

Environmental Justice Advisory Council
Meeting Minutes
May 2, 2007

In attendance: Colandus (Kelly) Francis, Kim Gaddy, Joann Held, Mujahid Majeed, Valorie Caffee, Chair; and Maria Franco-Spera & Dev Ganguly, DEP EJ Office

Absent: Kathy Abbott, Stewart Abrams, Ana Baptista, Theodore (Ted) Carrington, Juanita Joyner, Zachary Lewis, Don McCloskey, Kevin Moore, Rafael Zabala

Visitors: Lisa Jackson, Jeanne Herb, Nicky Sheats, Peter Montague, Steve Anderson

The meeting was called to order by Chairwoman Caffee at 10:08am.

Adoption of the Agenda

Valorie Caffee added 2 items to the agenda.

- A report by Nicky Sheats & Peter Montague on a recent meeting with DHSS.
- A report by Peter on health impacts & health disparities.

Adoption of the April 4, 2007 Minutes

Kim Gaddy pointed out one typo.

Kelly Francis moved that the minutes be adopted as corrected, and Kim seconded the motion. The motion was passed unanimously.

DEP Action Plan & Priorities (Lisa Jackson)

- Climate Change
The Commissioner would like to see funds channeled into energy efficient buildings in cities. This might be a good future topic for the EJAC. Nicky noted that the EJ Alliance is also looking into a Climate Change initiative.
- EJ in the Action Plan
The Commissioner has asked her staff to extract the EJ related activities in the Action Plan in order to highlight them.
- EJ Staffing
Although DEP Staff is shrinking overall, the Department may be able to hire one new person to work in the EJ Office.
- EJ Task Force meeting
This meeting will be held on Friday, May 4. It is expected that two Cabinet level officials (Commissioners of DEP and DHSS) will attend. Also added to the invitation list: Public Advocate, Governor's Counsel, and several Governor's Policy Directors.
 - Three members of the EJAC will attend a portion of the meeting. This is an opportunity to emphasize the importance of Task Force participation by other state agencies, especially DHSS. Valorie noted that Commissioner Jacobs has not responded to our letters or e-mail messages.
 - Kim asked if moving the Executive Order to Legislation might get the attention of other Department Heads.

- It was also noted that the EJTF and Site Remediation Workgroup meetings are at the same time on Friday. This is yet another case of the many conflicts that have arisen with the SR Workgroup meetings.
- Cumulative Impact

DEP staff are working on a white paper on Cumulative Impact, including a review of regulatory & legislative authority in other states.
- Earth Week Announcements

The Administrative Consent Order between Linden and DEP that requires the city to finish properly closing the landfill and to enhance 50 acres of surrounding forest areas and wetlands that will be the core of a Linden City Greenway, was announced on April 25. (Thanks to Maria Franco-Spera for facilitating this action.) It was suggested that the effort to establish the Linden Greenway might be a good model for the EJTF to use on some future projects.

 - The Commissioner is interested in arranging environmental presentations in urban schools. Maria is reaching out to the NJ DEP SEEDS program for assistance. Kim offered to help DEP contact schools in Newark & West Orange; Kelly & Nicky offered to help contact schools in Camden.
- Air Monitor in Newark

Kim raised the problem of siting an air quality monitor in Newark. She heard from Charles Pietarinen that the DEP is targeting the Fire Station at 18th Avenue. Kim and Ana Baptista do not believe that this is a representative location. Kim recommended that the Mayor of Newark be contacted for help in locating this monitor.

Diesel Issues

Nicky Sheats (Director of the Center for Urban Environment) gave a presentation on the Diesel initiatives undertaken by the NJ Environmental Justice Alliance (NJEJA).

- Executive Order Requiring Companies Doing Business with the State of New Jersey to Retrofit Diesel-Powered Vehicles and Equipment to Reduce Emissions (proposed)
 - This would double the number of affected vehicles in the state. There is still discussion about how to make it easier for Small Businesses to comply.
- Recommendations for the Proposed New Jersey State Implementation Plan for Fine Particulate Matter (Oct. 7, 2005)
 - Includes a recommendation that NJ reduce the annual PM_{2.5} Ambient Air Quality Standard from the current 15 ug/m³ (which is the national standard) to 12 ug/m³ (which has been adopted by California). This is close to the range recommended by CASAC (13-14 ug/m³) and consistent with the State NAACP resolution urging USEPA to lower the national standard to within that range.
- Diesel and Fine Particulate Matter Platform
 - Peter noted that Paragraph 2 calls for a Precautionary Approach. Rather than waste time setting diesel limits, the goal would be to try to eliminate diesel emissions completely, especially near identified hot spots.
 - Peter also noted that the last Paragraph calls on the Governor to urge all State-subsidized institutions of higher learning to get involved in the effort to eliminate diesel emissions.

