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Please find notes from the Environmental Justice Workshop, October 30, 2015 sponsored by the Kentucky Environmental Quality Commission, Kentucky Department of Environmental Protection and US Environmental Protection, region 4, held at the University of Louisville Shelby campus, Louisville, Kentucky.

The workshop was a success with over 100 in attendance. Overview of the Environmental Justice history, mission and mandates were reviewed. Presenters from various environmental idioms spoke to a varied audience of educators, regulators, administrators, environmental groups and community.

Attached are the notes from the workshop recorded and published by the University of Louisville Center for Environmental Policy and Management.

We welcome your comments.

## 2015 Environmental Justice Workshop Notes

**Workshop Date: Friday, October 30, 2015**

### II. Welcome/EPA Video Intro/Environmental Justice Basics

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**Speaker 1: John Lyons, Assistant Secretary for Climate Policy, Kentucky Energy and Environmental Cabinet**

**Notes:**

John Lyons has been with the Kentucky Energy and Environmental Cabinet for 27 years.

Mentioned Louisville's environmental justice (EJ) record citing the example of a risk assessment study conducted in west Louisville. John Trout of the Air Pollution Control District (APCD) wrote legislation based on the risk assessment. This was part of an air monitoring program in Jefferson County. Also in Louisville in the mid-1990s, the West Jefferson County Community Task Force (WJCCTF) was key.

There's not a good foundation of EJ in the rest of the state. Planning and Zoning in KY<sup>1</sup> is the biggest issue in placing environmentally questionable facilities next to where people live. EJ is better handled in urban areas because there is more concentration of population. We should look beyond the urban. Rural counties do not have agencies like Louisville Metro Air Pollution Control District (APCD). Also, rural KY doesn't have adjacent issues such as lots of development near toxic/heavy pollution sites. Examples in rural areas include a landfill in Ashland, coalfields, and an asphalt plant in London, KY. The speaker challenged folks to look beyond populated areas for EJ issues.

In regards to clean power plants for instance, there was an EJ component for state mandates to create a plan for CO2 due September '16. Everyone has their own definition of community and there is not one definition of what impoverished really means. How do you define EJ in terms of ... West Jefferson County Community Task Force. A mobile home park in Morehead, KY? All of eastern KY? EPA has left up to the states to make that determination.

Three things we should be doing is finding out what the problem is, finding out how to fix it, and reaching out to communities.

**Speaker 2: Cynthia Peurifoy, Environmental Justice Coordinator, EPA**

**Notes:**

Cynthia Peurifoy has been with EPA since 1965.

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<sup>1</sup> Most of KY counties lack planning and zoning per se. No planning office, no comprehensive plan, no zoning map.

The speaker challenged the audience to think about EJ and the first issue they recall experiencing. Then, she described the history of the EJ movement beginning with the 1964 Civil Rights Act. Federal funds dictate that these monies are not to be used if it supports discrimination. The federal government has acknowledged that racism in this country exists.

Notable events and/or EPA actions include:

- 1971 - The Council of Environmental Quality was created at which time environmental racism was acknowledged and the term EJ was adopted.
- 1982 - Community protests occurred against a Warren County, North Carolina landfill and polychlorinated biphenyl (PCB) waste disposal with the involvement of Reverend Ben (Chavis) Muhammad, a founding member of Warren County Citizens Concerned About PCBs.
- 1983 - The U.S. Accounting Office conducted a study on hazardous material storage facilities focusing on the southeastern United States. The study showed that most were located in predominately African-American communities although this segment made up only 1/5 of the region's total population.
- 1987 - The Commission of Racial Justice produced a Toxic Waste and Race Report showing that there was a correlation with placement of waste facilities and race. A notable group was formed by Connie Tucker called the Southern Organizing Committee which brought EJ issues to the attention of EPA.
- 1990 – *Dumping in Dixie* was published, written by Robert Bullard that showed a correlation with toxic dumping and race in southern communities.
- 1994 - President Clinton signed *Executive Order 12898* that laid out federal government efforts. The Office of Environmental Justice was established at EPA and interagency workgroups were formed. EJ has impacted the EJ Advisory Council and its research and recommendations. Now, the interagency workgroup put out a collective agenda highlighting key focus areas and how to revitalize legislation such as Title VI. This action agenda is still open for comments. The *National Environmental Justice Advisory Council* produced recommendations for the integration of EJ into federal agency work.

Cynthia discussed the effects of Climate Change and acknowledged that EJ communities take the brunt of damage. EJ needs to be integrated into the disaster response system. Cynthia's professional experience included the aftermath of Hurricane Katrina and the British Petroleum (BP) Gulf Oil Spill. She expressed pride about the community work that occurred resulting from these disasters allowing for better responses after future events. EJ became part of the response system which includes emergency notifications and debris clean up. Cynthia encouraged audience to look up the draft *EJ 2020 Plan* and provide comments.

