

EPA Region 6

Arkansas Environmental Justice Training
Workshop 2015

Breakout Sessions Summary



Table of Contents

[Overview](#)

[Air Concentrations of Volatile Compounds Near Oil and Gas Production: A Community-Based Exploratory Study](#)

[Presentations](#)

[Discussions](#)

[Recommendations](#)

[Resources](#)

[ALERT – Call for Citizens to DIY for Oil Spill Prevention and Response Planning](#)

[Presentation](#)

[Discussions](#)

[Recommendations](#)

[Resources](#)

[Arkansas Highway and Transportation Department Environmental Justice Information and Listening Session](#)

[Presentations](#)

[Discussions](#)

[Recommendations](#)

[Resources](#)

[The Mayflower, Arkansas, Pegasus Pipeline Rupture and Response – Tools and Tactics for Effective Community-Based Environmental Advocacy](#)

[Presentations](#)

[Recommendations](#)

[Resources](#)

[Arkansas LEPCs and Other First Responder Volunteer Opportunities](#)

[Presentations](#)

[Discussions](#)

[Recommendations](#)

[Resources](#)

[Carbon Fee and Dividend: Minimizing the Negative Impacts of Carbon Pollution Reduction on Low-Income Communities](#)

[Presentation](#)

[Discussions](#)

[Recommendations](#)

[Resources](#)

[Impacts of Fracking in Arkansas – Stories from the Front Line](#)

[Presentation](#)

[Discussions](#)

[Recommendations](#)

[Resources](#)

[Who's in Danger? A Demographic Analysis of Chemical Disaster Vulnerability Zones](#)

[Presentations](#)

[Discussions](#)

[Recommendations](#)

[Resources](#)

[Appendix: Abbreviations & Names](#)

Overview

In June 2015, EPA and its partner the Janus Institute For Justice hosted the first-ever Agency-sponsored environmental justice (EJ) training workshop in Arkansas. Participants heard from federal, state and local agencies, community organizations, and academic institutions about EJ challenges facing communities in Arkansas and other parts of the country and discussed potential solutions. The workshop's goals were to:

- Better understand today's environmental justice challenges.
- Exchange strategies, lessons learned and best practices that lead to healthier communities.
- Begin developing a collaborative action plan that addresses region-wide priorities.

A central part of the workshop was a series of breakout sessions where government representatives and community leaders discussed key EJ topics. In addition to allowing for deep discussion, they helped identify actions that can improve the health, well-being and security of communities in Arkansas facing EJ issues and highlighted available resources. Note takers and facilitators helped summarize key points made by breakout session participants. The following pages summarize the eight breakout sessions.

The breakout session summaries are based on discussions between various organization representatives and workshop attendees. The contents do not necessarily reflect the policies, actions or positions of EPA or any other organization that participated in the workshop.

Air Concentrations of Volatile Compounds Near Oil and Gas Production: A Community-Based Exploratory Study



Air concentrations of potentially dangerous compounds and chemical mixtures are frequently present near oil and gas production sites. Proximity of disadvantaged communities to these facilities is a significant EJ concern. This breakout session focused on examples of community-based research that can provide an important supplement to state air quality monitoring programs.

Caroline Cox from the Center for Environmental Health, **Jessica Hendricks** from Global Community Monitor, and **April Lane** from Arkansas Fracking.org and the Faulkner County Citizens Advisory Group provided background information and answered questions in this session. **Arturo Blanco**, Director of EPA Region 6's Office of Environmental Justice and Tribal Affairs facilitated.

Presentations

Ms. Lane provided an overview of health symptoms suffered by residents living near compressor stations. She then described the community effort to gather information with bucket technology and to get the Arkansas Department of Environmental Quality (ADEQ) to respond. Air monitors were eventually installed, but the local citizen group has not received any data.

Ms. Cox presented a study on the importance of peer review and community monitoring when evaluating the health impacts from toxic chemicals.

- She started by providing some history on the study of the effect of toxic chemicals on health, beginning with Agent Orange. This chemical was sprayed on clear cuts in Oregon and has been linked to an excessive number of miscarriages. EPA took no action until it was publicized and eight women in Alsea, Oregon, did their own study. EPA did a larger study and discovered results connecting the toxins with miscarriages.
- She continued with information from a five-state monitoring study of cancer-causing chemicals near gas operations, where concentrations of butadiene and formaldehyde are above levels that EPA considers to be potentially cancer causing. This also occurs along gas pipelines. There is concern about how to get air monitoring results to decision makers. The data is peer reviewed and accurate.

Articles published contributed to a fracking ban in New York. The data must be put in a form that decision makers can use.

Ms. Hendricks provided an overview of the work of Global Community Monitor, which supported and provided technical help to the Faulkner County Bucket Brigade.

- She described traveling to different communities and the motives of various people: those working to combat global warming, those concerned about property rights, land use and air and water contamination, and those concerned about trespassing on property without regard and leaving litter.

Discussions

Citizen Engagement

- When working with citizens, what process is used to engage them?
 - Plan for engagement is being processed.
 - There are different kind of residents, and some are hard to engage. They don't trust government. It is easier to get colleges to engage, but not by going door to door.
 - The biggest problem is that even on the local government level, there are conflicts of interest. For example, a poorly funded school now is able to put up a new gym because of an influx of money from fracking. This can split the community down the middle.
 - There is also a lack of education, fear of government, and privacy concerns about being filmed. The 2013 Mayflower oil spill was a catalyst for facilitating communication and relationships. But those working are painted as environmental wackos if they speak out. It is best not to use the term "activists."

Data Gathering

- How do monitoring logs help? What did people smell and sense and see that could be added to data to build leverage? A total of 300 days of documentation is hard to deny.
 - They took the logs to show state agencies. But the agencies find ways to deny the data (e.g., saying "trees also emit formaldehyde"). State agencies are controlling the dialogue. We need community support.
 - We need studies proving causation. Can't do it with people, though this is being done in the toxic locations.

Costs Associated with Air Monitoring and Available Resources for Communities

- Has the cost of samples gone down over time? How can sampling be made more cost effective?
 - **Ms. Hendricks:** Labs are expensive and fees are not going down. It costs \$410 for one sample. If sources are known, you can test for just one element or gas. Cost for real-time air monitoring, however, is going down. You can also buy a real-time air monitoring app from the Apple Store for the iPhone. More research and monitoring equipment is needed. Global Community Monitor has a lending library of particulate monitors.

