



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHIL MURPHY
Governor

SHIELA OLIVER
Lt. Governor

Mail Code: 402
Office of Environmental Justice
401 East State Street, 7th Floor
Trenton, New Jersey 08625-0402
TEL # (609) 292-2908
FAX # (609) 984-3962

SHAWN M. LATOURETTE
Commissioner

Environmental Justice Advisory Council Meeting Minutes

December 14, 2022

Via Microsoft Teams and In Person

Council Members

Present: Jeffrey Perlman, Tyrese Gould Jacinto, Bill Casey, Phyllis Reich, Mike Morgan, Dr. Amy Tuininga, Yvette Viasus, Andy Kricun, Kim Gaddy, Jackie Park Albaum, Melissa Miles

Absent: Joann Held, Dr. Nancy Griffeth, Dr. Robert Laumbach, Katharina Miguel, Dr. Denalerie Johnson-Faniel

OEJ Staff: Kandyce Perry, Nadia Akbar, Anna Maria Peñaherrera

Call to Order

The meeting was called to order by OEJ Director Kandyce Perry at 10:05 am.

October 2022 Minutes

Kandyce moved that the October Meeting Minutes be accepted. All present approved.

Executive Board Elections

Kandyce went through Anna Maria's email of nominations for EJAC Chair and Vice chair positions. Motion to approve by Andy, Jeff, and Kim.

2023 EJAC Calendar

EJAC calendar was shared with the members ahead of the meeting. Jeff has conflict with the proposed Air WG time, which falls on the first Monday of the month. Kim suggested Jeff review his schedule and circle back. The new Water WG time works for Kim and Andy.

NEJAC Updates from Andy Kricun

Andy participates in the [National Environmental Justice Council](#) (NEJAC), which is the EPA version of EJAC. He shared the idea that Total Maximum Daily Load (TMDL), a standard typically used for water quality monitoring, could be translated to air quality. The cumulative impact would be analyzed by looking at each pollutant in totality instead of per facility.

Another idea Andy shared was on supplementing the State's monitoring with community monitoring through grants. Additionally, he suggested taking a presumptive approach when permitting facilities that produce odors. Often, those odors are reported, and inspections occur after those operations have ceased. This presumptive approach puts the burden on the emitter rather than the community.

Kim would like to have a conversation with Andy, Dr. Sheats, and Dr. Sakoby, as this is something they have been championing for quite some time. They can all work together to coordinate and maintain consistency. Andy is also coordinating with the [White House Environmental Justice Advisory Council](#).

Kandyce asked if NEJAC proposals to EPA will be implemented through existing legislation or as an amendment to the Clean Air Act. Andy noted that the EPA would try to implement the proposals under the current regulatory authority to the extent possible because a congressional amendment to the CAA would be difficult. He also elaborated to the group that NEJAC reports to EPA's OEJ.

Kandyce also asked about State authority versus CAA authority. Andy would like to brainstorm with some form of a subcommittee to address areas of authority overlap. Every quarter NEJAC organizes a national public meeting and maintains a response committee for each concern that arises.

Kim noted that EJAC should explore these avenues and recalled a conversation with Kandyce and the Commissioner which involves a road tour to communicate DEP projects/initiatives and identify opportunities to increase community participation.

Jackie brought up a possible change of allowable particulate matter in cities and requested feedback. Andy hadn't heard anything about it but sounds comparable to cumulative impacts. Melissa asked for clarification on soot compliance versus particulate matter in reference to Jackie's question. Kandyce clarified that soot is a colloquially name for PM.

Kim and Kandyce discussed [Title 6](#) of the Civil Rights Act which illegalizes discrimination, including in receiving funding. EPA acknowledges that the agency can do better to uphold this authority. OEJ wants to create a procedure for all state agencies to incorporate Title 6. At this early stage in the process, EJAC participation isn't requested.

Andy hadn't realize the funding aspect gave the federal government more leverage to enforce Title 6.

Mike asked if there have been successful uses of Title 6 especially with the need to prove discriminatory intent - curious of effective examples. Kandyce noted that there are no examples using Title 6 in funding outside of the South Camden Case because EPA enforced the requirement.

Andy also mentioned EPA's [Thriving Community Technical Assistance Centers](#) – Each region will have TCTACs which will provide the community an opportunity to ask questions and seek resources. Jeff noted a similar initiative with DOT for communities that want technical assistance and that EJAC can help communicate these opportunities. Jackie mentioned a similar initiative with technical assistance in brownfield remediation.

Kandyce asked when TCTAC grants will be awarded, and Andy estimated the second quarter of 2023.

EPA Grants – Groundwork Elizabeth

Jackie provided a presentation on Groundwork Elizabeth's recent experience with EPA funding.

1) Groundwork Elizabeth secured EPA EJ [Small Grant](#). Elizabeth Clean Air Initiative is working to reduce PM from port and the project is being led by task force. Currently there is one EPA monitor in Elizabeth and the project will bring in 12 purple air monitors. Health costs associated with pollution will be calculated and a Community Action Roadmap will be completed in an effort to reduce port pollution. Aim to increase air monitoring to increase community awareness.

An application was submitted to Rutgers to work with the Housing Authority of the City of Elizabeth and Rutgers will work to increase collaboration between stakeholders and Rutgers. There will also be an assessment on vulnerable populations with health stressors and six people from who participated in DEP's summer youth program will attend.

2) National Science Foundation: Deploy sensors, community engagement project between seniors and youth.

3) [EPA HUD grant](#): aimed to increase community knowledge and produce actionable data from community air monitoring. Housing authority employs individuals from each HA to monitor the sensors and each piece of equipment measures four criteria pollutants.

Kim noted that Newark has the Green Team - hopes for mandatory placement and payment of air monitoring around airport and port to remove burden from community members.

Kandyce asked how advocates can be more informed of the citizen science approach to community air monitoring and wondered if Jackie has connected with the Air WG on their initiatives – something to keep in mind in future meetings.

Open Discussion

Bill provided information about the Listen Lead and Learn program through the NAACP and requested EJAC and OEJ participation. Bill is working to incorporate several NAACP branches in these sessions as a way to share information that can be conveyed to their community members. Conversations about this initiative will begin next month.

Kandyce informed Bill about EJ Community Engagement Sessions and the critical connection of grassroots activists who have the ear of the people, noting that Bill can facilitate this role. Kandyce asked how EJAC can assist in elevating Bill's initiative.

Kim suggested that NAACP holds additional training sessions where EJAC members can attend and facilitate EJ discussions.

Announcements

No announcements.

Adjournment

Meeting was adjourned at about 11:40am.

Next Meeting

February 8, 2023, at 10am virtually via Microsoft Teams