

ENVIRONMENTAL JUSTICE ADVISORY BOARD
Meeting Minutes
Thursday, August 11, 2005
Room 105, Rachel Carson State Office Building
Harrisburg, PA

Members in Attendance

Edward Thomas
Ayanna King
Cyndi Romero
Michael Walker
Mario Browne
Arthur Frank
Erlinda Agron
Janine Legg
Patrick O'Neill
Luvennise Gamble
William Rocky Brown III
Jerome Balter
Efrain Cirilo

Others in Attendance

Marylou Barton
Holly Cairns
Janis Dean
Marcus Kohl
Pat Miller
Dan Snowden
Janean Spiegel
Alice Wright-Bailey

Members Not in Attendance

Lamar Barnes
Eli Brill
Edgar Howard
Alfred Ryan
Peter Simms

Chairperson Edward Thomas called the Environmental Justice Advisory Board (EJAB) meeting to order at 9:15 a.m. on August 11, 2005.

Ed Thomas: welcomed everyone and asked that each person give an extended introduction.

Others in attendance then introduced themselves. The Board then moved on to the next item on the agenda, "Approval of Minutes of May 5, 2005 Meeting"

Ed Thomas: announced that the approval of the minutes was the next item on the agenda. He gave the Board time to discuss any changes that may have been necessary.

A motion was made to table the approval of the minutes until the Board received a revised set based upon the various comments.

Ed Thomas: seconded the motion, and took a vote.

The motion carried.

Ed Thomas: declared that the next order of business was by-law amendment and the vote to remove one of the Board's members, Peter Simms.

Rocky Brown made a motion for the adoption of the by-laws.

Jerry Balter: seconded the motion.

Jerry Balter: reminded the group that he wanted to discuss the motion. He directed the group to Article IV, "Membership," and wondered whether or not there should be a minimum number of citizens from low-income and minority communities.

Janine Legg: added that she would also like to see faith-based communities represented, in particular those religious communities that deal with social justice issues.

Rocky Brown: referred to Janine's comment and said that he thought it should be faith-based communities in general (rather than singling out particular denominations).

Ed Thomas: asked Jerry if he had a specific number of individuals in mind.

Jerry Balter made a motion that to set a minimum of three members from low-income and minority communities.

Janine Legg: seconded the motion.

Arthur Frank: felt that setting a number would not be in keeping with the representation of the other constituencies that make up the Board.

Jerry Balter: expressed that that's what the Board is all about and that there would be something wrong if the Board did not at least try to get that kind of participation. If out of the whole state the Board cannot find three members from low-income and minority communities, then he feels that there is something wrong with how the Board operates.

Ayanna King: thought that it would be very hard for people from this population to give up a day to come in for a Board meeting.

Jerry Balter: stated that if it meant that they would have to pay the people their wages for the day, maybe they ought to do that.

Ed Thomas: said that that issue had been addressed before and that at the point it was addressed, DEP was not willing to compensate people for attending the meetings.

Mario Browne: made a suggestion to change “private citizens from low-income and minority communities,” to “residing in.” Otherwise, the Board could end up with professionals working in low-income and minority communities instead of actual residents.

Rocky Browne: agreed with Mario. He said that he lives in Chester, so he considers himself a person from a low-income and minority community. He added that the person does not have to have a low income and he feels that he represents his community.

Ed Thomas: brought the Board back to Jerry’s motion and asked that it be resolved.

Jerry Balter made a motion that the minimum be three people.

Rocky Brown: seconded the motion.

Janine Legg: wondered if they should look at the number of board members (21) and decide if the number should be a percentage of that 21.

Rocky Brown: said that he assumed that that was how Jerry had come up with three and stressed that the wording was “a minimum.”

Patrick O’Neill: wondered whether or not the Board internally has the authority to set a minimum that would tell the Secretary who she can or cannot appoint and asked for an opinion from legal counsel.

Marylou Barton: expressed that she thought it would be okay, since the Board is advising. She quoted Article III, “Purpose,” where it says that the Board “may recommend to the Secretary the adoption...”-- if the issue were statutory or regulatory, the Board would not have this authority, but it is okay to advise the Secretary.