- **Ms. Lane:** You need 24-hour monitors. You need to shift the burden back to the polluting company. You need to communicate with cities how important monitoring is.
- What is the cost of monitoring for one community?
 - A little over \$13,000, just for equipment, not including time. It costs \$7,500 for two bucket monitors. There are a lot of small foundations to give communities funding in grants of three to five thousand dollars. Fundraising is important.
- I have had a problem with smell for three years. I have a home monitor for formaldehyde that caused me trouble. How to test?
 - **Ms. Hendricks:** Global Community Monitor recently filed a lawsuit under California's primary toxics law, Proposition 65, against Lumber Liquidators for high levels of formaldehyde in their lumber, specifically flooring. We partnered with a low-cost lab for testing. What can we do? Document symptoms and put in medical records. Ventilate a house. Go to court.
- Use specialized cameras to see emissions?
 - We looked into it. They are expensive to use for community monitoring. Local EPA has done some flare/infrared imaging but would not share data. EPA Region 6 said they would post online but that the editing process will take a long time. I think they did see things and don't want to share until they deal with the industries. An infrared/flare camera is \$100,000. **Ms. Hendricks** did some work with infrared/flare cameras, but you can't see concentrations. In California, we partnered with Earthworks to use infrared/flare cameras with buckets together to get better data.
 - **Ms. Lane:** One drawback to getting volunteers to gather data is overexposing them to toxins.
 - **Mr. Blanco** stated that they use the infrared/flare cameras in Houston; they cost \$100,000. Testing for volatile organic compounds (VOCs) is less expensive. Each summa canister costs \$800 for analysis. To clear and purge a canister costs \$60 to \$80.
- An attachment for the iPhone to make your phone an infrared camera is \$200.
 - You may need to see in high concentrations.
- How can you figure out patterns? Our homes weren't ventilating correctly. Are health departments testing to determine issues?
 - **Mr. Blanco:** There are no mandates governing programs for testing. Indoor pollution is not specifically regulated and there is no program for funding. It should be important for health professionals.
 - **Ms. Lane:** We went to ADEQ to advocate for Ms. Tracy Wilson, who was surrounded by wells and was very sick. We communicated with ADEQ about her for six months. The one time they came out they didn't go to her house but cited her for a burn pile. The agent said she didn't smell anything in the air.
 - **Ms. Hendricks:** In California, there is the Environmental Reporting Network. Get agencies together. You can problem solve together. Take photos of smoke, toxic dumping. The appropriate agency can handle the issue. Get buy-in. The Central Arkansas District didn't cooperate at first, but is now doing better.

- o **Ms. Lane:** Worked independently on a model for Arkansas. The state agency said they built a monitoring program but didn't tell me they were doing it. Once someone reports, what results and how soon? Seven statewide inspectors are inadequate. Some residents are elderly and can't use an iPhone or apps.

Recommendations

Mr. Blanco: EPA has the power of convening other agencies willing to help. EPA continues to work with environmental justice leaders on ways to share experiences.

Resources

Agencies and Organizations

- ArkansasFracking.org
 - o Email: ARFracking@gmail.com
- [Center for Environmental Health](#)
 - o Phone: (510) 655-3900
- [Faulkner County Citizens Advisory Group](#) (FCCAG)
- [Global Community Monitor](#)
 - o Phone: (510) 231-6970

Publications and Other Resources

- ADEQ's [Mobile Complaint App](#) for smartphones
- Examples of regional environmental reporting networks:
 - o [Fresno Environmental Reporting Network](#)
 - o [Kern Environmental Enforcement Network](#)

ALERT – Call for Citizens to DIY for Oil Spill Prevention and Response Planning



This breakout session highlighted how citizens can engage in oil disaster prevention and planning to minimize harm to loved ones, the community and the environment through Local Emergency Planning Committees (LEPCs) or Citizen Advisory Councils. ALERT trainers with hands-on experience in oil spills, petrochemical exposure, health impacts and oil policy/litigation are invited into

communities to share their knowledge and skills. Through repeated visits and extended stays, trainers identify and network local resources, and partner with groups or universities to build regional capacities. ALERT encourages citizens to join LEPCs and provides support to help them learn about the types of petrochemical products, the human health risks of the products, where pipelines and rail cars are routed, areas of vulnerable or special needs populations such as school children or hospitals, and emergency procedures including community right-to-know.

Dr. Riki Ott, Director of The ALERT Project, provided background information and answered questions in this session. **Rhonda Smith**, Deputy Director of EPA Region 6's Office of Environmental Justice and Tribal Affairs, facilitated.

Presentation

Dr. Ott provided an overview of oil spills, pollution and response planning.

- She explained that we need to put a face on the risks of unconventional oil – individuals and communities. Oil is much more toxic than was thought to be a decade ago after the Exxon Valdez spill. Policy-wise, she explained that we have not yet recognized the toxicity of oil; however, its toxicity has been recognized by the medical community.
- Environmental consciousness raised by past spills (Exxon Valdez). Other spills include the Deepwater Horizon BP spill and the Michigan spill. Lessons learned from the BP spill include:
 - Anyone can be affected, not just oil/industrial workers. The spill has had long-term effects as well as short-term effects. The health effects symptoms are normal enough that people are not going to emergency rooms but rather are self-treating. This is why there is not enough data. Oil is more toxic than our laws accommodate for right now, and traditional response tools do not work. Oil spill dispersants make it worse.
- A three-tier response plan can be used under the Oil Pollution Act of 1990: a National Plan, Regional Plans and Area Plans.

- Area plans include transportation facilities and have legal authority led by local governments or first nations. There is access to support agencies like scientists from EPA, the National Oceanic and Atmospheric Administration, state emergency response programs, and first responders. It is a collaborative effort.

Citizen Advisory Councils as a Tool/ Model

- Citizen Advisory Councils are powerful tools/models for getting communities involved in response planning and prevention of oil spills. They should be embraced nationwide.
- The safety of crude oil transportation is an important concern.
- Local people are usually first responders.
- Plans should be made ahead of time for involving people in the community that want to help.
- The public can also help create evaluations of the response and cleanup process.
- There should also be clarity between the spiller and public officials. Public safety should be the responsibility of public officials and not industry.
- Should there be Protection Action Criteria for first responders?
- Sometimes oil spill contractors are employed (e.g., Massachusetts, Connecticut and New Jersey).
- Oil spill trust funds are set up through the Clean Water Act (e.g., Massachusetts emergency loan for first responders).

Problems with Current Response to Oil Spills

- There is a lack of communication about oil spills. The public is not properly informed about oil spills and what to do when they occur.
- Having public safety officers enforce spillers' rules (e.g., BP) destroys trust.

Keys to World Class Response

- Pairing local governments with Citizen Advisory Councils.
- Clear roles and responsibilities for government and industry.
- Adequate funding.
- Poor plan = no plan.

Discussions

Joining LEPCs

How can a representative join a LEPC?

- Call the city/state or visit the LEPC's website. The website should have information on emergency disaster management.

Oil and Gas Pipelines

A pipeline recently broke in Arkansas. Is aging infrastructure responsible?

- Yes, it has a part to play, especially for unconventional production. Deeper pipelines will age old and new infrastructure faster, leading to more spills.

Reversed Flow Pipelines?

- A recent study suggests these are not a good idea.

What Can EPA Do?

- EPA has the authority to require oil spill response drills. If these don't work, EPA can revoke contingency plans.
- Call EPA. I believe the legal authority to create Citizen Advisory Councils through the Oil Pollution Act was funded by industries operating in the area (e.g., Alaska).
- We can also pressure EPA to see that people want spill response taken seriously. Area plans are a powerful tool that are not being fully used now.

Incentivizing Companies to Avoid Spills

- Corporations make money but the public's economy is being destroyed.
 - Increase liability for industry. Increase liability for oil companies so they can see that they are responsible for the long-term health effects on the public?

Why Should Disadvantaged Communities Join an LEPC?

- Your voice at the table is what will be heard. You know where vulnerable sections of your community are, who the vulnerable people are. The city doesn't necessarily know this. Poor populations are disadvantaged; you need these voices at the table.

Recommendations

- Attend LEPC meetings.
 - Know what happens.
 - Advocate for a response plan.
 - Join a planning community. This usually transitions into a Citizens Advisory Council if there is enough interest.
- Advocate for a trust fund in your state.
- Demand a comprehensive plan for all operators.
- Public service providers can be trained to help disseminate information.
- Train volunteers to take polls after a disaster.
- Conduct environmental monitoring and evaluation to know if cleanup products, equipment and strategies work.
- Properly inform the public about spill-related health risks. Include this as part of Area Plans.

Resources

Agencies and Organizations

- [ALERT Project](#)

Publications and Other Resources

- [Local Emergency Planning Committees](#) (LEPCs)

Arkansas Highway and Transportation Department Environmental Justice Information and Listening Session



This breakout session focused on the widening of Interstate 30 (I-30) in downtown Little Rock and outreach efforts by the Arkansas State Highway and Transportation Department (AHTD) aimed at facilitating public involvement and addressing EJ issues.

