



Meeting Minutes

Monday May 24, 2021
Virtual Meeting

At 3:01pm, Chair Johnson called the meeting to order, read the ethics statement, and asked Ms. Renee Kramer to call the role.

Board members present:

Chairman Dr. Jim Johnson
Vice-Chair Dr. Marian-Johnson Thompson
Vice-Chair Jamie Cole
Jeff Anstead
Veronica Carter
Carolina Fonseca Jimenez
Randi Haven-O'Donnell
Dr. Danelle Lobell
Marilynn Marsh-Robinson
Naeema Muhammad
Carlos Velasquez
Elke Weil
Sherri White-Williamson

Board members absent:

Dr. Susan Jakes
William Barber III
Dr. Deepak Kumar
Rev. Rodney Sadler Jr.

Old Business:

The agenda for the meeting, if there are no proposed adjustments, was accept the agenda as printed. Ms. Haven-O'Donnell made the motion and was seconded by Ms. Veronica Carter.

Following discussion and revisions of the meeting minutes from 2/22/2021 Quarterly and 4/26/21 Special meetings, Vice-Chair Johnson Thompson made the motion to adopt the two sets of minutes, as amended, which was seconded by Ms. Haven-O'Donnell. Motion carries.

New Business:

1. Introduce New Secretary of DEQ: Dionne Delli-Gatti

Secretary Delli-Gatti introduced herself to the Board, briefly discussed her past work on Environmental Justice and expressed her interest in working with the Board going forward.

Mr. Anstead asked if the Secretary has basic knowledge on what Indigenous People deal with regarding climate change and EJ issues, such as pipelines on territory properties and other issues?

Secretary Delli-Gatti replied that she has some knowledge and intends to learn the specifics of and help address issues that Indigenous Peoples deal with in NC. She mentioned the concerns about energy burden and opportunities for energy efficiency and the level of housing as a few of the challenges faced on tribal lands.

Chairman Johnson expressed that he looked forward to working with the new Secretary and moving NC forward in the EJ domain.

2. Letter of support from Advisory Board to Governor Cooper to designate October 12th as Indigenous Peoples Day

Several Board Members requested this letter of support. As a reference, the Governor usually proclaims November American Indian Heritage Month and an Indigenous Peoples Day in October.

Chairman Johnson strongly supports the writing such a letter endorsing this notion of proclaiming October 12 Indigenous People Day.

Mr. Anstead continued that it is not only the recognition of IP Day that is at issue, but changing Columbus Day to Indigenous People Day is the goal. Many people know the history of Columbus, who was devastating to anyone who was on this land. Would this Board support that such a change?

Ms. Muhammad agreed with Mr. Anstead and Chairman Johnson asked if the issues should be treated separately or combined in one communication?

In support of this proposed change, Ms. Haven-O'Donnell stated that Carrboro celebrates Indigenous Peoples Day on October 12 and the Town is switching to Indigenous Peoples Day from Columbus Day.

Mr. Velasquez informed the Board that the City of Raleigh did the same by recognizing October 12th as Indigenous Peoples Day. He went on to suggest the Board highlight these changes so that people in the state recognize them and mentioned that cities in NC have done the same.

Dr. Johnson-Thompson and Ms. Carter discussed the example resolution from the City of Raleigh that was shared with the Board in advance of the meeting. Ms. Carter then made a motion to write a letter on behalf of this Board to Governor Cooper to support the adoption a resolution with wording to the effect of the example resolution from the City of Raleigh resolution in which it is recognized that America was not discovered in 1492 and that we transform the previously recognized Columbus Day into IP Day to get a more historically accurate version of the contribution of Native Americans to our land. Mr. Velasquez seconded the motion, which was by a voice vote all in favor.

3. *Regional Greenhouse Gas Initiative (RGGI) Presentations*
Amanda Levin, NRDC and Nick Jimenez, SELC
Mike Dowd, Virginia Department of Environmental Quality

Ms. Levin presented a web-based tool NRDC recently developed to identify EJ communities located proximate to coal-fired power generating facilities, which will be useful in RGGI implementation. The purpose of Ms. Levin's presentation was to solicit initial input from the Board to modify or change the tool to make it most useful to the Board and to local community members.

Mr. Anstead shared that NC is home to eight recognized tribes with sizable populations and one federally-recognized tribe, which are those likely affected by related air emissions. He recommended that information on the states' tribes be included in the tool, like they are represented on the DEQ Community Mapping System.

Mr. Jimenez provided a brief update on the pending petition for RGGI rulemaking and shared that EJ is an ongoing discussion and has been engaged early in the process. The petitioners want to ensure that RGGI is a net benefit for disproportionately affected communities, so a program review is included in the petition to help figure problems out. Lastly, Mr. Jimenez reported that petitioners received notice of completeness from the Division of Air Quality and that it will be heard by the EMC's Air Quality Committee in June and welcomed the Board's support of the petition.

Mr. Dowd reported that Virginia is the latest state to join RGGI and that EJ and outreach played a significant role in Virginia becoming a RGGI state.

Mr. Velasquez asked Ms. Levin if the tool employed EJSCREEN, considering a webinar he participated in recently.

Ms. Levin replied that yes, several data sets from EJSCREEN are used in the tool, air toxics, cancer risk, air respiratory hazard, and ozone levels and PM2.5. Furthermore, the tool also can include their weighted data, calculating where pollution burdens overlay with underlying risks, such as age or income or overlay the pollution burden to the community risk at a level of pollution.

