

**EPA**

**Moderator: Lisa Garcia**  
**October 6, 2011**  
**2:00 p.m. ET**

Operator: Good afternoon my name is (Tina) and I will be your conference operator today. At this time I would like to welcome everyone to the Environment Justice Committee Outreach Conference Call. All lines have been placed on mute to prevent any background noise.

After the speakers remarks there will be a question and answer session. If you would like to ask a question during this time simply press star one on your telephone keypad. To withdraw your question press the pound key. Thank you Ms. (Hall) you may begin your conference.

(Hall): Hello. Thank you all for joining the call today. For those of you who have not had an opportunity to read the agenda, we have three items on the agenda that slated for the first 20 minutes of this call and we also have 40 minutes slated for a Q&A session.

During the first 20 minutes of this call you will be provided an update on planning (EJ2014) by Lisa Garcia, the Senior Advisor on an Environmental Justice to the administrator. She will also be providing an overview on the MOU as well.

Following Lisa's update you all will be provided an update EJ and permitting by (Tim Williamson) from the Deputy Regional Council in Region One. With that I would like to go ahead and turn it over to Lisa to get started with our call.

Lisa Garcia: Hello. Thank you; this is Lisa Garcia. Welcome to our EJ Community outreach call. We took a break over the summer but we are starting once again our quarterly community outreach call.

So thank you to everyone who has joined us and thank you also to the folks who submitted some ideas for discussions.

We are going to start with a quick date, I am actually going to switch it around based on chronological order but I am going to give you an update on the inter-agency working group for Environmental Justice has signed a memorandum of understanding.

As many of you may know under executive order 12898 signed by President Clinton in 1994 there was and the establishment of an inter-agency working group and the work (inaudible) many years at different levels of seniority in the agencies and when the administrator Jackson came in she quickly realized that we really need to establish at a senior level that inter-agency working group.

And over the past year I guess almost exactly in September 2010 till about now there was a meeting with the cabinet members to reinvigorate the IWG to reaffirm the commitment to environment justice. There was a commitment to go out and do listening sessions and we have done about 10 listening sessions throughout the country from Alaska to New Orleans, Chicago and Detroit and we are planning to do them in New Mexico and also in California.

That was one of the commitments the other commitment was also do EJ strategies to once again the (inaudible) EJ strategies. So on August 4 the member signed Memorandum of Understanding to (codify) these commitments and this is on our website or maybe you received the notice of it. On August 4th all the cabinet members signed the MOU when we have some new participating agencies.

Since 1994 there are few other agencies that have joined for instance the homeland security was actually created and so John and (inaudible) signs (Secretary) (inaudible) signed and others.

So I encourage you to look on the website and find that MOU that was signed on August 4th and the EJ strategies for each agency is they are working on them now and many of the drafts are available since September since last Friday September 30th, I think it's last Thursday, I mean last Friday.

But the EJ strategies are available and on the EPA website we have an inter-agency working group linked to many of the agencies so thanks to the agencies for putting those out and we look forward to the other agencies coming online.

And once again thanks of course to the community members and to all the stakeholders who are helping us kind of redefine what environmental justice work or our implementation plans or action should be in the 21st century. The second update is on plan EJ 2014 and this is EPAs EJ strategies that was finalized in the middle of September and posted and we went through a round a few rounds of public comment periods so thank you to everyone who participated sent them recommendations and comments.

You will find that the plan has nine implementation plans for all of our topic areas and our tools and I encourage everyone to once again either write to us or look on the website to see that plan EJ 2014 update just quickly on the communication and outreach continuing on plan EJ 2014 we are, we started our (tribal council patient) which will run through the middle of November and we are doing webinars with tribal members. We are also doing we did a webinar for state on plan EJ 2014 to begin to get the word out and what we are doing obviously we have this community outreach call to talk about some of the aspects of plan EJ 2014.

We always present to the (inaudible) our federal advisory committee on updates for plan EJ 2013 and just for everyone reminder I guess is that plan EJ 2014 is very much iterative. It's a work in progress and so we are always open for comments. And along those lines for the portion of EJ and (inaudible) we have been doing a lot of outreach. We had a business round table at Washington DC both on conference call and in person also updating our business partners and industry partners on plan EJ 2014 and the specifically the permitting section.

So for a quick update on that part of plan EJ 2014, I will turn it over to Tim Williamson and then once he is done we will open it up for either specific questions on plan EJ 2014 the EJ memorandum of understanding or the inter-agency work group or the specific portion of plan EJ 2014 like EJ (inaudible) and of course open it to questions on anything else.