Speakers included **Jerry Holder, Sr.** Vice President and Director of Transportation, Garver LLC, **Ruby**

Jordan-Johnson, Public Involvement Section Head, AHTD, and **Keli Wylie**, Connecting Arkansas Program Project Manager, AHTD. They provided background information and answered questions in this session. **Valera McDaniel**, AHTD's Civil Rights Coordinator, facilitated.

Presentations

Ms. Jordan-Johnson provided an overview of her role in public involvement.

- We are working to develop positive, trusting, working relationships in communities facing EJ issues. Trust is often missing in these communities.
- We need to go to the people instead of just looking at Census data on the computer. We can go to the places where politicians find us – churches, neighborhood meetings, events and festivals such as the county fair. Every community has decision makers and stakeholders, which includes state and local representatives, community leaders, churchgoers and citizens. Outreach takes time but is worth it.
- There are challenges to building relationships in communities facing EJ issues. Sometimes our communities don't want to come out. Why do so few people turn up for public meetings? They may not understand the importance of the National Environmental Policy Act (NEPA) process. This is a process we have to go through, especially when we are dealing with federal funds. There are people we work with daily who do not understand the process. It is challenging to get the word out so people can understand the importance of what we are trying to do. The EJ approach is in place because of histories of abuse and poor treatment that these communities have faced over the years.
- Right now we are focusing on one project but our larger goal is to build trusting and lasting relationships with the communities we serve. We want to do outreach and actively listen to citizens. This provides opportunities for two-way

communication. We need to be active listeners in order to include the community in the decision-making process.

Ms. Wylie provided an overview of the I-30 project and the affected community.

- The I-30 project includes replacement of the bridge, widening of the highway and interchange improvements. The I-30 expansion is one of 35 projects in the Connecting Arkansas program. This is the most high-profile project, so we have to get it right.
- The impacted community is 60 percent minority (55 percent African American). This is a low-income population (median income of \$27,000); nine areas have even lower median incomes. The impacted community also includes historic districts and several active community groups.
- If you look at the existing I-30 route on a map and overlay it on a Sanborn fire insurance map from 1913, you can see that it put a scar on the neighborhoods it crosses, one city block wide. The community considers the highway to be a barrier; they want it to become more of a connector, linking citizens on the east and west sides of the highway. They talk about bicycles and sidewalks, and better visual connection with lighting. They feel that some of these small improvements will make a big difference to the community.

Mr. Holder spoke about establishing community groups to provide input about the project, and outreach efforts.

- Early on, we developed a plan called the Public Involvement Agency Coordination Plan. It focused on identifying stakeholders and reaching out to affected communities.
- Project partners include the Mayors of Little Rock and North Little Rock, the Pulaski County Judge and Metroplan. We meet with them on a regular basis. They like to know what is going on.
- We also formed a technical work group. In the past, we might have dealt with each of the agencies separately. Instead, we have invited everyone into the room together, updated them every so often and asked for comments. This includes any agency that might be affected by this project.
- We held an all-day visioning workshop. We brainstormed about aesthetics, economic development, mobility and safety. This area has three times more accidents compared to other roads in Arkansas. We brought them together and will repeat the event this coming fall.
- We have given presentations to more than 50 local groups. Whenever we have been invited by a local group, we have never said no. We received great feedback.
- Thanks to Ms. Jordan-Johnson and her staff for their help with public meetings. The first challenge was to find a place to hold a meeting. Some churches turned us down. They did not trust the process. The first meetings were in August 2014 – one in North Little Rock and one in Little Rock. We held meetings on both sides of the bridge so that problems with transportation would not be an issue. Aerial photos were laid out on the table. No lines were drawn. We gave people post-it notes and asked them to show where there are challenges with respect to lighting, mobility and safety. There are schools on one side of the highway. If the map had been drawn on already, we might not have gotten the same feedback. We took public comments. It turned out to be a positive event. We did get some complaints

as well, such as “How can we comment without seeing what you are planning to do?” The comments from our public meetings were very helpful.

- We distributed flyers in low-income and minority communities, focusing on areas of congregation and public use. However, we found that at these first meetings, there was little participation by minorities; they made up only 20 percent of the attendees. Instead of giving up, we worked with Ms. Jordan-Johnson’s staff to improve our community outreach. We planned more meetings, structured as community meetings. We consulted with other officials and community leaders to help develop trust with the community.
- AHTD convened two meetings in Little Rock with varying results. We reached a total of 60 people and made good contacts.
- In conclusion, we are trying to turn I-30 into a connector instead of a barrier. This will require gaining people’s trust. In meetings where AHTD is involved, we show that we care about what the community has to say. We have seen some successes. We have a new consultant on board and have increased our outreach efforts. So far, we have seen increased attendance by disadvantaged communities in our public meetings.

Discussions

Making Decisions about Community Outreach

- **Ms. Jordan-Johnson:** We do outreach for all projects. We go out into the community and try to get stakeholders involved. Because the I-30 widening project is so big and important, special efforts have been made to get the word out. I believe that we have gone beyond what is required to try to engage the community for this project. People can be engaged even if they cannot come to the meetings. We take phone calls and continue to collect input.

Addressing EJ Concerns as Part of the NEPA Process

- **Ms. McDaniel:** NEPA requires addressing EJ as a part of the project, because of the history of the communities around the project. The project will take six years. We are one year into the project. We expect there may be one more year of public outreach. This is the environmental assessment period and the period for public comment. The law does not state how many meetings to have. But it is important to get citizens onboard early, instead of moving forward and then having to backtrack.

Overcoming Frustrations about Community Outreach

- As you are dealing with the challenge of lack of interest by the community, how did you personally work to overcome the challenge of maybe getting discouraged?
 - **Mr. Holder:** We started talking about this at the first meeting. We didn’t know what the problem was. We then changed the meeting format. Instead of 20 or more of us being present to answer questions, we organized the community meetings to be more intimate. Now only two of us attend, to be as non-intimidating as possible. We knew we had to do something different, we just brainstormed.

- o **Ms. Jordan-Johnson:** We have done this before. We hold meetings and there was a lack of minority community involvement. Why? People don't want to be part of the big meeting. You have to go over and beyond. Does NEPA require that we go above and beyond? No. Would I want someone to do it if it was us – how would we feel? We have people call and say I didn't get a chance to go to the meeting – can you help me?

Status of the I-30 Widening Plan

- Have you released the plan?
 - o **Mr. Holder:** We have shared our ideas. Nothing is set in stone. We don't know where the ramps will be. If you go to connectingarkansasprogram.com, you can see displays, maps, sticky notes and comments. If you want to comment on that, it is not too late. You can still comment. It is ongoing, even though we don't have a scheduled meeting.

Construction in Conway

- Is the construction going on in Conway related to this project?
 - o **Ms. Wylie:** The projects are separate, stand alone. Except we are coordinating with the Broadway Bridge project – we will not close lanes on I-30 until the bridge project is done.

Origination and Characteristics of the I-30 Widening Project

- Where did the idea for the construction project come from?
 - o **Ms. Wylie:** It was a planned project. Needs were identified ahead of time.
 - o **Ms. McDaniel:** There is a 40-year planning process.
- How many lanes?
 - o **Mr. Holder:** We have considered what it would take to meet all goals for safety and other factors. Six lanes were not enough; 12 were too many. We decided on 10 lanes, based on 2041 traffic projections, with a collector distributor, which is a separate exit lane that moves more slowly.
- Was light rail considered as part of the mix?
 - o **Mr. Holder:** We worked with the Central Arkansas Transit Authority. It is not in the short-term plan, but it is in long-term plans. We did keep “bus on shoulder” options – to promote fast bus traffic. Three of those are planned.
 - o **Ms. Wylie:** Part of the issue is that the ramps are so closely spaced. “Texas turnarounds” will reduce the number of points.