Patrick O’Neill: pointed out the word “shall” in Article IV, whereas Article III talks about the advisory purpose of the Board. He stated that as long as Marylou did not think it was an issue, it was fine with him to set this sort of number.

Marylou Barton: said that she thought that while putting a number into the by-laws would restrict the Secretary politically, it would not actually restrict her; it may put her in a corner, but the Board would be free to do it.

Ed Thomas: called for a vote on Jerry’s motion that three be set as the minimum number of representatives from low-income and minority communities.

9 in favor, 1 opposed, 2 abstentions—The motion carried.

Janine Legg made a motion that members from faith-based communities be added.

Rocky Brown: seconded the motion.

Jerry Balter: asked what the term “faith-based” means.

Janine Legg: suggested that the Board use the CDC definition of “faith-based.”

Janine Legg: said that they should be members of those communities that have social justice programs. She referred to Rev. Brown’s earlier comment that instead of singling out organizations, they should just call them “faith-based.” She thinks that if the Board looks at CDC and EPA grants, that is the gist of their definition.

Michael Walker: informed the group that organizations like the Nation of Islam are present, specifically in the Pittsburgh and Philadelphia areas. He wondered if “faith-based” would include every faith-based organization.

Janine Legg: stated there isn’t a legitimate religious organization with a stand on environmental justice that is Section 501 c 3 that should be disqualified.

Jerry Balter: clarified that nobody would be prohibited, no matter where they come from. Everybody would fit under that definition.

Mario Browne: asked to clarify that the by-laws would read “...but not limited to, private citizens residing in low-income and minority communities, regulated entities, local governments, environmentalists, academia, industry, and faith-based communities.”

Janine Legg: responded that that was correct.

Ed Thomas: took a vote.

5 in favor, 5 opposed, 2 abstentions

Holly Cairns: mentioned that according to Robert’s Rules of Order, the abstentions must later give a reason. The only reason they could abstain was if they had some sort of personal conflict or some reason why they could not fairly vote.

After one of the abstentions changed to voting in favor of the motion, the count was 6 in favor, 5 opposed, and 1 abstention—the motion carried.

Patrick O’Neill: asked someone to get a copy of the Rules of Order and find the provision that states that one is not allowed to abstain without giving a reason.

Ed Thomas: quoted part of the Rules of Order: “A member has no right to explain his vote during voting...” He interpreted that as being opposed to what Holly was saying and asked if he was interpreting it correctly.

Mario Browne made a motion that the word “from” be stricken and changed to “residing in” in the second sentence of Article IV.

Jerry Balter: seconded the motion but asked Mario what his concern was about that wording.

Mario Browne: explained that the purpose of having this committee was to represent the under-represented, as well as to build competence within those communities to address their own issues. He seeks to change language that may prohibit those purposes from being realized.

Ed Thomas: called for a vote on this motion.

12 in favor, 0 opposed, 0 abstentions—The motion carried.

Ed Thomas made a motion that in Article IV, Section E, the word “bi-monthly” be stricken and changed to “quarterly.”

Jerry Balter: added that for clarity, the “s” at the end of “meetings” should be dropped in that sentence. He quoted: “In the event a board member is unable to attend the quarterly meeting, he or she should designate a single alternate to participate in the *meeting*.”

Janine Legg: raised another issue: that the alternates should have voting privileges.

Ed Thomas: informed her that that issue had been raised in the past, but the Secretary is opposed to allowing the alternates to vote.

Ed Thomas: took a vote on his motion.

12 in favor, 0 opposed, 0 abstentions—The motion carried.

Ed Thomas: announced that the next sentence (“Members should be permitted to vote...”) has been moved to Article V, “Voting,” so that it flows. The word “present” was added (“Members present shall be entitled...”) and the phrase “in person” was stricken. The sentence “An affirmative vote is two-thirds of those members present” was also stricken because that information is covered in the sentences that follow.

Patrick O’Neill: did not understand how the sentence “A motion to rescind or amend something previously adopted will require either a two-thirds vote, a vote of the entire body of the voting membership, or a simple majority vote” made sense.