Tim are you on the line?

(Tim Williamson): I am Lisa, thank you very much.

Lisa Garcia: Thank you.

(Tim Williamson): This is (Tim Williamson); I am with the office of regional council in EPAs Boston Office. We work with the six New England states and 10 federally recognized tribes in New England. And I work closely with the steering committee that has been leading the initiatives to develop and enhanced public participation guides that we are considering for EPA issued permits. This idea is derived from program that are already in place and with which you may be familiar in the states of Connecticut, Pennsylvania and New York.

Several of the EPA regions have undertaken similar sorts of program and indeed in our (RCRA) Resources Conversation and Recovery Act program the notion of doing enhanced public participation early outreach to the local community is codified in regulation in that program.

We are eager to hear about your experience with these kinds of ideas. We are tentatively planning to go out to public comment on a draft of this guidance. We are aiming for December but if we can get your early and formal input now that would be a big help. The basic thrust of the guidance is to get applicants for environmental permits.

They need a permit from EPA to plan ahead about how to engage with the community where the facility is going to be permitted early. Before the formal administrative procedures dictated by our regulations kick in so that there is an opportunity for the applicant to understand, community concerns and help them perhaps shape what they are applying for as opposed to

(flapping) an application down and having the community respond to a set of ideas, authority I won't say cast and stone but then carved into an application.

Areas where you might be have special contributions to make to our thinking would be if you can point out to us examples in the real world of how early and continued outreach has been effective in addressing community concerns on the past. Correspondingly if you have been involved in environment permitting transactions that were kind of a train wreck and in retrospect you think that if only the community and the (inaudible) applicant had talked earlier about an issue it wouldn't have been such a problem during the formal process.

We would like to know the good and the bad to understand how the stuff plays out in the real world. If there are examples of good neighbor or community benefit agreements that you have been involved in, that you think have been especially affected in addressing community concerns about healthcare or environment risks. It would be good to have some real success stories to point to.

And finally if you have experienced in working with permitting authorities or companies and developing permitting conditions that you think made a real contribution to the surrounding community understanding the company better, been more comfortable about knowing what the environmental impacts and risks are permitting ideas but you think are worth the agency considering in a systemic basis in connection with this guidance those could really help our thinking. And with that I will turn it back over to Lisa.

Lisa Garcia: OK great. Thank you. So I just want to I guess I want to just reiterate some of that the importance of well I guess two things, one is the importance of plan EJ 2014 helping to provide tools and information to EPA to really effectuate the administrators priority of working towards environment justice and then obviously all the work that we can do to help advance the executive order and improve our work, our programs through all the different areas that you will see in plan EJ 2014 and what is truly important to all of that and most informative is lessons learned from communities, certainly from our EJ advocates, citizens who have been faced with living in overburdened

communities and how they think EPA can improve its process but also speaking to all of our stakeholders to state businesses, local entities, NGOs, tribes they are all equally important so I think this all speaks to once again this process and been able to help provide the best information to EPA especially in this EJ (permitting) one which is been presented today.

So I will agree with Tim we encourage as much participation and input from everybody, obviously any lessons learned is the best thing for us. So we don't have to reinvent the wheel and we really want to get a point where we are looking at best practices. So we appreciate the input. And now we are going to open it up for questions, do we just ask the operator to (Tina) if you are there would you please open up the line for participants to begin the Q&A session.

Operator: At this time if you would like to ask a question press star one on your telephone keypad. Your first question comes from (Daniel Pashley).

(Daniel Pashley): (Inaudible) is been suggested that the (inaudible) committee look at the environmental justice complaints they have been received the previous year and see how many have been resolved and how many have not been resolved and evaluate how the program is doing.

Is that been added into the EJ 2014 plan?

Lisa Garcia: Hi no we have not added that as a part of our implementation plans. I just received that comment not too long ago and I think it's one of those items that we would have to with discuss (inaudible) even they are appointed group working on environment justice and on this advisory committee. We usually make sure that it's something that they would be interested and reviewing and when you meet just to clarify also EJ complaints like petitions to from different stakeholders or regions or you speaking about specific legal complaints.

(Daniel Pashley): Well first of all you are incorrect saying this hasn't been raised before, it's been on previously calls with the (inaudible) committee and some of the committee members thought this was a good idea. What was said was they

are not allowed to evaluate. So this will be a significant change the evaluation process take place of the EJ program.