Many communities are overburdened by environmental hazards while also having limited access to fresh foods, healthcare, jobs, and housing. The state of communities has to do with all of these things. To accomplish this, interagency collaboration needs to occur to bring EJ to the table and provide technical assistance to communities. Cynthia referenced an example of Birmingham, Alabama, where an interagency workgroup is working with HUD, EPA, and other state agencies. EJ is about public participation during decision making. If communities don't have a say, they don't have the information that they need. Communities need a seat at the table to take part in these decisions. EJ also includes health disparities and health impacts, social justice, equity issues, human rights, and land use. This includes the location of landfills,

protecting drinking water, and clean air. EJ communities need help to understand what impacts decision making and when is the time to oppose siting of facilities. In Charleston, SC, local planners went out and spoke to folks about the planning process, how road decisions were made, and other local issues. Things seemed to turn around.

EPA national strategies include working on the EJ 2020 plan. There are a number of focus areas with R4 leading the interagency effort with regular meetings occurring among agencies within R4. Currently, they are working on implementation plans. EJ Problem Solving grant opportunities were made available resulting from the South Carolina *ReGenesis Pilot Project* supporting new housing and health centers. Grants are available on an every other year cycle. Other grant opportunities mentioned are the *Collaborative Problem Solving and EJ Small grants*. Outreach efforts include EJ Videos and the *EPA Environmental Justice in Action Blog*.

### References:

- Executive Order 12898: <http://www2.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>
- National Environmental Justice Advisory Council: <http://www3.epa.gov/environmentaljustice/nejac/index.html>
- EJ2020 Website: <http://www3.epa.gov/environmentaljustice/ej2020/>
- EPA Environmental Justice in Action Blog: [https://blog.epa.gov/blog/category/environmental\\_justice/](https://blog.epa.gov/blog/category/environmental_justice/)
- EPA Participation in ReGenesis Pilot Project: <http://yosemite.epa.gov/opa/admpress.nsf/0/8341D2F12697305D85257E730072FD96>
- EJ Collaborate Problem Solving Grants: <http://www3.epa.gov/environmentaljustice/grants/ej-cps-grants.html>
- EJ Small Grants: <http://www3.epa.gov/environmentaljustice/grants/ej-smgrants.html>

### Questions:

Name/Title: Larry Howe-Kerr, Church of the Epiphany, Louisville, KY.

Q: When we first became aware of EJ?

A: Larry said he was living in Pueblo CO in the late 1990s, early 2000s. Larry worked for the Catholic Diocese there and was made aware of Oregon Steel moving into the area with coal-fired plants. There was no data, no information on epidemiology. Concerns about raw sewage being dumped into the river and air pollution. This was in an area with a large population of low-income, Native Americans, and Hispanic/Latino people. There was a “lot of work” and folks had to learn to sit down together and “leave egos at the door.”

Name/Title: Woman from St. Williams’s parish.

Q: When we first became aware of EJ?

A: She became aware of EJ in the 1980s when she and her family suffered from ‘new house syndrome’ ... her children were hospitalized because of this. In the 1990s, she learned about mountaintop removal and was again aware of EJ issues. Today she is following the local issue of building a methane plant in West Louisville.

**Speaker 3: Arnita Gadson, Executive Director, KY Environmental Quality Commission**

**Notes:**

Arnita Gadson provided additions to story of EJ history, focusing on KY. She referenced Lee's Landfill that catapulted EJ issues in 1979. She discussed her personal experience with EJ issues. She referenced Robert Bullard who is an influential person to the EJ movement and who continues to be a great influence. She mentioned the 17 Principles of Environmental Justice<sup>2</sup> from October 1991 that brought the EJ movement to involve public health, housing, etc. The EJ framework and preferred strategy is to prevent threats before they occur and poses the political questions of who gets what, why, and how much. Communities should not have to wait for causation before taking action.

In eastern KY in Appalachia, people suffered abuse from the coal industry and when coal seams were used up so was the need for workers resulting in migration of people to the next mine. In the 1930s, unions were organized for the safety and health of coal miners. In the 1980s strip mining and logging was brought to the government's attention and caused officials to address these issues. Prior to that, EJ issues arose in the early 1900s with foul smelling sewers, methane gas, and household waste. In the 1930s as sewer systems became more advanced, residents downstream suffered. All prior to the formal "Environmental Justice" movement.

She mentioned the Louisville neighborhoods in close proximity to Rubbertown, which later endured high levels of pollution. During the 1930s, 1940s, and 1950s, the majority of the residents in these neighborhoods were white. During the late 1950s and during the 1960s, these neighborhoods in West Louisville became predominately housed by African-Americans as the white residents moved to the developing suburbs. In the 1970s, Willie Lewis challenged the industries of Rubbertown for dumping toxic wastes. New organizations were formed such as the *Louisville Justice Resource Center* in the 1980s after receiving letters from the KY epidemiology department showing that cancer rates in the west end were higher than anywhere else. Other organizations that were formed and collaborated on EJ issues were the West Louisville chapter of the *Kentuckians for the Commonwealth (KFTC)*, West Jefferson County Community Task Force, REACT, the *Louisville Air Pollution Control District*, and the University of Louisville, to name a few.