Arthur Frank: proposed that that section be left out and that it say instead that decisions will be made according to Robert’s Rules of Order.

Ed Thomas: said that it depends on timing and the amount of notice given to the Board.

Janine Legg: stated that two sentences in the bylaws needed clarification and were confusing.

Arthur Frank made a motion to remove the sentence that begins “A motion to rescind” and ends with “majority vote.”

The motion was seconded.

Ed Thomas: called for a vote.

12 in favor, 0 opposed, 0 abstentions—The motion carried.

Janine Legg: asked again for clarification on the sentence “Majority is defined as ‘more than half’ of the persons legally entitled to vote, excluding blanks or abstentions.” She asked if it should be changed because she understood that seven members were needed.

Arthur Frank: explained that seven people must be present, but only four must vote in favor of the motion.

Arthur Frank made a motion to adopt Articles VI-XVI.

Rocky Brown: seconded the motion.

Janine Legg: asked if there should be something put into the by-laws (specifically Article X, “Standing Committees”) that would require the standing committees to produce something with respect to their activities (for example, tasks, deadlines, minutes, or reports).

Arthur Frank: said that Robert’s Rules address standing committees keeping minutes.

Ed Thomas: stated that the Board has minutes from every conference call and sub-committee meeting.

Janine Legg: took exception to that, saying that they do not have those items.

Ayanna King: explained that this is an advisory board to make recommendations to the Secretary and said that they remember their charge. It is not just about producing reports; it is more to make recommendations and comments about DEP, EPA, and other situations.

Arthur Frank: restated his motion that, as written, Articles VI-XVI be adopted.

Motion was seconded.

11 in favor, 1 opposed, 0 abstentions—The motion carried.

Ed Thomas made a motion that the Board should designate a parliamentarian (a Board member who would be responsible for studying Robert’s Rules of Order).

Arthur Frank: seconded the motion for purposes of discussion.

Ed Thomas: called for a vote.

Patrick O'Neill: asked him to clarify that he was referring to having one of the Board members serve as parliamentarian.

Ed Thomas: confirmed that that was his suggestion.

1 in favor, 7 opposed—Motion did not carry.

Michael Walker made a motion to entertain the idea of bringing in outside counsel to serve as the parliamentarian.

Ayanna King: seconded the motion.

7 in favor, 2 opposed, 1 abstention—The motion carried.

Ed Thomas: established that they were finished with the by-laws and that it was time to move on to discussing Peter Simms.

Ayanna King: informed the group that Peter Simms represented the Allegheny County Health Department and the last meeting he attended was August 3, 2004. They sent him a letter on March 17 and made four calls between April and May of 2005, but they have not received a response.

Ayanna King made a motion to remove Peter Simms from the EJAB.

Cyndi Romero: seconded the motion.

Patrick O'Neill: wondered if the Board had the power to remove someone, since it is really the Secretary who makes such decisions.

Patrick O'Neill made a motion to modify the other motion to “recommend” that Peter Simms be removed.

11 in favor, 0 opposed, 1 abstention—The motion carried.

At 10:23 a.m., the Board moved on to the next agenda item, the “20/30 Issue.”

Marylou Barton: told the group that she had been asked to report on the portion of the Environmental Justice Workgroup from 2001 that begins on page 12 with “To appropriately define low-income and minority communities.”

Marylou Barton: Legal counsel had been asked to give an opinion about whether or not that definition could be used in the promulgation of regulations; they found that the definition is fine, except for the fact that when it comes to writing regulations, it would not be legally defensible. The 20/30 definition concerns her because it is not narrowly tailored: It is really a percentage, and based on *Grutter v. Bollinger*, this would be unconstitutional when it comes to regulations. The public participation policy, which tries to enhance participation within low-income and

minority communities, is fine and can be done via policy. Policies always contain a disclaimer that indicates that it is not legally binding, so they are free to do more with policy than with regulations or statute.

Patrick O’Neill: requested a study that would overcome the hurdle involved with the court decisions Marylou had discussed. He does not think that the study has to be huge—one can collect data or use GIS information or census data, and then map out this data to see where existing facilities are and to get a good idea of what the communities look like. He suggested that the Board recommend to DEP that they do such a study.