Community Outreach for Transportation Projects in Other States

- Ms. Jordan-Johnson, are other state agencies doing the same kind of outreach as you?
 - o **Ms. Jordan-Johnson:** From what I've seen with other state agencies, they are doing this kind of work. Whether they are as passionate, I don't know. I just happen to work for the highway department. I go over and beyond. That is something that comes out, because it is genuine. It is just me.

Recommendations

- None.

Resources

Agencies and Organizations

- [Arkansas State Highway and Transportation Department](#) (AHTD)
 - o Phone: (501) 569-2000
- [Connecting Arkansas](#)
- [Garver, LLC](#)

The Mayflower, Arkansas, Pegasus Pipeline Rupture and Response – Tools and Tactics for Effective Community-Based Environmental Advocacy



On March 29, 2013, the ExxonMobil Pegasus Pipeline ruptured in Mayflower, Arkansas, spilling oil that impacted land, waterways, human health and wildlife. The Faulkner County Citizens Advisory Group (FCCAG) facilitated monthly town hall meetings and submitted written documentation to voice community concerns to decision makers. This breakout session focused on how citizens can express their viewpoints,

how they can influence important public decisions, and how this process can become more effective. One goal was to use this session to develop a template/guidance that can be shared with other Arkansas communities to help with initiating and facilitating conversations with Incident Command System officials following a disaster.

Nicolas Brescia, EPA Region 6 Disaster Response Specialist and On-Scene Coordinator, **Allen Dodson**, a former Faulkner County judge who served as the local on-site coordinator within the Unified Command disaster response structure, and **Emily Harris**, a public health educator and trauma recovery specialist and facilitator of the FCCAG, provided background information and answered questions. **Holly Wilson**, Community Air Program Lead for EPA's Office of Air Quality Planning and Standards, facilitated.

Presentations

Mr. Dodson began the panel by providing an overview of the Pegasus Pipeline rupture and the Unified Command Team structure put in place to coordinate all emergency response and cleanup activities.

- The Unified Command included county, state (Arkansas Department of Environmental Quality, or ADEQ), and federal (EPA Region 6) government entities. ExxonMobil, which owns the pipeline, also participated.
- In his role as the head of local government in Faulkner County, Judge Dodson served as the spokesperson and local on-site coordinator. At the peak of the spill response, there were 700 personnel on site.

- Faulkner County has a population of 120,000. Conway, 30 miles from Little Rock, is the county seat. The pipeline rupture occurred in Dawson's Cove, a residential community. The pipeline was built in 1947-1948; many residents didn't know it was there.
- The oil spill spread from the community to a nearby cove of Lake Conway, nearly a mile away. Lake Conway covers 6,500 acres and is one of the premier natural resources in a state known for its natural beauty.
- Mr. Dodson felt that, from an incident response standpoint, the spill was handled well. Fortunately, there were two 40-foot culverts in the path of the spill that were able to be blocked to staunch the spread of the oil. The Unified Command Team also established a Unified Media Briefing Team that communicated with the public through press briefings, public and community meetings, and private briefings for Dawson's Cove residents.

Mr. Brescia shared that the Pegasus Pipeline spill was very complex in that it occurred in a residential community instead of a remote wilderness area.

- EPA and the Unified Command Team immediately established a website to provide the public with information about the Pegasus Pipeline rupture and spill. They collected data and posted it to the website within 48 hours, including pollution reports and other public incident information. ADEQ also established a website to provide the public with information on air, water and soil samples collected from the affected areas.
- The team met with property owners impacted by the spill in private to share cleanup options, claims options and other information pertinent to them and their properties.
- They employed very aggressive options in the cleanup process and did run into some challenges, including:
 - Identifying a site and location for the initial command post.
 - Hazardous material cleanup supplies were hard to access.
 - Large area, including residential community and Lake Conway, impacted by the spill.
 - Communications were challenging.
 - Weather and terrain were also challenging.
- Lessons learned:
 - The value of having a collective community voice.
 - Establishing a Unified Incident Command that included a local Incident Command leader like Judge Dodson was very important.
 - Involvement of a local On-Scene Coordinator helped reassure residents.
 - Local knowledge of the area and familiarity with the terrain and Lake Conway was important.
 - Initial evacuation and decision to block culverts, and plug dikes and water flows, helped.
 - It is critically important that local residents participate in Local Emergency Planning Committee (LEPC) meetings.

Ms. Harris focused her remarks on three areas: 1) tracking and documenting public health impacts; 2) protection of drinking water sources; and 3) inclusion of local community representatives in Incident Command structure.

- Ms. Harris explained that the FCCAG was established in 2011 to respond to more than 1,200 earthquake swarms. After the Pegasus Pipeline rupture, the FCCAG brought in outside experts like Dr. Wilma Subra and Neil Carman to evaluate community air samples collected after the spill. The Faulkner County Bucket Brigade also collected air samples that found volatile organic compounds (VOCs) after the pipeline rupture and remedial steps. Oil seepage has been found under neighborhood homes and their foundations that was not removed.
- Ms. Harris explained that both EPA and ExxonMobil posted information on their websites about the toxicity of petrochemicals and potential health risk due to human exposure. EPA and ADEQ both stated that residential exposure levels that resulted from the Pegasus Pipeline rupture and oil spill were safe and did not pose a risk to human health and the environment. However, local residents were asking for evidence-based detection criteria.
 - The Arkansas Department of Health conducted health assessments on an individual appointment basis, but the results were never reported out and will not be made publicly available. Residents from the communities where the spill occurred needed to be assessed for potential adverse health impacts. These assessments have not taken place.
 - Aging and decrepit oil pipelines pose an imminent threat to the drinking water supply for 750,000 Arkansans. Lake Conway and its ecosystem, which is a major water resource in the state, was seriously impacted by the Pegasus Pipeline rupture and spill.
- Ms. Harris raised two other EJ-specific concerns. The first was that all cleanup and remedial activities focused on white, middle-class communities; little assistance was offered to nearby low-income communities of color. Also, ExxonMobil hired hundreds of contractors to do the initial spill response and cleanup. Many were young men of color. She wondered what, if any, health assessment was done for them and what kind of health risk follow up did these response workers receive?

Recommendations

- Mr. Brescia suggested that local residents need to get involved in their LEPCs.
- Former Judge Allen Dodson suggested that local residents need to be at the table and get involved in their local emergency planning process. Local residents need to come to the table, get engaged and move the needle.
- Ms. Harris suggested that local residents need to take personal responsibility for local environmental awareness and join local organizations. People also need to learn where oil and gas pipelines are located underneath their communities. They can check the National Pipeline Mapping System website to find out where pipelines are located.

Resources

Agencies and Organizations

- [Faulkner County Citizens Advisory Group](#) (FCCAG)
- [U.S. Environmental Protection Agency](#)
 - Phone: (800) 887-6063 (EPA Region 6 main office)

Publications and Other Resources

- [Local Emergency Planning Committees](#) (LEPCs)
- [National Pipeline Mapping System](#), U.S. Department of Transportation

Arkansas LEPCs and Other First Responder Volunteer Opportunities



This breakout session focused on how Arkansas relies on a wide base of community volunteers as first responders. The session featured a panel of representatives from organizations with community volunteer opportunities.

Steve Mason, EPA Region 6's Local Emergency Planning Committee (LEPC) Coordinator, **Kenny Harmon**

from the Arkansas Department of Emergency Management, **Rachel Nix** from the Arkansas Fire Training Academy, **Dirk Sutterfield** from Faulkner County's Office of Emergency Management, and **Dwayne Aalseth** from the Arkansas Emergency Medical Technicians (EMT) Association provided background information and answered questions. **Jeffrey Bonkoski** with JB HazMat Consulting and Training facilitated.

Presentations

Steve Mason provided an overview of the history of LEPCs.

- The impetus for LEPCs was the Union Carbide Pesticide chemical release in Bhopal, India, in 1984 where over 3,800 people died.
 - Goals of the LEPCs include increasing community awareness of chemical hazards and developing state and local response plans for dealing with chemical accidents.
- The programs worked well in places where there was a lot of chemical industry, but poorly in those areas without a major chemical industry presence. So, in October 1986, Congress passed related legislation.
 - Emergency Planning and Community Right-to-Know Act (EPCRA) communities have a right to know about the chemicals being stored, transported and used in their communities, and communities need to plan for chemical accidents.
 - Congress stipulated that emergency response planning should be done at the state and local levels and established a state and local structure for EPCRA plans.
 - State Emergency Response Commissions (SERCs) run the program at the state level. Kenny Harmon is the SERC Coordinator for the State of Arkansas. He is also Arkansas' LEPC Coordinator.
 - There are 530 LEPCs in EPA Region 6.
 - There are 3,200 LEPCs nationally.

- LEPC representatives are a diverse group who plan for chemical accidents. LEPCs have several responsibilities, including developing an emergency chemical plan, reviewing these plans once a year and collecting applicable data.
- The main goals of LEPCs are to: 1) make sure local responders and officials let people know about chemicals, their associated hazards and how to respond to them; and 2) make sure responders have the proper training before they go out and respond to chemical spills.

Kenny Harmon provided an overview of hazardous material trainings and volunteer opportunities available through the Arkansas Department of Emergency Management.

- HazMat training to first responders is provided within the program and there is no charge.
- Motel and meals are reimbursed if training is over 16 hours.
- Volunteerism is exceedingly low.
- Training opportunities are provided, whenever and wherever. This includes weekends, weekdays or weeknights, whatever is needed.
- There are 75 jurisdictions with LEPCs. About 25 to 35 percent of these LEPCs are active.
- Rural counties do not have LEPC trainings. Usually, this is because there is not a chemical industry within that area.

Rachel Nix provided an overview of trainings and volunteer opportunities the Arkansas Fire Training Academy makes available.

- The Academy offers free trainings in specified areas. The main campus is in Camden, Arkansas. Other training locations include Fayetteville, Jonesboro, Lincoln and Conway.
- At Southern Arkansas University Technical College, eight-week programs are offered where students can earn 12 to 15 college credits. After successful completion of the program, students can apply for a scholarship for an Associate's degree through the college. After completion of the eight-week program, graduates are classified as a Firefighter II.
- Trainings offered:
 - Portable extinguishers
 - EMT trainings
 - Advanced-level classes
 - International accreditation
- Once seen as being replaceable, the public now views fire service as a valuable tool.
- The age requirement for Academy training has been changed from 16 years old to 18 years old. The trainings offered are more safety conscious now than in the past.
- Arkansas fire departments are eligible for funding, which is made available through the state (Act 833 monies). The departments must have certain equipment and must meet certain training needs to be eligible to receive this funding.
- The Fire Prevention Commission issues grants to fire departments interested in fire prevention program materials.

Dirk Sutterfield discussed local first responder volunteer opportunities.

- According to national figures, 69 percent of all firefighters in our country are volunteers.
- Faulkner County has 22 fire departments in the county or that respond to the county. There are over 400 firefighter responders. Volunteer opportunities in Faulkner County:
 - Rescue Squad (strictly volunteer).
 - Faulkner County Emergency Squad.
 - First responders.
 - Faulkner County HAM radio club (provides the communication on their own equipment).
 - Faulkner County Animal Rescue Team.
 - The Community Emergency Response Team (CERT) program trains ordinary citizens in preparedness and basic disaster skills to enable them to safely aid their family, neighbors, community or workplace in the event of a disaster until emergency responders arrive.
- Since 2009, Faulkner County has trained over 400 people through the program.

Dwayne Aalseth discussed first responder opportunities available through the Arkansas EMT Association.

- The Emergency Response Support Team (ERST) is a statewide group of volunteers.
 - There are five region chiefs for each of the Association's five regions.
 - Most of the volunteers are EMTs or paramedics, first responders. Many of them are cross-trained in other areas.
 - The team pulls resources from different areas during disaster situations.
 - Other volunteers throughout the state may be called into the disaster area.
 - The goal is to have needed volunteers available to support within an hour of a disaster. These individuals must be contacted before they can come out and give aid.
- The Critical Incident Stress Management (CISM) Team provides support, knowledge, and referral services to fellow emergency service providers after a critical incident.

Discussions

Little Rock's Environmental Department

- Does the City of Little Rock have an environmental department?
 - Yes.

Membership of the Arkansas EMT Association

- How many members are a part of the Arkansas EMT Association?
 - **Mr. Aalseth:** The Association currently has 72 members.

Bringing in First Responders to Emergencies across County Lines

- How easy is it to get responders in disastrous situations to cross county lines?
 - Panel collectively responded that it is very easy. Collaboration between counties and sometimes states occurs frequently.

Encouraging LEPCs

- How do we get more LEPCs active?
 - **Mr. Mason:** If enough people ask, there could be an active LEPC. The county must decide that they want an LEPC. Sometimes it takes a major disaster to generate interest.

Helping Ensure First Responder Volunteer Safety

- **Mr. Aalseth** addressed how volunteers are instructed to ensure their own safety:
 - Proper equipment.
 - Proper rest and food intake.
 - Hydration.
 - Training is required at any level.
 - On-site emergency service during a disaster for first responders and other volunteers.
 - Gloves, helmets, and air packs.

Recommendations

- Contact the individuals on the panel to get an evaluation of your area, for more information. Doing drills is also encouraged.
- Mr. Sutterfield recommended that, as private citizens, it is up to us to take the steps to be prepared for chemical as well as natural disasters.

Resources

Agencies and Organizations

- [Arkansas Department of Emergency Management](#)
- [Arkansas Fire Training Academy](#)
 - Phone: (870) 574-1521
- [Arkansas EMT Association](#)
 - Contact: Ronny Russell
 - Phone: (870) 692-1927
- [Faulkner County Office of Emergency Management](#)
 - Phone: (501) 450-4935
 - Email: oem@oem911.net
- [U.S. Environmental Protection Agency](#)
 - Phone: (800) 887-6063 (EPA Region 6 main office)

Publications and Other Resources

- Faulkner County Pocket Emergency Preparedness Guide
- Arkansas EMT Association handout

Carbon Fee and Dividend: Minimizing the Negative Impacts of Carbon Pollution Reduction on Low-Income Communities

With the implementation of EPA's Clean Power Plan (CPP), researchers anticipate that low-income communities will be affected by higher energy prices while also benefiting from reduced emissions from coal plants. This breakout session focused on an alternative to regulations and increasing energy prices.

Scott Nystrom from Regional Economics, Inc. (REMI) provided background information and answered questions. **Robert McAfee**, Environmental Chair for the Arkansas Citizens First Congress, facilitated.



Presentation

Mr. Nystrom provided an overview of policies in place to reduce carbon pollution and how these can negatively affect parts of the economy, and low-income communities in particular. He then discussed an alternative approach: a national fee-and-dividend carbon tax.

- The study for this alternative approach was conducted by REMI and Synapse Energy Economics (Synapse). The study is available through the [Citizens' Climate Lobby website](#).
- Under the alternative policy design studied by REMI and Synapse, a carbon tax would be imposed in 2016, at \$10 per metric ton of carbon dioxide. The fee would increase by \$10 per year through at least the 2030s. The fee would be imposed on the point of extraction (i.e., the well or mine).
- 100 percent of carbon tax revenues would be refunded to all American households in monthly checks or deposits. The amount would be based on the number of adults.
 - Moves toward guaranteed minimum income.
 - Would help cut down on welfare costs.
 - People prefer in kind benefits to cash giveaways-problem.
- Goods imported to the United States would be charged a carbon tax on the emissions during the overseas production process.
 - Revenues used to compensate American exports for higher costs.
- Different models have been used to evaluate this approach.
 - Analysis using Reeds Model finds that carbon tax results in more sustainable decisions.
 - Analysis using Carbon Analysis Tool finds that in the short-term people will tolerate higher energy costs, but ultimately they will make more

environmentally conscious decisions (e.g., when their car breaks down, they will purchase an electric vehicle).

- Key findings from REMI's analysis using REMI PI+ model:
 - Employment will be positive in most regions of the U.S.
 - Nationally the effect will be positive. Some regions centered largely on coal and oil extraction will suffer.
 - Texas, Louisiana, Oklahoma, Wyoming, Montana will be hurt.
 - Representatives will be tough to convince for this reason.
 - Certain industries will benefit. Others will not.
 - Manufacturing will not benefit because oil refineries fall within the manufacturing sector.
 - Mining, transportation, utility industries will be hurt.
 - Industries with high concentrations of white male workers will be hurt disproportionately.
 - Lower-paying industries that employ higher numbers of minorities will benefit.
 - The policy will produce greatly reduced carbon emissions.
 - Revenues from the tax will be in the billions per year.
 - The fees generated could fund the Pentagon eventually.
 - Monthly dividend will increase dramatically to \$400 per month by end of simulation.
 - Low-income earners will receive 12 percent of the total revenue.
 - Coal plants will stop production, improving air quality when replaced by a combination of sustainable energy sources.
 - People will move to the Plains states for jobs in the wind industry. They will move away from regions with carbon heavy production.

Discussions

Best Solutions for Carbon Reduction – Carbon Tax or Regulation?

- Need to find a method to meet EPA's carbon reduction goals. Is the solution a carbon tax or regulation?
 - A carbon tax gives an incentive to solve problems, instead of forcing people and industry to do what may not be a good idea. Regulations are also more expensive. A carbon tax will bring in revenue that can be spent elsewhere and create benefits.
- Is this a carbon offset? People can continue to create carbon if they pay for it.
 - Yes, but it doesn't make sense to do so economically, given the set of incentives to move away from carbon.

Feasibility of Complete Reliance on Wind Power

- Why don't we just get all the wind out of the Midwest and run everything? Isn't it infinite?
 - Yes, but the more that we try to harvest all the wind power the more expensive it gets, so it makes more economic sense to invest in other energy sources (e.g., solar and nuclear).

How the Carbon Tax Policy Negatively Affects Average Wages

- Why will the average wage go down?
 - High-paying jobs will be eradicated in the carbon producing areas.
 - Low-paying jobs will increase elsewhere.

Political feasibility of the carbon fee-and-dividend policy

- How politically feasible is this?
 - Either get AARP on your side or organize the enormous number of people that this policy will help. Oil producers are really well connected and therefore will contest this policy.

Recommendations

- None.

Resources

Agencies and Organizations

- [Regional Economic Models, Inc.](#) (REMI)
 - Phone: (413) 549-1169

Publications and Other Resources

- Nystrom, S. & Lucknow, P. Regional Economic Models, Inc. (REMI) and Synapse Energy Economics, Inc. [*The Economic, Climate, Fiscal, Power and Demographic Impact of a National Fee-and-Dividend Carbon Tax*](#). 2014.
- REMI. [REMI PI² analytical model](#).

Impacts of Fracking in Arkansas – Stories from the Front Line



The negative impacts from natural gas production and fracking in Arkansas are numerous and wide-ranging. This breakout session highlighted fracking's negative impacts and the experiences of those in the community who are suffering from fracking.

Emily G. Lane, Director of ArkansasFracking.org, provided background information and

answered questions in this session. **Robin Freeman**, Planning Director for the Central Arkansas Development Council (CADC), facilitated.

Presentation

Ms. Lane provided an overview of her work, the impact of fracking, economics, regulations, improvements, resources and current research related to fracking.

Background

- Ms. Lane was born and raised in a rural community. She heard rumors of the natural gas industry coming to the area and began to see the impact when heavy trucks arrived, causing road damage and leaving litter. Residents in the area were profiting from the work. In fall 2010, a rash of earthquakes began to hit north Faulkner County, damaging homes. From 2009 to 2012, there were over 1,300 earthquakes in the area.
- The Faulkner County Citizens Advisory Group formed to address the issue. Its main objective is to protect the water, land, air and people from the environmental impacts of fracking.
- Fracking is defined as a technique that releases trapped oil and gas from deep in the ground. Conventional fracking was developed in the 1940s. Slick water fracking was used in the 1990s.
- Today's fracking is similar to the 1940s version. The technology, developed by Halliburton, uses millions of gallons of water, piped in from area lakes, mixed with chemicals and silica sand, and then injected at high pressure to fracture the rock. The process is chemical intensive.
- In Arkansas, fracking takes place primarily in central and north Arkansas, an area encompassing five counties. Most of the fracking takes place on farmland where more than 5,500 gas wells are located.

Environmental Impact of Fracking

- Land clearing or deforestation. The activities create runoff, impacting water quality and wildlife. For example, the Yellow Cheek Darter is in decline as a result.
- Methane. Associated methane releases impact surface water and groundwater. See the film [Gasland](#) as an example.
- Drilling waste. Wastewater from fracking has been found to include heavy metals, arsenic and radioactive materials. Most of the time, this water is not contained and leaks into surrounding land and water.
- Dust suppressants. All county judges approved a process that allows drilling waste to be sprayed on local roads in order to suppress dust. This suppressant can easily be washed into local natural water sources.
- Surface spills. Residents occasionally report illegal waste dumping. In 2012, a third-party trucking company was fined \$12,000 and banned from operating for one year because of illegal dumping.
- Fluid migration. What would normally take 10,000 years to happen has been found to happen much faster than originally thought – less than 100 years.
- Air quality. In 2011, emissions in the area equated to an extra 600,000 passenger vehicle trips, with a population of only 200,000. Community members were trained to conduct a community based research study. Named the Bucket Brigade, the study found elevated levels of pollutants.
- Noise and light impacts.
- Tourism attraction impacts. Losing industry.
- Health impacts on pets and humans. These include death, seizures, lesions, rashes, nosebleeds, respiratory issues, headaches, dizziness and nausea, loss of a sense of time, asthma, reproductive problems, memory loss and silicosis.

Recordings of Real-Life Experiences

- Ms. Lane played recordings of voices of residents from the shale area, including Ms. Sandra Ballew in Pangburn (White County) and Ms. Tracy Wilson in Searcy (White County). The presenter also discussed the Schlumberger whistleblower.

Economics

- When fracking began, local schools and industry benefited. Since it has ended in many areas, there have been major job losses. Two major drillers have pulled out of the state and more than 600 jobs were lost in four months. The Guy Perkins School District is in fiscal distress.

Regulations

- The 2005 Energy Policy Act gives states oversight authority over fracking. The Arkansas Oil and Gas Commission and ADEQ have shared responsibility in this area. There are not enough resources or staff to oversee fracking properly. At the same time, commissioners sit on the board of the oil and gas industries. ADEQ's director is a former employee of BHP Billiton. In effect, the industry is policing itself. State legislative caucuses have been concerned with protecting the economic drivers of fracking.

