

# **Environmental Justice Program Goals and Key Challenges**



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Environmental Justice Advisory Board  
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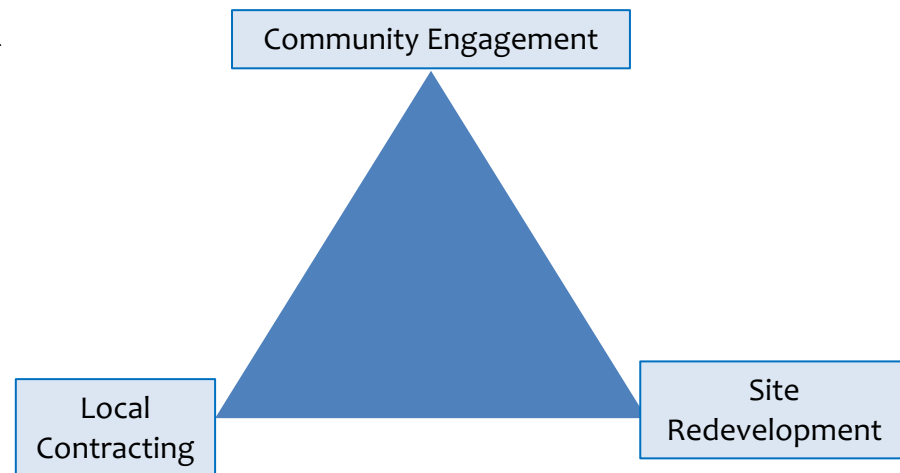
# Session Agenda

- ✓ Environmental Justice Program Pillars and Examples
- ✓ Environmental Justice Program: Current Efforts and Future Goals
- ✓ Key Challenges
  - Addressing Residents' Health-Related Concerns
  - Contracting Locally
  - Achieving Community Redevelopment Goals, with Finite Trust Funds
  - Navigating Divergent Community and Stakeholder Views



# Environmental Justice Program Pillars

- ✓ Multistate Trust strives to engage community members, clean up legacy contamination, and facilitate reuse with transparency, to support environmental cleanup and economic growth
- ✓ Our environmental justice goals:
  - Share information with and seek input from community members
  - Fulfill vendor and contracting needs by contracting locally, where possible
  - Support community's vision for safe Site redevelopment, where possible



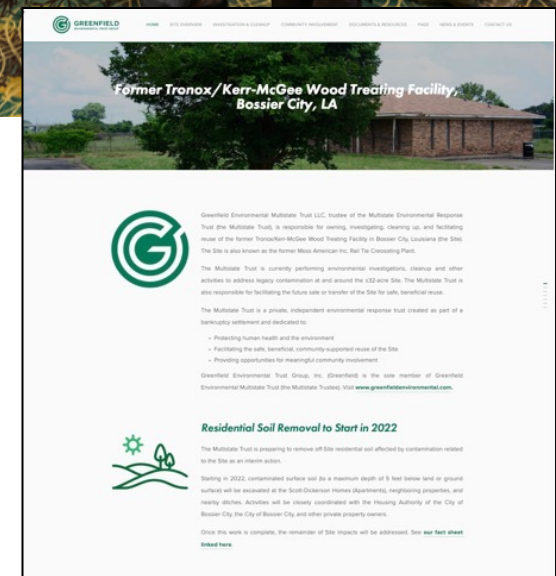
# Example – Community Engagement in Bossier City

## Efforts in 2021

- Three community meetings
- Flyers, factsheets, FAQs, doorhangers, newspaper advertisements
- Community redevelopment survey
- New website for Bossier City site
- Outreach to churches, local leaders, officials
- Support from and coordination with Bossier City/Parrish NAACP

## Goals in 2022

- Support residents through six-month cleanup
- Increase attendance at community meetings (through advertising, accessible locations, food)
- Hold quarterly community meetings and drop-in sessions (upcoming on Jan. 25 & 27)
- Hold two redevelopment planning workshops and two redevelopment-focused community meetings



# Example – Local Contracting in Columbus

- ✓ 2014: Hired J5 GBL—local, people of color-owned contractor—to rehabilitate site office to Community Resource Building (no prior hazardous waste experience) and with EPA support, hired J5 as Owners’ Representative for 14th Ave ditch work
- ✓ 2015: EPA Super JTI and J5 trained under- and unemployed local contractors and residents (identified by local pastors and Memphistown Community Action Group)
- ✓ 2015 and 2016: Transitioned site O&M to HAZWOPPER-trained J5 personnel
- ✓ 2016: Awarded \$3.1M contract for 7<sup>th</sup> Ave ditch work to J5 GBL
- ✓ 2018--2019: Awarded \$19.6M contract for Pine Yard Removal Action (OU1) to J5 GBL
- ✓ 2020: Awarded \$5.1M contract for Moss Street ditch work to J5 GBL
- ✓ 2021: Awarded \$2.4M contract for OU2—Private Property (residential and other) Removal Action (OU2 ROD) to J5 GBL