Janine Legg: asked Marylou if she was saying that DEP was now taking sort of a race-neutral approach to policy.

Marylou Barton: answered that that was not what she was saying; it looked to her like the Supreme Court was moving in the race-neutral direction.

Janine Legg: clarified that she did not have a problem with adopting race-neutral policies and stated that many agencies, including EPA, seem to be going towards that.

Janine Legg: Stated that in her scholarly research and work in environmental justice, scholars, such as Fetter and Ash, seem to be taking a race neutral approach to solving health disparity issues, recognizing that environmental racism still exists. EPA seems to be taking a race neutral approach in their policies.

Michael Walker: said that he did have a problem with race-neutral policies because they seem to defeat the purpose of the Board.

Marylou Barton: clarified that the 20/30 rule can be used for policy, just not for regulations.

Erlinda Agron: said that the reality of the situation is often different from the perception. The reality can be seen in education, employment, and every field; a study would show that they have not yet reached that point.

Arthur Frank: suggested overlaying health issues and some scientific data.

Marylou Barton: told Arthur that that was definitely something that could be looked at. She said that they needed to be careful about how they set it up, keeping in mind the Equal Protection Clause, which would raise other issues.

Arthur Frank: talked about using the 20/30 policy as a trigger to look further and not using it as a deciding point. Looking ahead to Jerry’s proposed policy, he said that there might be cases where a community that is white and rich would be called an EJ community.

Ed Thomas: announced that discussion would be closed because these issues would fall under Jerry Balter and Don Brown’s presentations.

Patrick O'Neill made a motion that the Board request that DEP do a study to provide a factual record that would support the use of the 20/30 rule or a similar standard in implementing environmental justice policies.

Cyndi Romero: seconded the motion.

Arthur Frank: requested some discussion. He wondered what would be studied and what a reasonable time frame would be. He would like to see the 20/30 rule used as a trigger rather than as the absolute rule because there was a lot about Jerry's upcoming discussion that would play into this.

Jerry Balter: recommended that Patrick's motion might be valid at the end of the discussion about his idea.

Ed Thomas tabled the motion until after Jerry and Don's presentations.

At 11:09, the Board moved on to the next agenda item, Jerry Balter's Proposed EJ Protocol.

Jerry Balter: gave a brief overview of his proposal. In the explanation, he described the health factors that his protocol takes into consideration and explained how if a community's health reaches a point, he proposes that no new permits are issued unless the community votes to allow the permit to be issued. During his presentation he provided a summary of a case he is involved in relating to Camden, NJ.

Arthur Frank: In principle, he agreed that the health of the community ought to be the standard because it gets away from all the issues of who is in the community and how much money they make. The point that Al and Eli made, which he agreed with in principle, was that the health of the community is not only determined by environmental exposures; their perspective was that it was potentially unfair to businesses and potential polluters to say that they alone are responsible for the health of the community. He said that it was necessary to recognize that the poor health of communities is based on a lot more than just the environmental exposures that go on there. Having said that, one of the things that is not used in this country but is used in Europe and other places is the "precautionary principle." He thought that Jerry's proposal was reasonable, with the exception of communities being able to override DEP's opposition to proposed facilities. He feared that town hall meetings and community sentiments could be manipulated; there are ways to buy votes one way or another, such as promising jobs and never delivering them. He thought it would be neater and easier to simply say that if a community is too unhealthy, the facility cannot be built there.

Cyndi Romero: noted that it is a complex subject and thanked Jerry for putting it on paper so the Board could discuss it.

Janine Legg: thought the health indicators Jerry mentioned were great; however, what was his evidence that the number 60 was defensible?

Jerry Balter: responded that, as he had said, the number was arbitrary and that he felt in fact it might be unnecessary.

Janine Legg: There should be an agreed mechanism for evaluating communities.

Janine Legg: stated that she would like to move towards evaluating the county where the community is located based on recent EPA hazard scores, GIS mapping, cumulative TRI data on facilities, screenings on demographics, and evaluations of health indicators. She also wanted to add leukemia and asthma as health indicators.

At 11:39, the Board moved on to the next item on the agenda, Don Brown's presentation ("Cumulative and Synergistic Risk Approaches").

Don Brown: introduced himself as Senior Legal Counsel for Sustainable Development for DEP, though he spends most of his time running the Pennsylvania Consortium for Interdisciplinary Environmental Policy, which is currently made up of 52 universities but which will soon gain two more members, bringing it up to 54.

Don Brown: explained to the board the two questions that he has been asked to address. The first was, "How is DEP currently looking at cumulative and synergistic risk?" He mentioned a memo that summarized their conclusions. The second question was, "What is the current scientific basis for doing cumulative risk?" He mentioned three guidance documents that are helping to answer this question, the most helpful being the 2003 Framework on Cumulative Risk. The second phase of Don's efforts will be trying to put information into place that will help them understand connections between human health and the environment. To accomplish this, the PCIEP will be working with the Heinz foundation and several groups from Southwestern PA that have already been working on this.

Patrick O'Neill: mentioned the legal opinion Marylou did regarding the 20/30 policy, raising the issue of the constitutionality of using any kind of racial measure. He said that he was suggesting that they needed a record to support whatever they were going to do, so he suggested that DEP do a study to provide such a record.

Don Brown: agreed that in order to make a decision, one must have a record or a scientific basis to show that there really are health concerns. He said that the record would not have one particular purpose in mind; they are attempting to map human health and environmental exposures broadly to see what comes out of it.

Arthur Frank: stated that he is very supportive of this work. He agreed that a lot of this would not stand up in court in terms of causality; the science is just not there to answer these complex questions yet. Going back to the previous discussion, he stated that as a group of people interested in protecting the health of the public, the EJAB should act conservatively in cases of uncertainty (the precautionary principle). He advised making a simple standard that says that one could not put another source of potential ill health in a community that already has ill health; he stated that this standard would be very easy to defend and would not rely on science that may not be there yet.

Don Brown: stated that they do risk assessments all the time and make decisions on them. There is nothing preventing them from improving those assessments to consider things that they don't already consider; the science is there to do that and they do not always have to have direct cause and effect.

Arthur Frank: thought that it would be nice if Pennsylvania became the first state to adopt the precautionary principle.

Janine Legg: asked Don to elaborate on a statement from page 9 that begins, "For instance, when you're talking about cumulative risk..." She asked if he was using risk above 1.0 as his standard, even though the report she was referring to used 0.25.

Don Brown: responded that carcinogens are based on risk level (1×10^{-4}), not on hazardous index. For non-threshold pollutants, they use a hazard index of 0.25. Some programs, in looking at cumulative risk, do what one would expect them to do: They add all the risks, either synergistically or additively, and make the risk decision based upon the additions. With the air pollution status, they do not have to do that because their hazardous index (0.25) for non-carcinogens is so conservative.

Ed Thomas: turned the group's attention back to Patrick O'Neill's motion.

Patrick O'Neill: stated that he thought that what Don said was great and should be done, and that Arthur was right. His concern remained, though, that for some of the things the Board wanted to do (including asking DEP to make regulations targeting minority communities), they would need data as a basis against possible legal challenges. He did not think it would have to be a two-year study; as he understood it, they could do the data gathering and come up with a report in six months.

Patrick O'Neill: replied that the Board assumes that Pennsylvania has an environmental justice issue. The law says, though, that one can't assume that; there must be evidence.

Arthur Frank: proposed that they take each county and get a number by Jerry's system, make maps of where communities that meet the 20/30 criteria are (a 20 and a 30 map), then make another map that shows current sites of permitted facilities. He said that if they overlay these maps, it would be like "neon lights" showing affected communities.

Holly Cairns: suggested that someone make a motion to get a response from the Secretary about her position on the precautionary principle.

Ed Thomas: answered that the workgroup had actually advocated the precautionary principle, but the Department was not very happy about it.

Arthur Frank: tried to make a motion to request that they get (as soon as possible) maps that map out, county by county, Jerry's four figures...

Jerry Balter: emphasized that they should get the data census tract by census tract.

Don Brown: said that his understanding was that while some data would be available by census tract, not all of it would be.