Discussions

- **Ms. Lane** discussed mineral rights, how not to let the work beat you down, different types of fracking and the impact, landowners and how they are coming forward, putting your passion into your work, and becoming familiar with an issue.

Different Types of Fracking

- What is the difference between the two types of fracking?
 - Conventional fracking goes straight down (vertical), does not extend as slick water fracking does, uses less water and fewer chemicals and its composition is different.
 - Slick water fracking uses more water and chemicals and more toxic sand.

On Remaining Positive

- How do you not let the experiences shared by community members beat you down as an advocate?
 - People count on you to advocate because of the conflict of interest that goes on in the state and other barriers. They don't know who to reach out to. Reaching out to the state is often unsuccessful.

Managing the Boom-and-Bust Nature of Oil and Gas Drilling

- Have any of the landowners that previously benefitted economically come forward to talk about “boom-bust” and declines in economic benefits?
 - Yes, one of the landowners in the recordings did receive royalties previously.
- What are recommendations on how people can advocate?
 - Advocate about whatever issue is in your area. The ArkansasFracking.org website is informative.
 - Lobby Congress.

Recommendations

The presenter suggested changes to address the negative impacts of fracking.

- Overturn the Energy Policy Act.
- Conduct baseline testing on future production.
- Perform environmental monitoring.
- Conduct community health assessments.
- Support education initiatives.
- Support energy efficiency improvements.

Resources

Agencies and Organizations

- ArkansasFracking.org

- o Email: ARFracking@gmail.com

Publications and Other Resources

- ADEQ's [Mobile Complaint App](#) for smartphones
- [EAST Labs Program](#) (a project of East Arkansas Crossroads Coalition)
- [Arkansas Stream Team Program](#) (a project of the Arkansas Game & Fish Commission)
- Community environmental monitoring
- Pollution logs

Who's in Danger? A Demographic Analysis of Chemical Disaster Vulnerability Zones



A 2014 report from the Environmental Justice Health Alliance for Chemical Policy Reform (EJHA) report showed that residents of chemical facility “vulnerability zones” are disproportionately African American or Latino, have higher rates of poverty than the U.S. as a whole, and have lower housing values, incomes and education levels than the national average. This breakout session focused on the organizational

activities of EJHA and two reports – *Who's in Danger* (May 2014) and *A Day Late and a Dollar Short* (February 2015).

Richard Moore and **Michele Roberts**, co-coordinators with EJHA, provided background information and answered questions. **Israel Anderson**, Associate Director for Environmental Justice in EPA Region 6's Office of Environmental Justice and Tribal Affairs (OEJTA), facilitated.

Presentations

Richard Moore provided an overview of his organization and their many affiliations.

- Mr. Moore explained that EJHA is a coalition of grassroots organizations that works together on economic issues.
- EJHA has affiliated organizations in 13 states, all working together for environmental health and economic justice.
- Coming Clean is a coalition of health specialists representing over 300 organizations. Online reports are published on the [Coming Clean website](#).
- EJHA's recent report *A Day Late and a Dollar Short* focuses on issues related to the merchandise sold in Dollar Stores, General Dollar, and 99-cent store-type establishments. Many of their products are made in other countries that do not have the same regulatory protections as the United States. These tainted products are being imported and trucked all across America, creating a health hazard.
- Mr. Moore praised his co-presenter's work and introduced Ms. Roberts.

Michele Roberts provided an overview of chemical security and the need to protect vulnerable populations.

- There is a path for safer chemicals and safer processes.
- Ms. Roberts shared how she had come to work in advocacy from a different framework and her work history as a weapons biologist.

- Her entrance into chemical security work came about via divine intervention. As her native wetlands transitioned into toxic wastelands, she lost a whole generation of her family to permitted pollution. In her mind, it was permitted for them to die. She told the audience she stands on their shoulders to prevent chemical disasters and to push for safer alternatives. Pushing for safer solutions gives us all hope for a better future.
- She explained we are losing communities to toxic pollution and disasters on a daily basis. Mossville, Louisiana, also referred to as “Cancer Alley,” is a primary example. The Mossville population has been reduced to just 50 members. She states that we have failed that community as a nation. Demographic studies show us that people of color are losing their communities. Historically, most black people came to America against their will. As they adjusted to living in this country, they formed their own communities and societies like Mossville. Now these communities are being destroyed by big energy under the guise of a voluntary buyout.
- Delegates to the First National People of Color Environmental Leadership Summit in 1991 drafted the Principles of Environmental Justice.
- In 1996, the Southwest Network for Environmental and Economic Justice in Jemez, New Mexico, centered on creating guidelines to support common understanding between participants from various colors, cultures, politics and organizations. This produced the Jemez Principles for Democratic Organizing.
- The Louisville Charter for Safer Chemicals (2004) grew out of grassroots organizational support in Louisville, Kentucky. The charter calls for necessary fundamental reform to current chemical laws to protect health and the environment. Priorities include phasing out the most dangerous chemicals, developing safer alternatives, protecting high-risk communities and ensuring that the parties responsible for creating hazardous chemicals bear the full costs of correcting the damage. Ms. Roberts explained that, through the permitting process, we are in fact willing to put a certain amount of people at risk, and that is fundamentally wrong.
- The big challenge is the ethylene chain¹ – the connection between oil/natural gas production and many everyday consumer products.
- Fracking has been part of the natural gas and oil regime since 1948.
- The largest-ever ethylene oxide cracker is located in Mossville, Louisiana, creating many issues of concern. Residents are now being forcibly evicted by what is being called a voluntary buyout.
- Shale gas exploration is also seriously impacting low-income and minority communities in the United States.
- Nationally and internationally, communities are suffering.
- Many communities of color suffer disasters alone. “Shelter in Place” is considered an acceptable disaster response in Cancer Alley.
- The Principles of Environmental Justice and priorities in the Louisville Charter still need to be addressed.

¹ See the [American Chemistry Council flowchart](#) for a description of the ethylene chain.

- EJHA members are pushing to implement the Clean Air Act's prevention authority. The National Environmental Justice Advisory Council is appealing to EPA to implement the general duty clause of the Clean Air Act (Section 112(R)).²
- Executive Order 13650 (Improving Chemical Facility Safety and Security), signed on August 1, 2013, is intended to improve the safety and security of chemical facilities and reduce the risks of hazardous chemicals for workers and communities. EJHA mobilized and pushed for official listening sessions in fenceline communities.
- The EJHA delegation also met with EPA Administrator Gina McCarthy to present her with the *Who's in Danger* report upon its release.
- The *Who's in Danger* report found that residents of chemical facility "vulnerability zones" are disproportionately African American or Latino, have higher rates of poverty than the U.S. as a whole, and have lower housing values, incomes and education levels than the national average.
- A study prepared by the Center for Effective Government titled [Kids in Danger Zones](#) (September 2014) found that one in every three school children in the United States live in close proximity to hazardous chemical facilities. In Arkansas, 21 percent of students are at risk.

EJHA Demands

- Put prevention first.
- Prioritize protection of the most vulnerable.
- Modernize the Occupational Safety and Health Administration's (OSHA) process for safety management.
- Implement safer processes.
- Increase funding for emergency response, emergency planning and possible relocation.
- Provide for regular inspections, whistleblower protections for workers and a personnel surety provision that protects workers' rights.