Arnita spoke about the adoption of Executive Order 12898 in 1994. EJ work in the state included Maxey Flats Nuclear Disposal Site and Bluegrass Army Depot. In western KY in 1996, large-scale poultry farms came to KY farms as a way to deal with the loss of tobacco crops. These Confined Animal Feeding Operations (CAFOs) were the focus of the McLean County Citizens Against Factory Farms, organized in 1997. Other groups involved include KFTC, the Sierra Club, and the KY Resource Center. At this time, CAFOs contributed to air pollution and

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<sup>2</sup> Delegates to the *First National People of Color Environmental Leadership Summit* held on October 24-27, 1991, in Washington, D.C. drafted and adopted 17 principles of Environmental Justice. Since then, The *Principles* have served as a defining document for the growing grassroots movement for environmental justice. Taken from: United Church of Christ, (no date), *Almost Everything You Know about Environmental Justice*. Retrieved on November 2, 2015 from [http://d3n8a8pro7vhmx.cloudfront.net/unitedchurchofchrist/legacy\\_url/421/almost-everything-you-need-to-know-about-environmental-justice-english-version.pdf?1418423801](http://d3n8a8pro7vhmx.cloudfront.net/unitedchurchofchrist/legacy_url/421/almost-everything-you-need-to-know-about-environmental-justice-english-version.pdf?1418423801)

soil contamination. In November of 2003, Tyson was found in violation of an environmental law in Webster and McClean counties.

Timber theft led to the loss of trees and land devastation. As a result, the Environmental Quality Commission developed two resolutions to strengthen current laws and increase penalties. People face problems because of the lack of political power and technical knowledge. Due to exposure, quality of life is threatened. The burden of proof should lie with those being charged to certify that procedures are conducted in a way that is safe. Those responsible for planning and making preparations should ensure they are not adding unacceptable burdens on communities. She concluded with the emphasis that manufacturers, industries, and regulators should treat others as they expect to be treated and to “not put anything on my plate that you do not like the taste of”.

**References:**

- Dr. Robert Bullard: <http://drrobertbullard.com/>
- Louisville Justice Resource Center: <http://louisvillejrc.org/>
- Kentuckians for the Commonwealth website: <https://www.kftc.org/>
- Louisville Air Pollution Control District: <https://louisvilleky.gov/government/air-pollution-control-district>

**III. Environmental Foundation & Tools**

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**Speaker 1: Tom FitzGerald, Director, Kentucky Resource Council**

**Notes:**

Tom FitzGerald discussed EJ from the programmatic environmental law perspective. He made a point that the rain falls equally on the just and unjust, but environmental pollution does not. It falls on community that lacks political power. He explained that KY is a delegated state where involvement comes in two forms, compliance and the permitting process as regulated by the KY Environmental Cabinet and local governments. The only time direct interaction is with the federal government is with the Corps of Engineers who is the enforcing agency of the EPA’s Safe Drinking Water Act and also EPA Region 4 (R4) with underground water protection.

Tom posed the question, what are minimums? Minimums for EJ are disproportional impact, precautionary principle, and passing the screen of justice. The first time a neighborhood comes into contact with the process is by public notice through the newspaper. The first issue is how early the involvement occurs with the community. When the 30-day period for citizens to prepare a response begins, the permit application for facility is already submitted, and extensive involvement has occurred with review when the draft permit is posted. Anyone in industry and government realizes that is recipe for disaster. The only federal program beyond this minimum requirement is *enhanced public participation under hazardous waste laws*. Title VI does not create rights under disparate impact. Now, there is a complaint process if you are a recipient of federal funding though it is unclear what disparate impact applies to (waste, air, water). Before applying, under hazardous waste laws neighborhood meetings must be conducted and a repository of information must be created. Hazardous waste laws require e-filings yet there are many people who don’t have access to the Internet and entire neighborhoods/communities

with no DSL. What does that mean for neighborhoods without access? Meaningful efforts have to occur. Public meetings should come first through churches and civic institutions. Informational materials should be distributed in several languages. Opportunities for participation should be provided throughout the process. These meetings can also serve to build direct communication between the applicant and the neighborhood so that they may incorporate and negotiate. Look beyond the minimum and for the best ways to bring the community into the discussion.

**Questions:**

Name/Title: Representative of EPA R4 Superfund sites.

Q: When a community is not organized and doesn't have capacity, how do you develop capacity before you come in?

A: Contact local church, civic organization, have local agency come in and help them get organized. With superfund sites, we cap, close them, and move on. Tools are limited, so sins of earlier generations are left in place by leaving industrial waste. Compensation is not provided to communities because there is not enough information on the links. Try to find local sponsors that will work with communities and extend capacity.