Ms. Weil-Milan inquired if the information would be accessible to individuals that do not speak English or have English as their second language.

Ms. Levin replied that they have not done that yet, but that her organization only has capacity for translation services in Spanish right now, but will try to figure out that process especially moving forward and figure out how, moving forward, we can provide documentation in multiple languages.

Ms. Haven-O'Donnell asked about the RGGI consignment auction for NC and how to ensure that any revenue goes back to NC ratepayers and not to the utilities and what assurances can be made ahead of the implementation regarding engagement in a consignment auction?

Mr. Jimenez responded that utilities are regulated by our existing statutes and that SELC had the same concerns and reviewed how they handled situations like this in other programs; the utilities are not allowed to pocket the revenue. Any specifics will be determined by the State Utilities Commission and SELC does not think there is any basis for the utilities to just get that as a windfall. Mr. Dowd added that it was also a big question for Virginia and engaged with the staff at the state public utility commission.

Mr. Anstead thanked DEQ for leading the effort on Duke Energy cleaning up its coal ash legacy. However, he shared that local electric cooperatives, like Halifax Electric Company, are actually charging us each month for coal ash clean up and is concerned that the local provider is charging for Duke Energy clean up.

Dr. Johnson-Thompson asked about the graphics SELC displayed of the coal facilities and whether SELC is looking at other CO2 emitters in these areas. Can these maps be overlaid with other emissions sources such as hog factories and wood pellet factories?

Ms. Levin indicated that is a good flag and that SELC was not going to add those facilities, as those are covered by NC DEQ and are working to simplify the map as much as. SELC will evaluate whether certain facilities, like the hog farms, that are of most interest, whether they are some power-related facilities, but we are presently focused on power plants.

Ms. Carter stated that these mapping tools are wonderful for activists, because now we can figure out things that we already thought we knew and how many permits and old permits are out there, and it just validates when we say this is an EJ community. She went on to ask, now what are we going to do about it because there is only one law in NC that allows DEQ to take into account the effects on EJ communities for permitting purposes, and we need to fix that for air and water.

Chairman Johnson commented on the productive conversation and asked if it would be helpful to include vital statistics? He went on to share that in 64 North Carolina counties deaths exceeded births in the past year. That in 22 counties, where not only deaths exceed births but out migration exceeds in migration, we have literal dying counties. The vital statistics can help demonstrate the impact and if there's a correlation these EJ communities. Hospitals are closing and a whole range of other things like equal access to care is a problem, and I'm wondering if those statistics should be a part of that overlay.

Ms. Levin responded that she had access to some of the county-level data on things such as life expectancy and death and birth rates and will be able to include those resources.

4. Federal EJ Update, Brian Holtzclaw, USEPA

There have been significant changes across the federal government as they pertain to EJ. Mr. Holtzclaw presented on the status of EJ work at the national level.

Ms. Haven-O'Donnell asked for clarification about federally-recognized, and how they become recognized in order to be under the umbrella of EPA?

Mr. Anstead replied that there is a process with Bureau of Indian Affairs to obtain federal recognition. In NC, we have state recognition through our Commission for Indian Affairs, but it's another step with the federal level. Mr. Anstead's tribe is going through this process at present, using both the legislative route and the BIA route to get recognition. And it costs a lot of money. So that's the difference. But I do think we had, in our first environmental meeting, we had Mr. Danny Gogal there, and I think he put us under community groups/Indian tribes/state tribes, I've seen some document to that effect. But yes, it's kind of sad, I know DEQ has rules to go by, but we got a good friend in Mr. Regan, and you got these state tribes getting impacted by climate change, especially around Robeson County with all the flooding, and all over the state. But that's how they get federal recognition, through the BIA.

Ms. Haven-O'Donnell recalled the experience with the Orange County Occaneechi Tribe's state recognition and wondered if there's a way that tribes in the state can coordinate making such a request to the BIA as a group, and if that's something the American Recovery Act monies can pay for?

Mr. Anstead replied that when you go before BIA, the Bureau bases its review off of the lineage in your tribe, and that criteria, you have to prove a government prior to the 1900s, you have to prove a lot of documentation, and a lot of tribes have that information, but it costs so much. That's the major setback.

Mr. Holtzclaw weighed in on his experience with the Seminole tribe in Florida. He reiterated that the Tribes are one of our partners, that two are regularly engaged in a bimonthly meeting along with NC DEQ. They are active members of our 20-agency network of states, tribes, and local governments that meet every two months to talk about challenges and how to overcome them with respect to EJ best practices. The network usually spotlights a speaker from one of these agencies and he is going to gently nudge someone from the one of the tribes to speak in July.

Secretary Delli-Gatti asked a clarifying question, that in the grant opportunities that there is no requirement to be a federally recognized tribe in order to get the EJ grants or file for assistance in that capacity, is there?

Mr. Holtzclaw responded that he agreed, but will double check.

Ms. Thomas-Burton also shared that indigenous groups can apply for the small EJ grants just like other communities, but will check into that for certain. Ms. Thomas-Burton also suggested including Katie Pugh, their Tribal Coordinator, on future communications as this topic is discussed.

Chairman Johnson commented that this is something we'll want to do, given the interest and the concerns that we have as a state and as an advisory board.

Following closing remarks from Chairman Johnson, at 4:55 pm, Ms. Carter made a motion to adjourn the meeting which was seconded by Ms. Muhammad.