Coalition to Prevent Chemical Disasters

- This coalition declares that the voluntary response must be replaced with a mandated response. We need to work with local people to get engaged and identify their challenges. The chemical risk reduction process in West Virginia may be more about coal, but we can't talk about fracking here and coal there – the messages must harmonize. The biggest issue is that we must change the way of doing things. We need to move from a risk-based agency to a prevention-based agency. If we are EPA, then we must prevent – not accept – accidents that could be prevented.

² The general duty clause has been in effect and enforceable since November 15, 1990. It applies to any facility where extremely hazardous substances are present. The general duty clause is a performance-based authority recognizing that owners and operators have primary responsibility in the prevention of chemical accidents. To read more about the general duty clause, see EPA's [Guidance for Implementation of the General Duty Clause Clean Air Act Section 112\(r\)\(1\)](#).

Where Are We Now?

- There have been over 530 incidents since the explosion in West Texas. Demand information on chemical hazards and alternatives. Communities and workers must be fully engaged in prevention planning.

Campaign for Healthier Solutions

- Goods movement issues. Chemically intensive products enter our country through the Port of Houston and many others and are trucked out. Many trucks move in and out of the Port of Houston community daily. Many people only have access to these types of stores to shop and buy food. We need to support local farmers and build products to meet the need.
- The *A Day Late and a Dollar Short* report found that 81 percent of the products tested contained at least one hazardous chemical above levels of concern, and 49 percent of products tested (80 of 164) contained polyvinyl chloride (PVC).
- Encourage your church congregation to write a letter to the CEOs of Dollar Store, Family Dollar and Dollar General supporting the Campaign for Healthier Solutions' request to meet with the campaign leadership. Be mindful of purchases for your congregations. We need you to help; 62 to 68 percent of all United States-produced oil and gas comes out of EPA Region 6 states. We must work together toward a fundamental shift away from toxic chemicals and avoid the climate crisis.

Discussions

Opportunities for OSHA

- Modernize the OSHA Process Safety Management standard, including continual safety improvements and the use of safer technology.
- Eliminate the egregious hazards from where our children live, learn, pray, and play.
- A participant stated that OSHA has already done this and excluded the community. But the community must participate. Industry does not recognize anything outside their fence line as their responsibility. Industry must be required to include the community outside the fence line. Currently, they do not have any reason to enact safety measures for the community. Air quality contaminants travel on the wind and affect everyone.

Addressing Cumulative Effects

- How does the *Who's in Danger* report address cumulative effects?
 - Multiple facilities are included. The complete version of the report will be online with all of the appendices and has been translated into Spanish.

Opportunities for Improving Chemical and Chemical Facility Safety

- We want EPA to step up. What's the resistance?
 - There is allowance for larger fines by EPA, but EPA may not get to determine the amount. We have to set an example to industry that this is serious business. The best way we can do this is by impacting the industry's bank account.

- o The Toxic Substances Control Act has not been reformed since 1976. Currently, 86,000 chemicals are on the market but less than 200 are regulated. Consumer demands must be submitted to politicians.
- Next industrial revolution. Use safer materials in the production process (e.g., fabric production). *Toms River* is a new excellent book about fabric dye and local pollution.
- The Oil, Chemical and Atomic Workers International Union (OCAW) is a professional organization that could help with the campaign.
- Form alliances between farmers and ranchers around the facilities to protect each other. We want to use all of our tools – demonstrating, marching, occupying space and others. We need to not only have brought the issue to their attention, but to actually get them to do something about it.
- There are often more paid consultants than grassroots folks at meetings.
- We surveyed industry that is trying to convert, with about 200 respondents. About half said they spent a reasonable amount. We must collectively work together to obtain success.

Recommendations

- Make information on chemical hazards and alternatives widely available, and ensure that workers, communities and government staff at all levels are fully informed and actively engaged in prevention planning.
- Require companies that use or store hazardous chemicals to assess and document whether safer chemicals or processes could be used that would remove hazards and prevent disasters.
- Develop accessible national data on alternatives based on companies' assessments and lessons learned from facilities that have successfully removed chemical hazards.
- Require companies to convert to safer alternatives when feasible. Justify in detail any decisions not to remove major chemical hazards when alternatives are available, effective and affordable.
- End government policies that subsidize danger and ensure that existing patchwork chemical safety and security requirements are complete, comprehensive, up to date, and mutually reinforcing.

Resources

Agencies and Organizations

- [Chemical Disasters and Security Campaign](#) (EJ4All)
- [Coalition to Prevent Chemical Disasters](#)
- [Coming Clean](#)
- [EJ4All](#)
- [Environmental Justice Health Alliance for Chemical Policy Reform](#)

Individual Contacts

- Michele Roberts, Co-Coordinator, Environmental Justice and Health Alliance for Chemical Policy Reform

- o Email: mroberts@comingcleaninc.org
- Richard Moore, Co-Coordinator, Environmental Justice and Health Alliance for Chemical Policy Reform:
 - o Email: ljnewmexico@gmail.com

Publications and Other Resources

- Center for Effective Government. *Kids in Danger Zones*. September 2014.
- [Coalition to Prevent Chemical Disasters – Resources Page](#)
- EJ4All Campaign for Healthier Solutions. *A Day Late and a Dollar Short*. February 2015.
- Environmental Justice and Health Alliance for Chemical Policy Reform. *Who's in Danger: Race, Poverty, and Chemical Disasters: A Demographic Analysis of Chemical Disaster Vulnerability Zones*. May 2014.
- [Executive Order 13650 \(Improving Chemical Facility Safety and Security\)](#)

Appendix: Abbreviations & Names

COMMONLY USED ABBREVIATIONS

ADEQ = Arkansas Department of Environmental Quality
AHTD = Arkansas State Highway and Transportation Department
CADC = Central Arkansas Development Council
CERT = Community Emergency Response Team
CISM = Critical Incident Stress Management
CPP = Clean Power Plan
EJ = Environmental Justice
EJHA = Environmental Justice Health Alliance for Chemical Policy Reform
EMT = Emergency Medical Technician
EPCRA = Emergency Planning and Community Right-to-Know Act
ERST = Emergency Response Support Team
FCCAG = Faulkner County Citizens Advisory Group
LEPCs = Local Emergency Planning Committees
NEPA = National Environmental Policy Act
OCAW = Oil, Chemical and Atomic Workers International Union
PVC = Polyvinyl Chloride
REMI = Regional Economic Models, Inc.
SERCs = State Emergency Response Commissions
TRI - Toxics Release Inventory
VOCs = Volatile Organic Compounds

ORGANIZATIONS & AGENCY NAMES

ALERT Project
Arkansas Citizens First Congress
Arkansas Department of Emergency Management
Arkansas Department of Environmental Quality
Arkansas Department of Health
Arkansas Development Council
Arkansas EMT Association
Arkansas Fire Training Academy
ArkansasFracking.org
Arkansas State Highway and Transportation Department

Arkansas Oil and Gas Commission
Arkansas Stream Team Program
Center for Environmental Health
Central Arkansas Development Council
Chemical Disasters & Securities Campaign
Coalition to Prevent Chemical Disasters
Coming Clean
Connecting Arkansas Program
East Labs Programs
Environmental Justice Health Alliance for Chemical Policy Reform
Environmental Reporting Network
EJ4All
Faulkner County Bucket Brigade
Faulkner County Citizens Advisory Group
Faulkner County Office of Environmental Management
Fresno Environmental Reporting Network
Garver, LLC
Global Community Monitor
Janus Institute For Justice
JB HazMat Consulting and Training
Kern Environmental Enforcement Network
National Pipeline Mapping System
Office of Environmental Justice and Tribal Affairs, U.S. Environmental Protection Agency,
Region 6
Oil, Chemical and Atomic Workers International Union
Regional Economic Models, Inc.
U.S. Department of Transportation
U.S. Environmental Protection Agency