**References:**

- EPA Public Participation and Citizen Action:  
<http://www3.epa.gov/epawaste/hazard/tsd/permit/pubpart/>

**Speaker 2: Kevin Olp, Environmental Policy Specialist, EPA**

**Notes:**

Kevin Olp provided a tutorial of the EJ mapping tool developed by EPA and released in June of 2015. The tool has been under development for over 4 years. It's a collection of high-resolution data pulled into one central place with full coverage of the entire US. One can locate the tool by typing "EJSCREEN" into the internet search engine search box to find the link (<http://www2.epa.gov/ejscreen>). Navigation tabs, videos, and presentations are available on the website to help learn the program. The site uses American Community Survey (ACS) data of the US Census and this is updated in December when the ACS is fully released. They are continuing adding layers and want the program to be as openly sourced as possible.

The map works like a web-based mapping platform. To search for a location, type in an address. The base map can be changed to aerial and zoom is available in high resolution. There are two ways to access data: maps or draw a user designed shape. Kevin described demographics information which is based on census block groups of the American Community Survey with population density weighted. The maps can show percent low-income and minority residents in Louisville. It shows raw scores compared to the rest of the country which helps demonstrate disproportionate impacts. Environmental indicators show air monitoring data that estimate air quality, traffic proximity, lead paint indicator (stock of housing pre-1960), proximity to superfund site, etc.

Indicators included in EJSCREEN:

- EJ Indexes
  - PM 2.5

- Ozone
- Traffic Proximity
- Lead Paint Indicator
- NPL Proximity
- RMP Proximity
- TSDP Proximity
- Waster Discharger Proximity
- Environmental Indicators
  - PM 2.5
  - Ozone
  - Traffic Proximity
  - Lead Paint Indicator
  - NPL Proximity
  - RMP Proximity
  - TSDP Proximity
  - Waster Discharger Proximity
- Demographic Indicators
  - Demographic Index
  - Supplementary Demographic Index
  - Minority Population
  - Low-income (<2x poverty level)
  - Linguistically Isolated
  - Less than HS education
  - Under Age 5
  - Over Age 64

**Questions:**

Name/Title: Unknown

Q: Where is Lee's Lane Landfill?

A: *With assistance from audience, pulled up on EJSCREEN map.*

Name/Title: Lauren Heberle, UofL

Q: How often will be updated?

A: Annually, each December with the release of the American Community Survey updates tables.

Name/Title: Unknown

Q: Asthma Information?

A: Not currently. Best sources for information would be the local government health data or university sources for data. CDC has a public health tracking tool<sup>3</sup> as well that can be used to track certain health conditions such as asthma.

Name/Title: Unknown

Q: What is the denominator?

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<sup>3</sup> <http://www.cdc.gov/nceh/tracking/>

A: Default is the rest of the country, but can be user defined. EJSCREEN had several denominators to allow searches for information on the local, county, state, region and national levels.

**References:**

- EJSCREEN website: <http://www2.epa.gov/ejscreen/learn-use-ejscreen>

#### **IV: Engaging Stakeholders**

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##### **Speaker 1: Art Williams**

**Notes:**

Establishing stakeholder groups is important. Art Williams recommends consulting with Arnita Gadson, Tom FitzGerald, Deborah Payne, or Lauren Heberle. He discussed stakeholder groups that he's had close association with and provided brief comments. Throughout his career experience was mostly through observance. Through online research with Google he located dissertations on stakeholder groups and suggested that academic theses or dissertation topics could focus on stakeholder engagement in KY. He recommended consulting with agency representatives to help show what will make a good stakeholder group and steps to success.

Stakeholder groups are typically brought together by government for issues resulting from good and bad reasons. Too often an overly optimistic framework is provided that can be shams and facades as perpetrated by government and decisions that are already made behind the scenes. Workable outcomes can be achieved and generally make positive impacts. Through involvement, participants can get to know other stakeholders and/or opponents. This has been used in KY for many years at the state and local level, highlighting natural resource issues today.

Characteristics of stakeholder groups focus on the consequential level to which it operates. Some can be issues that are important yet not life or death. One current example is Louisville Metro Parks Department's process and extended outreach effort for Louisville Loop. A statewide example is the creation of a more formalized statewide stakeholder group on energy efficiency. More severe in context is the Bluegrass Army Depot where if underlying activity goes wrong, people die. Another is the climate change process through the United Nations stakeholder group on Climate Change.

Stakeholder processes focus on the consequences of the outcome and at different geographic scales. Some groups are created based on topics ranging from those that are vague to more prescriptive. A group and its members might be created by law or might be ad hoc. Could have various timeframes from short-term to long-term. Could be inclusive or non-inclusive. Could be top-down (created by government) or bottom-up (grassroots). A smaller scale example is the *Yellow Creek Concerned Citizens* group in Middlesboro formed by Larry Wilson and another group in Calvert City with Fran Whitehead. Larger scale examples of stakeholder groups include *Cornerstone 2020*, Louisville Metro's Comprehensive Plan and its visioning process. Using the example of land use cases, some stakeholder groups don't make sense because if a community has an opposing stance and is asked to come to the table they are being asked to give up their position. One case was when citizens and stakeholders opposed the development of a shopping center.