Jerry Balter: responded that information for each of the four factors can be obtained by census tract. The data may not have been printed yet, but they can get it.

Arthur Frank made a motion to collect data on the four factors that Jerry had mentioned by the smallest available entity and map it, then make a map of 20s, 30s, permitted sites, and national priority superfund sites.

Patrick O’Neill: suggested that they overlay the trigger permits to show that they tend to be located in low-income and minority communities.

9 in favor, 2 opposed, 1 abstention—The motion carried.

Ed Thomas: turned the group’s attention back to Jerry’s protocol.

Jerry Balter: said that he would like for them to vote his protocol up or down, excluding the 20/30 policy because it was superfluous.

Patrick O’Neill: thought it may be premature and that there were some problems he would not have time to address that day. He believed it could be worked out, but there may be concerns that it would create other issues. He asked that the motion be tabled until the next meeting.

Jerry Balter: pointed out that that would mean three more months. He wanted to achieve a determination by the Board to recommend to DEP that the acceptance or rejection of a permit application be done on the basis of the four health factors.

Erlinda Agron: asked if it would be wise to wait until they got the information that they had requested. She expected that they would be in support of it then, but thought that it would be wise to table it until the next meeting.

Patrick O’Neill made a motion to table Jerry’s motion until the next meeting.

Cyndi Romero: seconded the motion.

10 in favor, 1 opposed, 0 abstentions—The motion carried.

At 12:40, the Board opened the meeting for public comments.

Holly Cairns: informed the group that from October 24-26, the Pennsylvania Public Health Conference would be held in Pittsburgh. She said that information may be posted on the website; she thought that it could be relevant if anyone was interested.

At 12:41, Ed Thomas announced a working lunch. The Board broke into their sub-committees, and new members were assigned to sub-committees.

At 2:05, the meeting resumed.

Cyndi Romero: reported that her committee had reviewed the minutes of their last conference call. Each member of her committee was going to do some research about the background of the committee, then come together in a conference call to make recommendations that have more substance and talk about implementation activities.

Arthur Frank: told the Board that the Environmentally Burdened Communities committee had reviewed the minutes from their last conference call and tentatively set up another call 3-4 weeks before the next meeting. They were hoping that the maps would be available by then, possibly online. He hoped they could come back with a newer definition of an EJ community (from race-based to non-race-based) and use the new information to make an agenda item regarding Jerry's proposal. Their sub-committee would like to see that issue back on the table and discussed further.

Erlinda Agron: informed the Board that the Public Participation committee wanted to start working on the action items they had determined in February, including a database of community activist groups for each region. They scheduled a conference call for Friday, September 9, at 2:30. Their other goal was to look at improvements that could be made to the eNotice system, so they asked if it would be possible to have a presentation at the next meeting about how the system works.

Ayanna King: said that due to staff shortages, that may or may not be possible. She assured them that once they are back up, she would bring in someone from eNotice.

Erlinda Agron: said that her group was wondering if they had a budget for public participation?

Ayanna King: responded that they don't have a budget. If something deals specifically with OEA and a permitting process, they're allowed to do advertising to create awareness for the community; however, there's no budget attached to the sub-committees.

Erlinda Agron: determined that they would have to build partnerships with organizations that would help them to get the word out at no cost.

Michael Walker: wondered how they could respond because he thought that it was "absolutely ludicrous" that they are trying to reach the community with no budget.

Cyndi Romero: commented that this is an advisory board, as opposed to an implementation board. Their goal is to draft policies and recommendations for policies for DEP to implement, so their draft may include what it will take to implement them.

Erlinda Agron: added that Alice was going to get something in writing to them about how DEP got community input. She concluded her report by adding that Alice was also going to put

together a set of outreach materials and publications that are currently being used so they could try to identify any language barriers or things that need to be clarified.

At 2:15, Pat Miller began her presentation.

Pat Miller: gave the group a handout that talked about the background of the Environmental Public Health Tracking Program. They are trying to do many of the same things that the Board is trying to do. They are at the end of their third year, but they have been given a one-year cost extension; Pat acts as a liaison between the Department of Health and the grant. She included in the handout a website that gives instructions on how to join the program's list-serve, which just opened 2-3 weeks ago. She also wanted to express that within the last two months, they have started the Environmental Justice Planning Committee for the grant (along with other states); Pat is the Pennsylvania representative. They have found that EPA is "ahead of the curve" on environmental justice, as compared with CDC.