Lisa Garcia: OK.

(Daniel Pashley): The valuation component at this time. And that's why to suggest it and it wouldn't be letter to (inaudible) that we have not received response so when a compliant is not responded this part it will be where do you send it.

Lisa Garcia: OK.

(Daniel Pashley): And so that (inaudible) committee bringing is light to them that complaints have been not responded will be away of them evaluating looking and seeing why it's not been addressed.

Lisa Garcia: OK. Thank you for that clarification, no I think First of all it's good to understand the clarification that the EJ complaints and I will just clarify that I did mean it was the first time that I had heard it, I guess it came in as one of the comments on a topic to discuss today. So I appreciate you clarifying that and it seems like it is something that is been discussed by I guess the (inaudible) team and the (inaudible) members and I assume there will be a response and some kind of answer to your question and now that I know that it came in our comment period we will make sure to give you a response to that. Thank you.

Next question.

Operator: Your next question comes from (John Blair of Valley Watch).

(John Blair): Hello I am in Southern Indiana, I am curious as to what the response you have had to the plan from well specifically in my instance the Department of Energy and their loan guarantee program. I am involved in a project in Southern Indiana that is going after \$2 billion loan program in a way an area, in a community of 2000 people that already has \$30 million pounds of toxic population according to the TRI which is more than New York, Atlanta, Philadelphia, Pittsburg, Chicago and Indianapolis, Seattle, Los Angeles and Santiago combined.

They have repeatedly not responded to our request for meeting and that sort of thing to talk about environmental justice issues. So I am just curious how other agencies are responding to the plan.

Lisa Garcia: OK. So let me clarify quickly and then I will try to answer but plan EJ 2014 is EPA's environmental justice strategy. The work that we are doing on the inter-agency working group does include as a participant is and secretary she would sign the memorandum of understanding for environmental justice. So the department of energy is definitely a part of the work that we are doing and has reaffirmed the commitment to on environmental justice.

I know that the department of energy has posted an environmental justice strategy. They posted that last week and so I would encourage you if you do have access to the web to go on to the department of energy's website or our inter-agency working group website to access their EJ strategy and it should have contact information. I am not sure if they provided contact information in Indiana but I know that there is headquarter contact information.

So I would encourage you to do that because there is very much an uptick on the commitment to work on these issues and to also engage communities and stakeholders.

(John Blair): Thank you.

Lisa Garcia: Thank you.

Operator: Your next question comes from (Natalie Walker).

(Natalie Walker): Yes hold on for one minute I am going to just get rid of it – I will call you right back, OK bye, bye. Yes in reviewing EJ plans, plan EJ 2014. I don't see any discussion of title six. They are just general references to improving EPA Civil Rights program and I think we are doing nothing but dancing around the issue unless title six and the processing of administrative title six is at the forefront and it's not bifurcated or separated out from in this thing EPA does with respect to environmental justice.



I mean the fact of the matter is that when we continue to put more and more polluting facilities in communities that are already overburdened which are poor, people of color communities that is discrimination that is a discriminatory effect under EPAs title six administrative roles and it astounds me the degree to which EPA is trying to avoid confronting that head on.

And I think plan EJ is doom to failure is how you are going to administer title six complaints is not included in that plan in significant detail.

Lisa Garcia:

Hi (Natalie) I agree with you and that's why we are saying that this plan EJ 2014 is definitely a living and breathing document and through the outreach we have done, we have heard a lot certainly from you and from other civil right advocates and experts that the agency needs to come up a better implementation plan of making sure that it's integrating civil rights and merely getting to the bottom of the older cases thinking about been proactive to prevent and do compliance reviews.

So we have heard and of course engage as you know we have had a few stakeholder meetings specifically on civil rights and we continue to do that for purposes of plan EJ 2014 it was captured in the executive summary and in the introduction as a means to elevate and to capture administrator Jackson's priority into improving EPAs civil rights program. So along those lines I will just give you a quick update on that front for a folks who do not know that there was a Deloitte report that came out in late spring, early summer and the administrator has passed her senior leadership to come together and kind of (attach a force) way.

A team reviewing those recommendations and to give her a final recommendation obviously the administrator would make the final decision on how to really improve and create what we are calling a modeled civil rights program and that is underway. Everyone is working very hard to get through that and part of that is engaging stakeholders certainly on the title six front and so we appreciate from folks who are on the phone who have been participating in that and one of the other commitments we have made is that in January of 2012 we would put out an action plan specifically on these or some of the other recommendations that we have received and how we are going to

move forward and I specifically made that commitment to have the milestones and deadlines and timing so that as we continue to work with stakeholders and as EPA improves its title sticks and civil rights program that we have those commitments out there and can be held accountable.