Additional case examples with stakeholders:

- Groundwater contamination during the 1980s. Involved the agriculture industry. Case handled by Tom FitzGerald.
- Bluegrass Army Depot
- Jefferson County Cornerstone 2020
- Naval Ordinance – The reuse and future of this former ammunitions plant. Public/private partnership, involved banks, industry, and the neighborhood.
- STAR Program, 1996-2005. Stakeholder group led by Arnita Gadson, chair of the WJCCTF. They “broke bread together,” referring to how groups can remove barriers and enhance conversation when sharing meals.
- APCD Climate Change/Climate Action Plan. There were 173 recommendations from the stakeholder groups.
- Bluegrass Pipeline was an example of litigation.
- Methane biodigester. Current situation would be much better if stakeholders were brought in from the beginning.

**Questions:**

Name/Title: Sarah Atherton, Water Quality Certification, KY Division of Water.

Q: Who are members of stakeholder groups and what type of experience should they have?

A: Depends on the topic. As an example, the STAR group at one point included toxicologist from the University of Louisville and the EPA. Generally, experts are needed to be on-hand. There is not a statutory definition of a stakeholder group in KY. Ideally there should be a team of people that includes those directly impacted, decision-makers, experts in the field, and the media.

Tony Arnold, Professor, UofL Brandeis School of Law stated that the type of process depends on whether the stakeholder group will reach a negotiated outcome. This should determine whether the process will be closed to the public, open, or both. Regardless of the process, it is important to be transparent about the type of process, methods, and exchanges that are occurring, including the 5W's.

Arnita Gadson said that a group needs political support to succeed.

**References:**

- Yellow Creek Concerned Citizens:  
<http://yosemite.epa.gov/water%5Cadopt.nsf/by+State/AF130CF8F07E39D3852565360052F9ED?OpenDocument>
- Louisville Metro Cornerstone 2020 Comprehensive Plan:  
<https://louisvilleky.gov/government/planning-design/cornerstone-2020>
- West Jefferson County Community Task Force: <http://louisville.edu/org/wjcctf/>
- Louisville Climate Action, Adaptation, and Resilience:  
<https://louisvilleky.gov/government/sustainability/climate-action-adaptation-and-resilience>
- Sustainability Summit, Friday November 6<sup>th</sup>:  
<https://louisvilleky.gov/government/sustainability>

**Speaker 2: Deborah Payne, Health Coordinator, Kentucky Environmental Foundation**

**Notes:**

Deborah Payne spoke about who should be at the table and recommended a cross section of everybody. The large success of solutions oriented projects resulted from community engagement. Transparency was key. Everyone was at the table for an informed and long process. At the Bluegrass Army Depot, this stakeholder driven process, took 15 years to come to the solution of a neutralization plan that created new jobs.

Who are the stakeholders? Given diverse representation and narrow focus, it's helpful to think about what drives others daily. Understand where power in the community exists. Often its government, political and economic powers enforced by laws, policies, authorities, and industries. Those with more money might have more of a sway on political leadership. Find out who are the leaders of the community. This is often people with social power such as a teachers or ministers. Where do you start? Begin with people that you know. Look for civic organizations that exist such as child advocacy workers, homeless shelters, neighborhood organizations, food banks, employment offices/workforce training, and the local National Association for the Advancement of Colored People (NAACP) offices.

What populations are more vulnerable to specific types of health concerns? African-American populations have higher rates of asthma. Hispanic/Latino populations that experience higher rates of diabetes (pork plays large role in diet). Low-income populations experience high rates of poor nutrition due to lack of access to fresh and healthy food choices. Pregnant mothers are susceptible to poor air quality. African-Americans have higher cancer rates.

Use the EJSSCREEN to identify who needs to be at the table, but then once they are identified and invited and still aren't there, ask 'why aren't they at the table?' Examples are single parents without childcare, individuals without transportation, individuals limited information access, individuals that work multiple jobs, and those that speak another language.

How do we address the needs of stakeholders? Such could be the timing of meetings, childcare, translation services, alternate modes of communication, and access to public transportation.

Knowledge does not equal power. Power is power. Knowledge is knowledge. Engaging stakeholders with local knowledge equalizes imbalances in power while creating more just, informed results in project implementation.

**Speaker 3: Lauren Heberle, Director, University of Louisville Center for Environmental Policy and Management**

**Notes:**

Lauren Heberle posed the question, "what is engagement?" and how many in the audience see engagement as a part of their job? Or a part of public hearings only? Engagement *is not* a public hearing, rather it is part of a job, and it's what people do. She emphasized the importance to ask for help with public engagement and tap into resources such as university-based and nonprofit groups who can help.

