

ENVIRONMENTAL JUSTICE ADVISORY BOARD

RCSOB, 16TH FLOOR, DELAWARE ROOM

HARRISBURG, PA

February 2, 2016

Members in Attendance

Arthur Frank, Horace Strand, Adam Cutler, John Waffenschmidt, Eli Brill, Hazem Hijazi, Clea Hollis, Kirk Jalbert, Allison Robinson (by telephone)

Members Absent

Laureen Boles, Mark White

Non-Members

Carl Jones

Members of the Public

Alice Wright

Call to Order

Chairman Arthur Frank welcomed everyone and called meeting to order at 8:55 a.m.

Approval of Minutes

No comments or corrections to November 5, 2015 Minutes.

Update from Secretary Quigley

- DEP lost 671 positions in last seven years. If current House budget stays intact, another 188 positions will be lost.
- DEP's IT budget is one-third less than 12 years ago. Intent is to systematically invest in restoring agency's IT capacity.
- Agency diligently working on Clean Power Plan. Goal is to submit final plan to EPA by September 20th.
- DEP completed its work on Pipeline Infrastructure Task Force and will be sending 184 recommendations to Governor.

- Governor has announced nation's leading methane regulations that will be advanced through Air Quality Technical Advisory Committee in two weeks.
- Next EQB meeting is February 3rd on Chapter 78 oil and gas regulations. At least three members of General Assembly will try to amend rules on the floor.
- National Academy of Sciences will be coming to the agency in the spring with busloads of scientists to discuss science and how to keep up with rapidly changing technology.
- Excited to have Carl Jones as the new EJAB Director. Carl cares about giving real life to the Environmental Justice Advisory Board and is deeply committed to finding resources to enable the Board to do its work.

Board Member Comments

Several members expressed concern that the final decision to hire Carl Jones was made without advising the Board. The members were not unhappy with the final decision to hire Carl Jones, but voiced concern about the aspect of involving the Board in the review process and then not involving it in the decision making. The Secretary indicated that it was his sense of urgency in reconstituting EJAB that trumped everything else. He saw an opportunity with Carl that he did not want to let languish. The job offer was made to Carl 24 hours before the hiring freeze. The Secretary apologized for any offense.

Carl Jones

- Talked with each Board member individually. Board wants to be a working Board.
- Crucially important for Office of Environmental Justice and Board to make sure mission of DEP is actually being effectuated and met.
- Three main goals for Department:
 - 1) Minimize adverse environmental impacts;
 - 2) Empower communities;
 - 3) Foster economic opportunities.

- With Department strapped for resources, everyone must become an environmental advocate. Requires internal education within Department and external education to community members, businesses, and younger folks.

Items for Discussion

- Have someone in-house who knows about health and toxics.
- Conduct another state-wide conference or some externalized educational activity.
- Tighten up exceptions and loopholes so enforcement penalties are funneled back into communities.
- Environmental justice needs to look at economic impacts.
- Conduct further study on cumulative impact.
- Overburdened communities that aren't being protected by simple compliance with law.

Presentations

Loreen Boles (via email/read by Carl Jones)

Complaint about Southwest Philadelphia auto junkyards has not been satisfactorily resolved.

Eli Brill

New EPA rulemaking will change Title VI regulations by trying to view States more as partners than someone to whom to dictate; trying to invite communities into conversation; creating compliance tools; looking at how industry sectors impact communities.

Adam Cutler

Suggests review of recommendations from working group's 2001 report to see what is working and what is not.

Hazem Hijazi

What happens when requirements and regulations are met, but impact still exists?

Clea Hollis

Johnstown issues include highest coal pollutions and highest mortality rates in county; water treatment chemicals in old pipes leading to increased leakage of lead into water; cost of sewer pipe replacement causing blight in neighborhoods; and soil contamination.

Allison Robinson (via telephone)

See Powerpoint presentation provided by Allison Robinson.

John Waffenschmidt

Majority of wealth is concentrated in very small percentage of population with majority of people having smaller and smaller amounts of wealth; mobility between economic classes is limited, with education being main tool to get out; individuals who have more quantitative skills get better compensation so more should be put into quantitative skills in K-12.

Kirk Jalbert

PhD in Science and Technology Studies, trained as an environmental sociologist; research over last six years has been working with environmental advocacy groups; also trained as an ethnographer; hopes to offer his services as a specialist in those areas and be able to do some campaigns that the Secretary wants to do with the Board.

Arthur Frank

Within the agency, need to have some sense of the health implications of regulations and exposures.

Working Session

- Is definition of an EJ community correct for us today?
- Look at vulnerable populations that aren't protected by compliance with laws.
- What does it mean to be an area of concern?
- What do communities get for being an area of concern?
- Look at areas with aging population because of transportation issues.

- How do we not exclude communities that should be captured by EJ community?
- Should same criteria be used for every community?
- Access to information and ability to interpret that information should be considered for disadvantaged communities.
- Early knowledge, meaningful involvement with communities is crucial.
- Should applicants be forced to have EJ screening?
- Hard and fast delineations can exclude those people that need protected.
- Using census tract and data that is outdated by time it has been published does not serve the community.
- Should applicants self-identify, have boots on the ground, look at EJ screening tools, then make a representation?
- Are applicants centered enough to be willing to walk in community before making submittal?
- Industry should have foresight to get to know community before putting in permit.
- DEP will have more to work with when industries go to the community first.
- Board should carefully review EJ screen tool prior to next meeting.
- Board will review public policy and public participation policy going forward.
- How do communities that have received enhanced participation feel about the participation that they received?
- What does meaningful involvement mean in regulatory context and DEP realm and how can we be certain that communities that are supposed to be represented by the Board actually have meaningful involvement?

- Recruit additional members to EJAB.
- Identify person within each DEP regional office to engage with communities who are in need of information, who are in need of technical assistance, and who don't know where to turn without some interaction from the Department.
- Look at academic institutions in State to identify individuals who would be willing to work assist communities.
- Meaningful involvement is more than just having an opportunity to talk. It's having opportunity to be listened to. Perception in the communities may be that nobody is really listening.
- In 2016:
 - More listening sessions, state-wide conference, newsletter?
 - Try to get resources out to communities in terms of grants and technical assistance since money is scarce.
 - Suggest proposed changes to regulations?
 - Find a champion in legislature?
 - More members needed to continue diversifying geographically and diversifying by gender, by ethnic background, by experience. Grassroots would enrich EJAB.
 - Seek out community outreach person at Geisinger to get involved.
 - Submit names for potential membership.
- Board should be Director's ear in community.
- Assist Director with benchmarking items of importance for Department.
- Assist with solidifying working definition of EJ community.

Eli Brill

Motion for adjournment.

Adam Cutler

Seconded.

Meeting adjourned by Chairman Arthur Frank.