- Valorie said the Alliance plans to meet with DOT to present the Platform. She also recommended that it be presented to the EJTF and that we emphasize to them that diesel emissions are a cross-agency issue.

EJ Task Force Meeting (Valorie)

The EJ Task Force will be meeting on Friday, May 4. Three members of EJAC will attend part of the meeting.

- Topics for EJAC representatives to Address
 - Overview of the State EJ Program and List of Expectations
 - Siting Housing in Environmentally Polluted Areas
 - EJAC focus on Site Remediation and Cumulative Impact this year; plus the related issues of Diesel PM and Urban Residential development in Brownfields
- Hand out the Annual Report
- Offer to take Task Force Members on an EJ Tour

NJEJA Meeting with DHSS (Peter & Nicky)

The NJEJA has been working on Cumulative Impact issues for about a year and have met twice with Jerry Fagliano (DHSS). They have also written to Assistant Commissioner Wittenberg requesting that DEP engage in this discussion.

- Traditional Risk Assessment cannot deal with the multiple problems (in the natural, built and social environments) confronting communities. Alternatively, you can identify 2 groups who should not be further burdened. They are: multi-burdened populations and vulnerable populations.
 - Hotspots (i.e. areas with an excessive amount of pollution) are the concern for multi-burdened populations.
 - Vulnerable populations are groups of people more likely to be harmed by average amounts of pollution. For example, a child deficient in calcium or iron is more likely to be harmed by exposure to lead.
- DHSS has a focus on health disparities. This work is related to and should compliment the work on cumulative risk that NJEJA is doing. The DHSS Plan for Eliminating Health Disparities is available on their Website.
- DCA has developed Indicators of Distressed Communities in which they ranked all municipalities on the basis of 8 parameters. This work was done in 1996.
- Maria suggested that we invite DHSS to make a presentation to EJAC on the Plan for Eliminating Health Disparities.
- Kim suggested that EJAC should focus more on what DHSS is doing, and perhaps assign a couple of our members to track some of DHSS activities.

Site Remediation Update (Kim)

The committee is drafting up recommendations to submit to the full Council.

EJ Coordinator's Report

Maria Franco-Spera reported on work in 2 communities.

- Ringwood: They are waiting for a seismic study to identify homes most sensitive to sinkholes. The residents will not agree to any more work until this study is completed.
- Linden: As mentioned by Commissioner Jackson, the final Greenway announcement was made in April. As a result of press coverage, the DEP is beginning to get calls from the public about problem sites along the Greenway. One loose end in Linden is what to do about the asthma study requested by the Petitioners.

Camden CARE Project Update (Joann Held)

The CARE project led by Clean Air Communities in Camden is on-hold while waiting for EPA approval of the revised budget.

Cumulative Impact Update (Joann)

The committee is arranging conference calls with experts to discuss their experiences. Kim asked the EJ Office if we could see some of the information that they are compiling in their Cumulative Impact white paper.

Announcements

- There will be a conference on Environmental Indicators and Cumulative Risk at the Univ. of Maryland in June.
- On Oct. 13, there will be a mini-conference in Edison, NJ, on Toxic Exposure at Work & Home, sponsored by the Coalition of Black Trade Unionists. (Mujahid Majeed)
- On May 14, the DEP will hold a public hearing on their proposed changes to TCEPA rules calling for Inherently Safer Technology Review. (Valorie)
- Gilberto Sotto, Teamster Organizer and Environmental Justice Advocate, was assassinated in El Salvador in 2004. Among other things, he raised awareness of diesel truck idling problems at the ports. On May 1 there was a Memorial dedicated in his name in North Jersey. (Valorie)
- The "Awakening the Dreamer: Changing the Dream" Symposium will be held on June 2 at the Bound Brook Presbyterian Church.
- On June 11 there will be a conference on Health Disparities in Black Women at the Rutgers campus in Newark. (Kim)

The meeting adjourned at approximately 12:30pm.

The next meeting is on June 6, 2007 in the 7th Floor Conference Room at DEP at 10am. Minutes respectfully submitted by Joann Held, Secretary.