuel consumption, saving money, while reducing air emissions.
- Small companies and owner-operators often cannot afford these technologies. In order to make these energy efficient technologies more affordable, the Partnership is developing innovative and sustainable financing solutions mainly in the form of low-interest loan programs. There are currently two low-interest loan program phases: Phase 1 and Phase 2. Under Phase 1, the Small Business Administration provides low-interest loans to qualifying small businesses to design a technology package that best meets their operations. Loans can be used to purchase the

SmartWay upgrade kit bundles highly fuel-efficient technologies and emission control devices together to reduce cost. While banks often require high credit scores and large down payments for loans, the Phase 1 loans have minimal requirements, which increase accessibility. Although this financing option works well for cheaper devices, it is not an attractive option for more expensive technologies such as diesel particulate filters. Phase 2 financing offers low-interest loans and more favorable terms for small- to medium-sized companies. These low interest rates are an incentive for a company to dispose of older trucks in order to secure this loan.

The following summary highlights the discussion that followed Mr. Greenberg's presentation:

- Ms. Yeampierre pointed out that there are other factors beyond cost that inhibit companies from retrofitting their trucks. For example, her organization attempted to retrofit 12 diesel trucks; however, some of these trucks were too old and would need additional funds to re-power the trucks for the technology. Mr. Greenberg said this was true; there are often both financial and technical difficulties when retrofitting older trucks.
- Mr. Holmes asked if it was possible to create an emissions credit for technology-based emissions reductions. Mr. Greenberg noted that trading mobile source emissions for stationary source emissions may not produce an overall environmental benefit.
- Mr. Marsh inquired about the possibility of utilizing revolving loans, similar to the program instituted in EPA's Office of Water. He noted that revolving loans could reduce absenteeism and health care costs for bigger companies. Mr. Greenberg stated that EPA is looking into establishing such a program. Adding, Mr. Brenner noted that several ports have already set up no interest loans.
- Ms. Yeampierre asked whether EPA has considered establishing tax incentives or insurance reductions for companies that retrofit fleets with cleaner technologies. Mr. Greenberg explained that some states, such as Oregon, currently have tax credits for implementing energy efficient technologies.
- Mr. Ridgway asked about technologies used to power refrigerating trailer units. Noting that trailer refrigeration units need to be run constantly, Mr. Greenberg responded, technologies are being developed to power these units separately from the main engine, thus reducing emissions.
- Regarding ports, Mr. Brenner noted the idea of ports-imposed fees for dirtier trucks has been researched; however, ports which don't impose the fee have a competitive advantage over those that do. He added that ports are now working collectively to impose fees, thus eliminating the advantage.
- Ms. Yeampierre commented that the only way to green a large corporation is to educate it's customers about the company's environmental impact, including air pollution emitted from diesel trucks and in-house equipment. Once educated, customers will demand more environmentally sustainable practices, she stated.

5.0 Next Steps

This section describes the process by which recommendations will be drafted in response to the charge.

Mr. Lee described the background on the process and next steps for developing the draft recommendations and report. He noted that typically, a NEJAC workgroup has a term of 18 to 20

months, during which time they meet twice to research and prepare preliminary findings. Continuing, Mr. Lee announced, the next public meeting of the NEJAC is scheduled for September 18 to 20, 2007 in Baltimore, Maryland. A second meeting, he stated, will be held in 2008.

Mr. Lee recommended that a workgroup will need to be convened within the next month. He announced that Mr. Prasad will serve as the co-chair of this workgroup. Mr. Lee inquired as to the interest from other Executive Council members. Four members responded, including Ms. Henneke, Ms. King, Mr. Mohai, and Mr. Melanson. In addition, the following groups or individuals were suggested as potential workgroup members:

- A representative of U.S. border towns
- A representative of the American Trucking Associations
- A representative of the Los Angeles International Airport expansion project
- A representative of port authorities
- A representative of the trucking industry
- A representative of the Seaway Bridge Authority
- Ms. Andrea Hrinko, University of Southern California
- Ms. Cynthia Marvin, California Air Resources Board

Mr. Lee commented that the Executive Council members should provide other suggestions of potential workgroup members to him.

The second step for the workgroup is to complete the phase one tasks prior to the September NEJAC meeting, Mr. Lee explained. Elaborating, he noted that the phase one tasks will include documenting the nature and magnitude of the impacts of goods movement and reviewing issues and available solutions by reviewing literature, fact finding, and document gathering. All gathered material will be discussed during the next NEJAC meeting, he commented. He stated that the topic of goods movement is more diverse than ports, noting that goods movement-related infrastructure includes ports, distribution centers, rail yards, and border crossings. The workgroup will need to review how these areas expand into the surrounding communities. Through the initial review of material, he said, the workgroup will need to define problems, strategies, and solutions.

Mr. Lee requested input on the draft charge. He stated that the draft charge will be finalized in three to four months prior to the September NEJAC meeting. Additionally, Executive Council members can submit comments to him as soon as possible.

Executive Council members requested additional information about the following areas: comparison of mortality rates resulting from air pollution exposure to mortality rates resulting from other causes; community health profiles of communities affected by goods movement; state programs targeting goods movement; influence of local business on community trucks; and community decisions that will impact goods movement.

The members of the Executive Council also discussed the breadth of the charge. During the discussion, questions arose about whether the charge could focus on media other than the impact on air quality (e.g., homeland security issues and off-road vehicle emissions). After some discussion, the members agreed that the charge should be as specific and defined as possible. A question also

arose about the types of recommendations given to EPA (i.e., whether recommendations could be submitted for individual projects). In response, Ms. Henneke stated that the committee submits nationwide recommendations; it is unlikely that recommendations will be made for individual projects in individual communities.

Mr. Ridgway also recommended that the language be changed from “coastal ports” to “coastal and border ports” in the first paragraph of the charge.

6.0 Conclusion

Mr. Moore asked the Executive Council members to share their impressions from the presentations and discussions held during the meeting. The general consensus among the members was that the meeting was productive. Many Executive Council members commented that the history of NEJAC presentation and Mr. Prasad’s presentation about the goods movement and its implication on environmental justice were helpful.

Mr. Lee concluded the meeting by noting that this was the 25th anniversary of Warren County and the 20th anniversary of the publishing of the UCC’s Toxics and Race report.

Other Persons in Attendance:

- Richard Albores, Special Assistant, Office of the Assistant Administrator, EPA Office of Enforcement and Compliance Assurance
- Robert Brenner, Director, Office of Policy Analysis and Review, EPA Office of Air and Radiation
- Rafael DeLeon, Director, EPA Office of Cooperative Environmental Management
- Mitch Greenberg, Program Director of SmartWay Transport Partnership, Office of Transportation and Air Quality, EPA Office of Air and Radiation
- Marion Herz, Special Assistant, Office of the Assistant Administrator, EPA Office of Enforcement and Compliance Assurance
- Victor McMahan, Office of Transportation and Air Quality, EPA Office of Air and Radiation
- Khanna Johnston, EPA Office of Cooperative Environmental Management
- Grant Nakayama, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance