

**ENVIRONMENTAL JUSTICE ADVISORY COUNCIL TO THE NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**EJ Advisory Council Members**

Valorie Caffee, Chair  
Ana Baptista, Ph.D. Vice Chair  
The Reverend Fletcher Harper, Secretary  
Sharon Brown, Corresponding Secretary  
Kevin D. Moore, Parliamentarian  
Stewart Abrams, P.E.  
Kerry Margaret Butch  
Theodore Carrington

**EJ Advisory Council Members**

Colandus "Kelly" Francis  
Kim Thompson-Gaddy  
Joann L. Held  
The Rev. Dr. J. Stanley Justice  
Zachary D. Lewis  
Donald M. McCloskey  
Judith Stark, Ph.D

Approved: January 6, 2010

**ENVIRONMENTAL JUSTICE ADVISORY COUNCIL MEETING RECORD  
Wednesday, December 2, 2009, 10:00 a.m.  
NJDEP 401 E. State St., Trenton, NJ**

CALL TO ORDER: Valorie Caffee opened the meeting at 10:00 a.m.

COUNCIL MEMBERS PRESENT: All of the Council members were present with the changes noted below.

EXCUSED: Ted Carrington, Professor Judith Stark, The Rev. Stanley Justice, Don McCloskey, Joann Held

UNEXCUSED: None

ALTERNATE: Kim Gaddy was represented by David Pringle

SPEAKERS: Ana Baptista, Ph.D., DEP Director Jeanne Herb, DEP Deputy Commissioner Jay Watson, DEP Research Scientist Steve Anderson, DEP EJ Coordinator Maria Franco-Spera

**Meeting Record**

EJAC Member Ana Baptista reviewed the major findings and recommendations of the Strategies for Addressing Cumulative Impacts in Environmental Justice Communities.

This document is available at:

[http://www.nj.gov/dep/ej/docs/ejac\\_impacts\\_report200903.pdf](http://www.nj.gov/dep/ej/docs/ejac_impacts_report200903.pdf).

EJAC Members shared their responses.

Zachary Lewis described his work in a mentoring program that focused, in part, on educating youth of color about environmental justice issues, and emphasized the importance of supporting the growth and development of a next generation of leaders who are educated about these issues.

Kerry Butch described her work taking the recommendations of the Committee to ANJEC for integration into its educational programming for municipal environmental leaders.

Stuart Abrams described his presentation of the report recommendations to the Sustainable Remediation Forum or SURF – a national coalition of environmental remediation professionals, and the fact that these professionals were receptive to them, because the recommendations helped the professionals begin to understand how to measure environmental justice impacts on remediation projects. He also noted that Sustainable Cherry Hill was addressing the issues mentioned in the report and seeking to educate Cherry Hill community about the links between suburban lifestyles and environmental justice.

Kelly Francis described the leadership of Federal Judge Steven Orlafsky who had ruled in favor of the plaintiffs/community residents in the first phase of the St. Lawrence Cement case, in part because he recognized that the cumulative impact of diverse pollutants on Camden's Waterfront South Community.

Sharon Brown noted that it was vital for business leaders to recognize the importance of utilizing inherently safer processes and technologies to conduct their operations and as consistent with profitable operations, and that the DEP needed to ensure vigilantly that its legal, enforcement and monitoring procedures are upheld. Sharon asserted the importance of science-based standards for decision-making, and urged that these standards not be modified based on economic considerations. She asserted the importance of DEP's working to ensure that no further harm was allowed to be imposed on Environmental Justice Communities.

Kevin Moore spoke about the importance of the report's setting forth a specific definition of many terms which are used frequently, its addressing environmental justice issues institutionally, and the importance of raising up a new generation of environmental justice leaders.

Dr. Jim Blando asked about the education and outreach of local public officials. Kerry Butch responded that ANJEC was developing training programs to educate municipal environmental officials about environmental justice issues. Jim asked about the receptivity of local officials to these issues. Kerry responded that ANJEC was increasing its training outreach. Ana Baptista noted that she was raising the issue of education for officials in Newark and its area through her work on the Newark Environmental Commission. Kevin Moore noted that through open space outreach, many urban mayors and other urban elected officials had expressed an understanding and interest in environmental quality in their communities, and that these people constituted a network of officials who could be engaged on these issues.

Mike Eggington with the State Chamber of Commerce said that he felt that educational outreach to the business community was vital because many business leaders lacked the knowledge and understanding of these issues – particularly with owners of small

businesses. He recalled the effectiveness of the educational outreach in Paterson prior to the environmental enforcement sweep several years ago, and suggested this as an important model.

David Brogan of the Business and Industry Association asked about how New Jersey efforts compared with those in other states. Valorie Caffee noted that California and New Jersey are presently the two leading states in this area, and that New Jersey DEP's screening tool was an important model for other states. Ana noted that other neighboring states were trying to implement policies in relation to these issues – including CT, NY, PA, and others. She also noted the wealth of data available to CA policy makers because of the work of the California Air Resources Board. David also asked Kelly Francis about the ongoing behavior of St. Lawrence Cement in Camden. Kelly replied that since the factory's opening, there had been an overall increase in the pollution levels within the Waterfront South community due to the factory's operations, and that the factory has been given permits to increase its pollution levels.

Bill Wolfe of PEER asked about the importance of using existing regulatory authority – as noted on page 22 of the report – and questioned whether there had been an effort as part of the study to inventory the existing regulations pertinent to these issues? He suggested that there was a gap in the report in its lack of attention to this, and its lack of a timetable and work plan to push the DEP to make fuller use of these available tools. Ana noted that the Committee had consulted with legal experts about this, and that because of constraints on time and resources had concluded that there was genuine uncertainty about this. Valorie noted that she felt it was important to address this issue further in the near future.

Jeanne Herb described the process that DEP had followed in creating its screening tool. She said that because of the relatively small amount of research and small number of tools that existed in relation to these issues, DEP had created a new method for creating its tool. She noted that it was important to establish verifiable terms and definitions to create a tool that produced scientifically valid information. She said that the effort had been funded in part by a grant from the US CDC through the NJ Dept. of Health, and that the method was being created as a GIS application. She noted that the tool that DEP had created was not designed to measure cumulative risk – but cumulative impact. She defined “risk” as related to measuring environmental exposure to pollutants. She also noted that the method was intended to be a “living” document and tool. DEP does not intend to discuss how it will use the tool today, because of the importance of gaining input on the tool's proposed design. She stressed that DEP was eager for input.

Steve Anderson from DEP presented an overview of the Preliminary Screening Method to estimate Cumulative Environmental Impact. He showed a list of articles that served as a literature review, and noted that while environmental regulators could measure single-pollutant risk well, they were not yet able to measure cumulative or multi-pollutant impacts. He described the outline of the approach DEP proposed for its method, and the data needs for this method to work. It is very difficult to keep databases at the level required to make this method functional. He shared the 9 indicators that DEP proposes

for its data input – ranging from cancer risk to diesel and benzene exposure to densities of different toxic or regulated sites. He also showed a slide of health data sets that are becoming more available through DHHS and noted that these may prove to be a source of new or additional indicators in the future. He described the statistical and GIS-related technical decisions that DEP had made, and described the ways in which the data could be summed and reported. He showed state-wide maps that reflected different reporting areas, and he described how a tool such as this could provide data that could be added to demographic maps that reported community data on race, ethnicity, income, health and other factors. He showed an analysis that showed the cumulative impacts increased steadily and positively in relationship with the rising minority population in a community and decreasing income levels.

Sharon Brown commended the presentations and suggested that NJEMS data added to this method could help DEP measure the appropriateness and effectiveness of existing pollution control technology in given communities. Bill Wolfe noted that the omission of this data, and the omission of data on site-specific as opposed to ambient data, would prevent the use of this method for evaluation and enforcement in relation to specific sites.

Stuart Abrams suggested that PM 2.5 and ozone should be included in the indicator data.

Dr. Blando wondered about how to manage the tradeoffs between protecting larger numbers of people from a lower risk level versus protecting a smaller number of people from a higher risk, and how this tool could address this issue. Steve Anderson noted that this represented a question that hadn't yet been addressed, and Jeanne Herb noted that many of the questions about how to set the parameters for the use of the data were issues of policy. Sharon Brown noted that there were a number of communities where data from this tool could be employed right away, and that there was not a need for new policy decisions to make use of data that this tool can produce.

Henry Rose noted the striking correlation of race and levels of pollution in the data, and noted the importance of not allowing the report to be buried and to become inactive.

Dr. Nicky Sheats stated that from the perspective of the NJ Environmental Justice Alliance, overburdened communities should be given the right to deny the right for further pollution to be introduced into their community. He said that this might be done through existing laws and regulations, through a new set of EJ laws (with the Connecticut law as an initial modest model) and/or through a “mini-NEPA.”

Dr. Peter Montague requested that EJAC hold a day-long meeting to provide an opportunity to discuss the three options outlined by Dr. Sheats.

Dr. Blando requested that DEP conduct a sensitivity analysis on the two proposed methods of using the tool. Steve noted that this analysis had been conducted and that the tools had held up well.

Bill Wolfe encouraged DEP to use data produced by this tool to strengthen DEP's capacity to make good use of existing legislation and rules/regulations, and to be certain that this method's reliance on ambient data did not impede efforts to address site-specific issues.

Kerry Butch recommended that data from this tool be integrated into requirements for Environmental Resource Inventory Reports.

Jeanne Herb noted that there would be a 2-week period for comments.

Amy Goldsmith noted that the real pollution threat was likely greater than reflected by the tool, because there are a number of pollutants not reflected in the report.

Nicky Sheats suggested a policy shift to a 12 micrograms/cubic meter for diesel emissions, and asked about how the findings of this report could gain visibility in relation to the new administration. Ana Baptista noted the importance of publicity about the report and the tool as a way to address this. Ana also asked about the possibility of including open space-related factors in the indicators, and DEP staff agreed that this was an important factor to explore for future incorporation into the tool.

Valorie Caffee thanked members of the public and DEP staff for attending. She invited comments to DEP within the 2-week timeframe on the proposed method, and said that she would welcome feedback and comments to [vcaffee@njwec.org](mailto:vcaffee@njwec.org).

The meeting was adjourned at 12:20 pm.