More open processes are so much harder because of differences in agreement and need for facilitators to train and lead that conversation. How do we get to processes and decisions that

result in more equitable outcomes? Just know who to ask and bring to the table so you may get to the questions and develop that list of who should be at the table. The problem that government folks face is that they are understaffed and due to this facilitating a long-term engagement process is difficult. With resources spread thin, figure out how you are going to do it. Negotiate with your supervisor for flex time so you may devote time to evening meetings. Think about it in terms of a long-term engagement process. Thinking about when you are starting your process, what resources do you need as an agency? Examples include childcare and offering food. Think outside of the box on spending lunch hours for relationship building. Doesn't necessarily have to be structured as a task force or organization, but can occur in everyday actions. It will allow you to think more equitably about the results that you get especially at the one on one level.

**Questions:**

Name/Title: Virginia Bush, 350 Louisville, and member of St. Williams's parish.

Q: How can a group with no decision-making power can make an impact? What kind of action should they take?

Answers:

Lauren: Depends on the issue. Find out the points of entry. Who has access to the monitoring of the process? Where is the source of funding, and who are the sources for information? Start targeting those people or organizations to and press them to start explaining themselves. Invite decision-makers to meetings. Make them responsible to you.

Art: Another strategy is to latch onto a consequential elected official. A good example is the case with the opposition to the methane-producing digester with Metro Councilwoman Mary Woolridge. Learn who can fight your fight.

Arnita: If they don't respond? Find the second in command or someone in their office to talk to you.

Lauren: Public invitation is always powerful and if they have a competitor that they are responsible to then ask why they are not involved.

Between Sessions

Daphne Wilson (EPA) stated she is very disappointed that no one from the Louisville Metro Mayor's Office or the city's economic development department is in attendance.

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**V. How to Better Listen and Respond to Community Concerns**

**Notes:**

Audience was shown videos about importance of community involvement and the history of the EJ movement.

Video Website: <http://www3.epa.gov/environmentaljustice/events/20th-anniversary.html>

Post-viewing discussion emphasized the importance of persistence. The industry lobbyists are persistent and if there is not a constant voice in Frankfort, DC, and Atlanta, communities don't have any support for enforcing laws.

Not all EJ issues can be solved through litigation. Figure out what works and it might be something that is not obvious. While people shy away from industry, you'd be surprised what they would say if they are approached.

**Questions:**

Name/Title: Unknown

Q: What is Toxic Release Inventory (TRI)?

A: TRI Website: <http://dep.ky.gov/Pages/TRI.aspx>

## VI. Environmental Justice World Café

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**Speaker 1: Daphne Wilson, Environmental Engineer, EPA**

World Café is to bring about frank and open communication and spark open discussion. Questions will be asked based on what was heard earlier and thoughts about dealing with EJ issues. Room will be broken up into groups with a leader and note taker, then break and take 5 minutes to discuss what topics and points were covered. Groups are Regulators, Community, and Other.

Regulator Group

*What are ways to consider and implement EJ in your everyday life?*

- Make clear authority is explained and understood.
- Early engagement/early involvement is key for public/citizens.
- Don't wait until public comment period to engage public/citizens.
- Informal interactions are important.
- Consider the cumulative impact (learn the history of EJ in the neighborhood/community).
- Planning and Zoning (are changes warranted? Does the land use map need to be changed to hinder unhealthy and environmentally unsound development in the neighborhood/community?)
- Remember there are clients on both side of the table.

*What barriers do you see that could prevent that?*

- Lack of time and personnel – what are the impacts?
- Lack of training, facilitation, mediation.
- Limited authority
- Ill-defined subject
- Historical issues can become a conflict.
- Politics and elected officials.
- Lack of trust among regulators.
- Lack of communication with industry.

*What can EPA and other regulators do to overcome these barriers?*

- Have more flexibility with grants.
- Define what regulators can do and bring to the table.
- The EPA needs to have a better definition of EJ.

- The EPA needs to show concrete examples of EJ to the community and industry so they know what these issues really are.
- Make EJ information more accessible to the community.

### Community Group

#### *What are ways to consider and implement EJ in your everyday life?*

- Awareness of EJ issues in the neighborhood.
- Knowing who represents you.
- Meet neighbors.
- Seek out disenfranchised.
- Educate people about EJ.
- Summits, workshops, networking coalitions.
- Hear from effected communities.
- Remember the 17 Principles.
- Identify barriers
- Seek input from impacted populations.
- Speak with one voice.
- Build coalitions.
- Identify EJ organizations; find allies.
- Know your neighbors.
- Voice concerns.
- Monitor EJ issues.
- Investigate
- Stay vigilant!

#### *What barriers do you see that could prevent that?*

- Lack of resources (funding for printing, food, etc.).
- Staff
- Time
- Timing of meetings; insensitivity to peoples' schedules.
- Inability for community members to participate.
- Mixed views (neutral space).
- EPA under pressure from Washington, DC and lobbyists/money and politics.
- EPAs tendency to self-segregate (silos).
- Hesitancy to get out of comfort zone.
- Industrial tax incentives
- Income inequality
- Power brokers within local and state economic development system.
- Zoning policies
- Lack of long-term community participation.
- Lack of Regulation.
- Prejudices
- Priorities differ.
  - Organization to community
  - Organization to organization

- Organization to policy
- Lack of legislative will to legislate and enforce.
- Segregation
  - Residential
  - Social
  - Age, etc.
- Lack of involvement decisions.
- Inaction from some; action from others.
- Co-opted leaders
- Decision-makers unavailable to meet or won't engage in a conversation.
- Withheld information.
- Language
- Lack of access to technology.
- Too few participants.