(Natalie Walker): I wonder if you are familiar with the Deloitte report and I am sure most people on the call are and that report really talks that report doesn't get to the key issue it certainly addresses some important things like the fact that claims don't get processed in a timely fashion is quite wrong et cetera and the seeming lack of agency internally to have the will to get this program cleaned up but that's not the queue issue.

The key issue is that EPA has got adopted the proper legal framework and stop looking at title six complaint in the way that they have and the only two record (Flex deal) and whatever the (C) case that just came out recently that is EPA looks at title six claims and basically says well let's see the permit in question is in compliance within an environment laws and therefore it's in compliance with civil rights laws that's absolutely totally 100 percent wrong and your title six program will never improve until EPA embraces the concept that compliance with civil right laws is a separate and distinct inquiry from whether or not a proposed permit is in compliance with environmental laws, that's the key issue and if it's not going to be grabbed by the horns by EPA we are not going to have progress on EJ issues.

Lisa Garcia: Yes and as I said before we are looking at the Deloitte report and also taking into account the recommendations that you and others have been giving input to us in our April stakeholder meeting, our August stakeholder meeting and hopefully you got the invitation for some other. So we really appreciate you been able to take that Deloitte report – recommendations further with your expertise and your advice and suggestions to really help EPA get to a point that administrator Jackson really is looking forward to once again creating a motto civil rights program and so I know (Natalie) we will be in touch with you and the other participants on this. Thank you.

Operator: Your next question comes from (Nancy Holt).

(Nancy Holt): Yes I appreciate the previous conversation about the civil rights issues been separate and apart from the regulatory legalities, permitting. One of the questions that I have is that our group works with communities nationwide and this is a nationwide problem where land (inaudible), sewage sludge is impacting the health of the nearby community. It's also contaminating the food chain like the listeria in the canal in the recent (inaudible).

Contaminating the water and we absolutely have had since 2000, absolutely no assistance from the EPA and the environmental justice. In any way (inaudible) perform in assisting any other communities that we have worked with 12 different states. All of the formal complaints that were filed have now disappeared according the OIG office.

There are no complaints from communities anymore, although my complaint is still sitting in Atlanta and the only reason I know that is the associated press had a (inaudible) and the department, the EPA department that complies with the (inaudible) request called me and asked me if I could release the community information about health impacts to the associated press reporter and this was in 2006 and I said of course.

Now that complaint was filed in 2003, to-date there has been no response from anyone from the EPA.

Lisa Garcia: Thank you for your call and I appreciate you participating on this and as we mentioned or as the previous speaker mentioned one of the biggest issues in the past or certainly reviewing our office of civil rights is the backlog of complaints and we are very aware that there has been a backlog, that there has been a delay and this is why this effort is underway.

So really get a handle on the backlog of complaints and really had to improve the intake decision of complaints coming forward. So well I didn't know your specific complaint I could ask that you may be right in and that's with region four we have Tennessee.

(Nancy Holt): OK. I would talk to her.

Lisa Garcia: OK so I would speak to her and see if we can follow up on that specific complaint obviously you know there is some legalities that we have to deal with but I can tell you that we are very aware of the backlog and the fact that many communities have not heard anything and that is part of this real commitment, ramping up getting to Deloitte to do an assessment us really working hard to (shift) through that and get some of these complaints handled.

(Nancy Holt): Might I ask you a question?

Lisa Garcia: OK.

(Nancy Holt): In 2003 one of the assistant EPA administrators (Tracy Meehan) requested assistance from the CBC in investigating health complaints that they had received nationwide regarding the health impacts and all of the various communities and according to the letter that was sent to Julia whatever her name was.

Lisa Garcia: Yes I think that I think the best thing would be for us to talk offline so that maybe you can we can talk about the letter, we can talk to (inaudible) so we can get your specific questions because you know on a national call it's a little difficult to dwell into the specifics of this but we will definitely...

(Nancy Holt): But this is a nationwide issue.

Lisa Garcia: No I know but I don't have the letter or many of the issue so I would just ask that you please work with us so that we can get some other questions in and we can take a look at your specific questions offline.

I will say that obviously looking at health impacts I don't know if you have seen many of the commitment from HHS and from EPA but we are really making one of the other commitments and certainly you will see this in the HHS EJ strategy also.