Cyndi Romero: hoped Pat would stay close to the EJAB to have a good understanding of the challenges they face in putting together recommendations that may eventually lead to regulation.

Arthur Frank: added that he thinks that this is a "wonderful collaboration" between the two departments and that DEP has been represented in some way at every meeting.

Pat Miller: mentioned that they are now adding an environmental justice component to it, which is new (even since the last meeting), because a lot of states had contacted the CDC to say they felt it was missing. From the calls she has been in on, she believes that next year's RFA will include an environmental justice component.

Arthur Frank: thought it would be nice to think about joint meetings between that board and the EJAB.

Janine Legg: spoke up that she was upset to have to raise an objection but that she would like her objections on the record. She submitted the bill that she had provided Senator White to endorse at the legislature to Ms. King, Ms. Barton, and Mr. Thomas. She also submitted the response from Senator White. That item was supposed to be on the agenda. The three individuals were provided with all of the documentation that was legally necessary; they struck it from the agenda. She raised her objections.

Janine Legg: Stated that she objected to Mr. Thomas and Ms. King abusing their authority regarding the striking of Senator's White response letter from the August 11, 2005 minutes. She stated that she had submitted a bill to Senator White's office on the subject of environmental justice and received a response regarding the matter. All the necessary documentation was provided to the EJAB and DEP, yet the matter was struck from the agenda. Ms. Barton, Mr. Thomas and Ms. King harassed me and stated that I was to produce a confidential letter to Senator White which DEP and the EJAB were not legally entitled to have.

Ed Thomas: responded that they probably received the legally necessary documents, but it wasn't a legal issue. They were concerned about how the Board was positioned within the cover

letter sent to the Senator and how the Board was referenced; without knowing that, they did not want to expose the Board, so they dropped it from the agenda.

Janine Legg: clarified that it was done under her company name and that the bill was submitted to Senator White. It was a confidential memo, just as any other citizen would write to a member of the legislature, but it was struck. DEP and Mr. Thomas abused their authority, and she wanted that on the record.

Holly Cairns: brought up a project in the Hill District that they had worked on for about two years and let everyone know that it won a Western Pennsylvania Environmental Award, which came with a \$1000 prize. They named the church from that community as the recipient, so they have received money that came from an environmental justice project.

Cyndi Romero: offered two points of new business. First was during new board member orientation, there was a presentation identifying DEP's priorities and strategies. It did not sit well with her that environmental justice was not a priority on that list; it was pointed out that it came under the heading of "Community Development," but it did not stand out. Second was that the northeastern region of Pennsylvania, which is traditionally a manufacturing region, has had an increase in minority population, but they do not have an Environmental Advocate. She hoped that they could get that issue onto the agenda next time.

Efrain Cirilo: added that central Pennsylvania (Williamsport) also has a significant minority population and that north central Pennsylvania could use an environmental advocate as well.

Ed Thomas: said that they would work on that and bring it up in upcoming meetings.

Michael Walker: asked if the Secretary could come to the next meeting to discuss her priorities with the Board.

Ayanna King: said that she would check the Secretary's schedule and work towards that.

Ayanna King: said that the next meeting would be held November 10. She also had a few more business items to mention. First, following a suggestion from a DEP staff member in the southwest region, her office has been able to incorporate in their eFACTS a toggle switch to identify EJ areas. Now, whenever they input applications that involve environmental justice issues, their office should receive a call to notify them. Second, she pointed out (in their handouts) the comments to EPA. Those were the comments they had received, and they were submitted to EPA. Last, she showed the Board that she had given them an informational copy of the Senate's Environmental Resources and Energy Committee, which was based on House Bill III, which was a referendum in the last election. Senator Mary Jo White is currently looking at it. It is not a position from their office; it is just an "FYI." The Board can look at how these resources could impact environmental justice areas.

Meeting adjourned at 2:38 p.m.