*What can EPA and other regulators do to overcome these barriers?*

- Take EPA officials into the neighborhood.
- Have the EPA Hotline add evening hours or better still take calls 24/hours day.
- Translators and translated materials for non-English speaking people.
- Balance information on EPA's website (i.e. post the bad/risks as well as the benefits of a biodigester).
- Provide apps for real time.
- Workshops with EJSCREEN; train students.
- Maintain/update EJSCREEN.
- Support from EPA to organizations (local and national – Sierra Club, KFTC).
- Better communication about grant funding.
- Primary and secondary EJ curriculum in schools.
- Validate community partners.
- Require and fund EJ workshops for all involved (community members, elected officials, government officials, developers, industry).
- Improve connections with community.
- Empower residents.
- More litigation and enforcement.
- Individualize the efforts.
- Be receptive to community input.
- Repeal Citizens United (don't allow industry dollars to set agendas).
- Media needs to be invited to workshops, other events.
- EJ curriculum in schools.

Before the next group made their presentation, Daphne let everyone know that the EPA EJ Complaint Hotline takes calls 24/7. Toll free call: 800.962.6215; Email: [ejhotline@epa.gov](mailto:ejhotline@epa.gov). She also suggested using the EJSCREEN for outreach. Grant money is available for folks to identify issues (*Collaborative Problem Solving Grants* -- <http://www3.epa.gov/environmentaljustice/grants/>)

Other group

*What are ways to consider and implement EJ in your everyday life?*

- Move to prevention through policy and assessments.
- Proactively engage the surrounding community through neighborhood committees and representation.
- Communicate and consult with community about decisions under considerations.
- Explore for ways to better align tax incentive application and other protocols with public engagement/notification.
- Building better transparency with regulators.
- Company open houses.
- Prioritizing residents/community for hiring.
- Don't assume!
- Go to the community and other community development organizations, media, and activists.
- Training opportunities for facilitating community engagement.

*What are the barriers to implementation?*

- Decisions based on economics v. science and impacts.
- Inexperience and past failures with community engagement.
- Lack of training opportunities.
- Fear, discomfort.
- Lack of credibility.

*What can regulators and EPA do to overcome barriers?*

- Better communication about regulations.
- Implement community engagement platforms.
- Build awareness before permitting.
- More training by regulators for EJ, permitting, and environmental compliance.
- Panel discussions.
- Encourage/promote environmental science in core competencies and other special programming in schools.
- Use modeling for impacts to distribute to communities for informed decision making.

**VII: Panel Discussion: Let's Talk about what went Right and Not – Lessons Learned**

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**Speaker 1: Tony Arnold, Boehl Chair in Property and Land Use, Professor of Law, University of Louisville**

**Notes:**

Tony Arnold discussed elements of a proactive planning perspective about how we want our community to be. This includes building institutions and social capital. What we see is a focus of environmental harms more so than environmental goods. Keeping pollution out is what is important but not all there is. Amenities such as parks, trees, and access to healthy foods are all part of EJ. There are unprecedented changes in the environment and with climate change, there is no one decision-maker. Environmental systems and social systems are interconnected and we see complex problems that create real vulnerabilities to communities. The success

stories move toward broader systemic perspective of environmental conditions. Book used by EPA and others published by APA called *Fair and Healthy Land Use: Environmental Justice and Planning*. Planning and Zoning should promote fair and healthy land use. EJ should be integrated in the planning process – principles, procedures, tools, infrastructure (parks and green infrastructure).

**References:**

- Fair and Health Land Use: Environmental Justice Planning:  
<http://www.amazon.com/Fair-Healthy-Land-Use-Environmental/dp/1932364447>

**Speaker 2: Craig Williams, Program Director, Kentucky Environmental Foundation**

**Notes:**

Craig Williams has been working on disarmament issues for the past 46 years. He has worked with the pentagon to help uncover injustices among the military. There are eight chemical weapons disposal sites in the US – the US Army wanted to incinerate, which would release dioxins. EJ activists kept applying pressure for the Army to identify alternatives to incineration. Four of the communities that received incineration are high minority and low-income. Four of the communities that received neutralization are low minority, higher income.

The eight sites and methods of disposal are as follows:

1. Pine Bluff AR – incineration
2. Hartford County, MD (Aberdeen) – neutralization
3. Vermillion County, IN – neutralization
4. Umatilla and Morrow counties, OR – incineration
5. Madison County, KY (Bluegrass Army Depot) – neutralization
6. Pueblo, CO – neutralization
7. Tooele, UT – incineration
8. Anniston, AL (Calhoun County) – incineration

The burden of proof is more difficult to prove. It's not difficult to guess why chemical weapons were neutralized in some places yet incineration in others. We all know why (minority and low-income populations). The Army does not factor in cumulative impacts on populations. One method they use to determine safety is that there must be a trial burn; if the trial fails then the Army keeps doing it over and over until they get it right. In the meantime, folks are at risk with each trial.