It's focusing on health disparities, I don't think it's a question anymore that while we are reducing pollution across the board we still see health disparities across the nation and you will see in healthy people 2020 the work by HSS

and EPA and other agencies to really focus on reducing those health disparities. Also so thank you very much.

Operator: Your next question comes from the line of (inaudible).

Male: Yes Victor (inaudible) for everyone hearing. Thank you for holding this conference call today. I have been learning a lot so far and I just want to ask two quick questions I would like to know if you can talk a bit about the state's role in the fulfilling the memorandum of understanding.

So for example EPA has signed on to the MOU what would the – the state version of EPA how would that agency be interacting with the federal EPA to fulfill the MOU and then my second question is so if there is a role for state to play in fulfilling the MOU and also the EJA 2014 deal would there be sort of precedence for states to do things like designate communities that have been historically impacted by poor permitting or (excessive) permitting, poor air quality, poor water quality thereby you know helping to set the stage where the permits that are issued for particular areas are given additional scrutiny.

Lisa Garcia: So let me see if I can answer these in parts but I appreciate your question certainly on state agencies. So, the MOU speaks to federal agencies and their actions and that stems from the executive order and so the EJ strategy that each agencies is putting out really speaks to the federal agency and the federal actions.

What you will find in many instances is that there are efforts let's say like the partnerships for sustainable communities which is department of transportation (inaudible) and EPA and now working along with department of agriculture and HHS, human health and services is an effort to have community based activities and more community based initiatives which obviously involved a lot more communities, a lot more states and local entity.

But just to be clear that the strategies themselves are not a mandate or do not dictate to the state delegated programs or to any other local decision maker or government what to do or how to perform. The one of the reasons certainly in the EJ and permitting context that we are doing the outreach is because a lot of times states are our partners and so the hope is that we will be able to work

together on many of these issues and once again learning from state some of the best practices to be able to give that information to EPA staff and certainly for the use by other states that do have EJ programs or are looking to implement community based work like environmental justice.

And so the other question was.

Male: Yes I was asking – well first of all just to take a step back. I do realize that the LOU is a (inaudible) laid down a mandate but it seems as if there was you know it establishes a basis for a communication between the federal government and the agencies that are willing, is that...

Lisa Garcia: Yes and that's and I think to your other part then in some of the state actions whether on for programmatic stuff that's exactly what it is that we are, obviously we are always looking to partner to advance these issues and so yes exactly so it's not necessarily it doesn't rise to the level of over sight or I think you put as scrutiny but certainly the ability to work together to improve the quality of life in communities to reduce as I said before health disparities that we know a lot of times comes from communities that have been over burdened by population and so I guess that's the overall goal. Thank you.

Operator: The next question comes from (inaudible).

Female: Hi, it's actually (inaudible) and I am a spokesperson for a group in (inaudible) we are called environmental advocates of the New River Valley and I know you can't help in individual cases it's kind of a dispatch from the field though to tell you what's happening.

The community I live in and the community group that I work with requested (task) money from EPA. Our community has gotten money from (HUD) based on the fact that 35 percent of the people in Montgomery County are functionally illiterate when you exclude the University Community.

So the demographics of this community that I am working with are pretty clear, this is rule (Appalachia) and we asked for (task) money because we are trying desperately to understand what's going at the Radford Army Ammunition Plant.

They have had a (rig rug) permit from EPA since 2001 and are doing clean up over there and they have a restoration advisory board which I understand is governed under federal law and that restoration advisory board doesn't involve the community.

They denied me membership on the (inaudible) board; they are like three humans I think on the board I mean citizens on the board. So we asked EPA for (task) money and in the grant there were 25 end notes citing U.S. census data on education and income substantiating the socio-economic conditions of the people who live around and work at the Radford Army Ammunition Plant and I was told honestly by someone on the phone that the department of Defense and Federal Facilities had put a hold on our request for funding.

That person subsequently denied saying that and the (task) money was denied saying that we had other sources of funding like (inaudible) which we don't because our (rev) board voted not to even ask for (task) money and they won't allow me on the board to try and change that and they said that we didn't meet the socio-economic criteria for technical assistance, service to communities funding and I am wondering does the DOD dictate policy to EPA, are they exempt from all the rules that are supposed to protecting us because they have got an open burning ground there and an open burning ground just got their permit modification approved and they can burn 365 days a year on 16 (inaudible) that are adjacent to the New River and the New River is a source of drinking water for our community.

And it's an American Heritage river and it happens to flow south to north and the first community downstream of Radford Army Ammunition Plant they get all their water from either the river or a system of wells and the wells that supply so many people here in Appalachia because that's all they have wells that have been in their family for generations.

Lisa Garcia: So I am going to...

Female: Topography and karst topography means case it means that where all these hazardous waste is from the Hercules plant that opened in 1941 and has been in continuous operation ever since.

But the hazardous waste that are in the ground in the karst topography where EPA says you are not supposed to keep hazardous waste that hazardous waste is in the ground where people are drawing well water and they have never tested off site of the arsenal. They have never tested anyone's private well and when I try and get help from an environmental justice you know it's I am told we need a lawyer, I am told we need to be a 501(c) (3), we don't have the money to incorporate as a non-profit and (task) sounded like the perfect opportunity for us to get some insights into what is going on.

Lisa Garcia: So let me...

Female: ... deny money.

Lisa Garcia: Excuse I just want to make sure that you give everyone else an opportunity to questions but I think it's amazing how much information you have and you are asking for technical assistance when it sounds like you are very informed. But I completely understand that this is a competitive – let me just...

Female: It used to an expert review.

Lisa Garcia: No I understand it, so this is so unfortunately this is a competitive process and I can't really comment on how the competitive process went but I do want to say that it sounds like you are raising other issues of the New River and testing that I would like to come back and to revisit with you. If you could if we could find a way for you to write into us to (Reggie Harris), (harris.reggie@epa.gov).

So that we can follow up on some of the other request and like I said unfortunately the any grants is a competitive process but let me just say that we have heard loud and clear from many communities that we need to revisit how some of the grants are been issued because of that issue that your raised that some are not a 501(c)(3) or they are not connected to a larger group that could receive that funding and that is very much one of the consideration certainly on the inter-agency working group.



I am looking at how we issue grants and we just had a meeting yesterday where other community group raised that same issue that for small graph – to really a need that we should figure out a way to help with technical assistance and other capacity building things. So thank you very much for raising that and hopefully we can touch base afterwards to discuss some of the issues of testing and the concerns with some of the way. Thank you.

Operator: Your next question comes from (Rust Cassidy).

(Rust Cassidy): Thank you. The main question I have about EJ 2014 is the question that people in my coverage area and with the newspaper in for Appalachia and the question that keeps coming up is how is EJ 2014 and environmental justice going to apply to the permitting process as involved in (inaudible) both immediately and short term and in the long term.

Lisa Garcia: Thank you for your question. So the plan EJ 2014 does not (speak) to any one particular issue and obviously as an agency we need to deal with the nation as a whole so Alaska natives all the way up by the Arctic Ocean are dealing with issues that are very different than folks from Appalachia but we are seeking to look at once again best practices on both meaningful participation and then also considerations from communities as they move forward through a permitting process and one of the issues is making sure that the community is informed early on and then the I am sorry the other issue is how do you begin to look at things like once again health disparities. We have had recommendations to include a health impact assessment in our either (inaudible) process or permitting we have had recommendations to look at Asthma rates.

Certainly in our mountain top mining guidance we talk about impacts to ward ways because we know that it impacts some of the wells and drinking water. And so our mountain top mining guidance we have sections that speak to a clean water but also the environmental justice concern.

So the goal is not to necessarily issue any type of guidance on any specific type of permit but more to figure out ways that we can help address concerns

from communities across the United States that are overburdened and have helped to start in.

(Rust Cassidy): All right. Thank you.

Lisa Garcia: Thank you.

Operator: The next question comes from (Brian) (inaudible).

Male: Hi I was wondering if you could talk a little bit about how plan EJ 2014 is going to intersect with the registration process for if there is been any discussion in the EPA about incorporating the principals of environmental justice into the way has to site policy is enforced.

Lisa Garcia: Yes so I will premise it by saying I am not an expert on pesticide registration and (inaudible) but what I can say is that there is a few different ways that EPA certainly beginning to integrate more and more environmental justice. So one is under plan EJ 2014 there is a portion on rule making and so as words come out that is something that we are accessing and pesticide I know goes through kind of that process but also generally the concept that we can learn from advocates and communities and NGOs and obviously other stakeholders both industry and states and everyone else on their experiences and their concerns with toxic chemicals and ((TOSCA)).