**Speaker 3: Tom FitzGerald, Director, Kentucky Resource Council**

**Notes:**

Success stories. Williams Company wanted to convert a 70-year old pipeline into the 'Bluegrass Pipeline' as an inexpensive way to pipe oil through KY. This was cheap technology. Approached communities with presentations, received inquiries on it from public. The community's response was to form an opposition group. This type of work enables folks to learn to be a citizen lobbyist. People with diverse skillsets worked collaboratively. Conference calls are cheap technology for the community to get organized. They built a website called Stop the Bluegrass Pipeline. At the end, these 40 people learned to lobby and managed to get a bill to restrain eminent domain.

Tom mentioned the *End of the Line* documentary and *Nerve*. EJ as it is framed tends to be narrower than it needs to inform all of our decisions. EJ needs to inform ALL decisions - land use, zoning, housing policies, and public health. Also, it is important to consider EJ from the lens of 'generational justice' and the need to evaluate what we are passing off to the next generation.

In the Scott Paper Case Study, Scott Paper originally chose a site for a pulp mill in Indiana near the Ohio River. There was no community engagement and fears of environmental pollution and degradation, and local opposition made it impossible to locate there. Lessons learned: Next time, Scott Paper chose a site in Owensboro and immediately set up community forums to discuss plant and have questions answered. This time there was no public outcry or rage.

**References:**

- "Nerve" the film: <http://www.kyenvironmentalfoundation.org/nerve-the-film.html>
- "End of the Line" documentary: <http://endoftheline.com/>

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**VIII: The 5Ws of Citizen Engagement**

**Speaker 1: Amanda LeFevre, Outreach & Education, KY Division of Compliance Assistance and Division of Waste Management**

**Notes:**

Amanda LeFevre presented information (PowerPoint) of who to contact in KY for information regarding meetings, having someone come to speak to neighborhood or organization, open records.

*Perhaps her presentation can be distributed for websites and e-newsletters?*

**Speaker 2: Ashley Davidson, Community Outreach Specialist, KIPDA**

**Notes:**

Ashley Davidson provided an introduction to the KIPDA Participation Plan. Regional transportation planning meetings are open to the public and meeting dates and locations are posted on KIPDA's website. Folks can sign up for email notifications as well. In January 2016, these meeting will be broadcast.

Currently seeking comments for Transportation Plans. KIPDA outreach includes having a presence at events, festivals, and community events. They just need to be asked to participate. They will also come and speak and answer questions regarding transportation issues at neighborhood meetings, advocacy group meetings, churches and the media, especially those whose audience are primarily minority residents. They work hard to overcome language barriers and translate materials when requested.

**References:**

- KIPDA Participation Plan: [http://kipda.org/files/PDF/Transportation\\_Division/Outreach/2014\\_Participation\\_Plan\\_-\\_final\\_edit.pdf](http://kipda.org/files/PDF/Transportation_Division/Outreach/2014_Participation_Plan_-_final_edit.pdf)

**Speaker 3: Deborah Payne, Health Coordinator, Kentucky Environmental Foundation**

**Notes:**

Useful tool for EJ is a Health Impact Assessment (HIA). HIA is 5-6 stage process that takes into account the following: economy, policy, community & stakeholders, and engagement.

The Health Impact Project is a program of the Pew Charitable Trust and thru this initiative provides funding for HIAs: <http://www.pewtrusts.org/en/projects/health-impact-project/health-impact-assessment>

**Speaker 4: Craig Williams, Program Director, Kentucky Environmental Foundation**

**Notes:**

An example of citizen science is the Bluegrass Army Depot, when in 1984 the announcement was made to dispose of chemical weapons. Then, in 1988 the announcement was made that a method of incineration was chosen for disposal. In 1989, money was raised to hire scientists to recommend alternatives to incineration of chemical weapons. It's important to be able to back up what you advocate for because it takes forever to rebuild credibility after you've failed. Craig mentioned an example of a statewide issue with fracking and pipelines along the I-75 corridor. Craig referenced the Kentucky Sustainable Business Council (<http://www.kysbc.org>) and encouraged attendees to get involved and enlist their help. Also, Clean Power Plants and less use of coal is more energy efficient than coal-fired. Contact KFTC, the Sierra Club, or Kentucky Conservation Council for more information and support.

*"work your way up ... do start directly at the top"*

**Resources:**

- KFTC's Empower KY -- <http://kftc.org/empowerky>
- *Serve God, Save The Planet: A Christian Call To Action* by Matthew Sleeth M.D. -- <https://docs.google.com/document/d/10AZWRWYYEMUU-XYT0EuuMMIYVJIJMavR-9dWKnQQ5Ac/edit>

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