So we have certainly been out there and engaging with stakeholders. I know that we have had a session with some EJ stakeholders on (TOSCA) and pesticides issues and registrations we met a few weeks ago with some farm workers organizations to talk about that also so it's very much I think in integrating environmental justice into our work. We really need to have the voices and the communities and representatives at the table as we are making those decisions and I think it's really helping to figure out where our sensitivity is and how to protect vulnerable population and certainly workers on the pesticides issue. Thank you.

Operator: Your next question comes from (Pedro Pavan).

(Pedro Pavan): Hi good afternoon my name is (Pedro) and I am one of the attorney advisors here at the office of civil rights at the department of energy and I just wanted to I guess emphasize that EPA is not the only agency that's kind of revitalizing their title six enforcement and civil rights enforcement process. Our agency is doing the same thing and I am trying to lead that effort as best as I can but to that end I just wanted to say two things that I think is important for community, organizations and EJ impacted communities and groups to think about with respect to title six and how they can utilize that in their effort to improve equality and environmental programs and one thing and someone brought this up earlier that made the distinction between title six enforcement and permitting but while I agreed that they are very different things and ones is a regulatory piece and one is based on the civil rights statute.

They can be very complimentary for each other. If you wage allegations of improper permitting or question the permitting process of something within the scope of a title six complaint you can raise those issues very effectively and very efficiently and because civil rights obviously is across the federal government usually have a non-bureaucratic line to the agency heads.

It can be a streamlined way of raising permitting issues if you incorporate them within the scope of a title six or a civil rights complaint if it exists and along with that I think it's also important to think about title six complaints I guess in the scope how quickly they have the potential to be at rest and I think here at this agency we are working really hard to start to revisit some of the complaints we have had in the past and address new ones as quickly as possible and one more thing that the only thing that stops a program or some kind of project is not just permitting, funding as well and while the EPA has a huge role in the permitting process other agencies play just as larger even greater roles in the funding of projects that impact the environment.

And if you can stop the funding you can stop a project just as effectively as you can if you can get rid of that permit or avoid a permit. So think about that when you think about how to approach some of these environmental justice challenges and waging these complaints with other agencies in addition to the EPA maybe a helpful approach to get these done quickly and effectively and that's all I have.

Lisa Garcia: Thank you so I just thank you for that. I just wanted to add that's a very good point obviously as I have mentioned the EJ strategies for all these agencies are coming out and so we encourage folks to stay tuned and look for that but also as far as department of energy and other agencies one of the topic areas and areas of importance for the inter-agency working group is title six and so we actually have a title six working group and I am sorry I didn't mention that to Natalie and to others who are on the phone. Hopefully they are still on the line.

But that is a very important aspect of it that to all the agencies are really trying to improve their title six processes and I think by this working group this inter-agency kind of (inaudible) force our team working on title six and civil rights issues will really help that. So thank you for that. Next question.

Operator: Your next question comes from the line of Jerry (inaudible).

Male: Yes my name is Jerry (inaudible). I am deeply involved in the campaign (inaudible) drinking water contamination issue. You spoke – this EJ deals with nationwide issues which leads me to the question of your memorandum of understanding because this is my first call, if it sounds familiar that the MOU you said that the cabinets, executive cabinet was getting involved in this, the department of defense and signatory on the MOU.

Lisa Garcia: Yes the department of defense is a signatory to it and what did I do with my copy, there are a few agencies on it. I don't want to necessarily go through the list right now but I would certainly encourage you to look at the agencies who have signed on to it and let me just mention that along the lines with the agencies who have signed the MOU, the MOU speaks to certain commitments that we are going to make over the next three – few years but we also heard from department of State Secretary Clinton wrote us and said that they are very much a part of this and want to work on it (FERC and NRC) the Nuclear Regulatory Commission and federal – I'm sorry I am blanking on the acronym but we have a few participants in our inter-agency working group themselves that had not signed on to the MOU and it does not speak to their commitment just to put that out there.

So, the department of defense is on there and let me just mention that I am going to make sure that we send around a notice of our contact information and our inter-agency working group compendium which will give information on contacts in all of the agencies and the compendium is kind of a list of potential community based resources and I will make sure that we get that out on our EJ list serve and if anyone is not online or if you know of anyone that is not online so write to us or call in so that we can send it to the organizations and to communities.

Male: Well and then getting back to the department of defense and the way that the EPA handles department of defense contamination sites with the exemption of the defense line communities that are involved in. The all the military people that have been potentially exposed at military sites that should be involved in the decision making because eventually they are going their health that has been affected by the negligence of the department of defense. Those folks are gone when these decisions are made and if you want to talk about environmental justice I mean you are talking about a large portion of the American Citizen.

So the (NDAs) rules for dealing with the department of defense need to be quickly (inaudible).

Lisa Garcia: Yes so I just want to I will quickly say thank you for your comment, there has been a lot of work with the department of defense and some I guess targeted meeting with the department of defense, with department of (inaudible), department of energy, agencies that host big installations and big facilities and some EJ advocates just recently to talk about once again beginning to improve this process of accessing and remediation and cleanups.

So hopefully if you are part of the circle hopefully you are beginning to get notice of that as we move forward but thank you. So we are going to have, I think we have two more questions and then we will close out the call.

Operator: Your next question comes from (Ramona Taylor William).

(Ramona Taylor William): Hello. I have a couple of questions first of all let me say this is a really, really been very informative for me and I want to talk a little bit about

the SCI the sustainable communities initiatives or the sustainable communities partnership which in Saint Louis we have received \$4.68 million. However, there is a key component here and I am really happy that the discussion has the topic of civil rights has been raised on multiple comments. In that partnership there is a requirement that equity and inclusion be very much a part of the approach on the planning process whether it's the regional planning or whether it is the community planning.

And in Saint Louis that has not happened and I am sure the same problem is existing across the country. So capacity building for organizations which this grant could be used for is to use is for capacity for community organizations and grab through these organization so that they will be able to have the resources and the capacity that they need in order to engage in these programs that are coming out.

The other issue that I wanted to talk to is the lady is from Montgomery County and (inaudible) I know very, very well. I am originally. I moved to Saint Louis from Charleston and there are major issues in Montgomery County and if there is not citizen's participation on this council or whatever it is that they setup then you just need to be making a lot of noise and demand that you are on and you are at the table.

So the civil rights part is very, very important and I am happy that the gentlemen who is with the office with civil right for the department of energy. What he said is right on point. You know I think that we will be able, then we (can) use other civil rights from a different perspective other than what the EPA is offering right now that is very, very weak and in order to address the humongous, just the overwhelming civil rights issue stat and that we had in our community and we have to strength civil rights for instance the (inaudible) carburetor project that is been sitting in our community, in my community for the last 40 years.

Lisa Garcia: So thank you very much for your comment. I think that with the sustainability for I mean the partnership for sustainable communities we have a team of folks that we call them team EJ and they are really working to improve the process. We know that this is something new and that (clients) are going out

and so I think your comment is, is on point and certainly timely of how we are ensuring that while these resource is going out and funding streams go out that we are really making sure that we are accessing all the potential recipient and obviously engaging community in the planning.

So I appreciate that comment and we will definitely take it back to our inter-agency folks that are continuing to really try to improve the process because obviously the outcome can be something great but we have to make sure that we get the implementation right and of course I always encourage communities to encourage other communities and so work together because obviously EPA cannot do it alone and the federal agencies cannot do it alone. So thank you for your comments.

Next question.

Operator: Your last question comes from Jolene (inaudible).

Female: Good afternoon. Hi I actually – Lisa you addressed the question that I had about NRC been right on to the inter-agency working group MOU.

Lisa Garcia: OK so we have the next National Environmental Justice Advisory Council meeting is in Albuquerque, New Mexico and before the meeting starts I think the day before that Monday, October 24th we are holding and inter-agency working group listening session and we have heard the request to invite the NRC and other energy agencies and obviously EPA.

So we have that request and once again they are part of our inter-agency working group so the comments that we receive we can take that we meet on average once a month and we do talk about the comments received and are working on our EJ strategies together. So thank you Jolene.

OK so I think that is the last call. We ran a little bit over but I really, I am encouraged by the fact that these quarterly community conference calls meet. It seems to be both of our needs, we need to cut our travel budget so we can't meet on the ground with all the communities but we really want to make sure that we continue to engage and to hear the voices from everybody out in the states and the region and to hear community concerns. So I thank everyone

for joining. Stay tuned for the next quarterly community outreach call which will probably be the beginning of December and once again I encourage everyone to not only look to our website or to call us for information on our EJ strategy plan EJ 2014 and to give us suggestions and comments but I also encourage you to look at the other agencies of EJ strategies.

They are open for public review and the hope is that all the agencies will put out a final or the next iteration of their EJ strategies in February of 2012. So thank you everyone have a great afternoon. Bye.

Operator: This concludes today's conference. You may now disconnect.

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