# Example – Local Contracting in Columbus



## 7<sup>th</sup> Ave Ditch Removal Action (2016)

- Columbus residents trained—20
- Columbus residents employed—16
- Local Contractors—6

## OU-1 Pine Yard Removal Action (2018-2019)

- Columbus residents trained—94
- Columbus residents employed—65
- Local Contractors—10



## Moss-Waterworks Ditch (2020-2021)

- Columbus residents employed—19
- Columbus-based prime contractor (J5 GBL)
- Columbus-based subcontractors—4

## OU-1 Pine Yard Grading (2021)

- Columbus residents employed—9
- Columbus-based prime contractor (J5 GBL)
- Columbus-based subcontractor—1



## OU-2 Removal Action (2021)

- Columbus residents employed—15
- Columbus-based prime contractor (J5 GBL)
- Columbus-based subcontractor —1



# Example - Local Contracting Benefits

## **For communities:**

- ✓ Provides training, creates short-term employment and transferable, marketable skills, builds local capacity
- ✓ Invests in local economy, including direct local capacity (contractors) and tertiary local capacity (e.g., local equipment suppliers/vendors)
- ✓ Cultivates goodwill and community inclusion, which promotes community engagement and vests ownership over and investment in potential changes created by remediation and redevelopment

## **For the Multistate Trust:**

- ✓ Creates potential cost savings by reduced travel/temporary living costs
- ✓ Builds relationships that support community engagement and reduce costs (e.g., staff meetings and local offices, support coordinating events, etc.)
- ✓ Can expedite response time for emergencies (e.g., floods, tornados, hurricanes, etc.) and community concerns (e.g., noise, dust, odors, etc.)
- ✓ Cultivates/strengthens local partnerships that can be invaluable (e.g., easements v. access agreements)



# Example – Redevelopment Planning in Navassa

- ✓ Redevelopment Planning Initiative created to understand the Town and community's vision for future uses, included the following elements:
  - A **Redevelopment Working Group** included residents, elected officials, and community leaders.
  - A **Community Survey** sought ideas for the future uses and reached 1,100 local addresses.
  - Two **Community Visioning Workshops** produced 15 reuse scenarios. Scenarios were consolidated into four Redevelopment Concepts and shared with the Town Council and public.
  - **Redevelopment Concepts Open House** highlighted Redevelopment Concepts, incorporating reuse goals (jobs, taxes, cultural heritage, recreation space, commercial/light industrial)





# Example – Redevelopment Planning in Navassa

## Reuse Advisory Council

- ✓ Reuse Advisory Council is to be made up of six individuals:
  - Two Navassa residents
  - Two Town officials
  - Two community stakeholders
- ✓ Reuse Advisory Council responsibilities are to include:
  - Recommend updates to four Redevelopment Concepts developed during Redevelopment Planning Initiative
  - Provide input on development plans, after those plans are received from potential purchasers
- ✓ Community members will have the opportunity to review and comment on Reuse Advisory Council recommendations and input, as well as viable development plans received, at public meetings
- ✓ Reuse Advisory Council will meet either virtually or in person through 2022 and potentially beyond



# Environmental Justice Program – Current Efforts

- ✓ Efforts to support sites within the Environmental Justice Program:
  - **Columbus, MS** – Continue to foster relationships with community members, support community engagement efforts and Community Action Group, reengage community in redevelopment planning
  - **Navassa, NC** – Build on existing programs and develop and implement new programs that support the Navassa community’s priorities, including local contracting, Moze Center land donation, and property sale/redevelopment
  - **Bossier City, LA** – Initiate community engagement efforts, develop relationships with community members and local representatives, support residents through six-month remediation process, begin exploring reuse priorities/feasibility
- ✓ Trust-wide efforts – Charter Environmental Justice Advisory Board, hold first quarterly meeting, support Board through first year of operation



# Environmental Justice Program – Future Goals

- ✓ Prepare Site-specific environmental justice strategies to guide work at each Site within the program
- ✓ Gather tools, resources, and trainings for staff interested in learning more about environmental justice, including guidance on terminology (e.g., transition away from term “minority”)
- ✓ Develop recommendations for staff working on Sites that are not within the Environmental Justice Program, but where environmental justice or equity issues may arise
- ✓ Develop guidance to support technical staff’s use of environmental justice tools, including EPA’s EJ Screen and similar state-based tools
- ✓ Support the Environmental Justice Advisory Board and implement Board’s recommendations



# Challenge – Residents’ Health-Related Concerns

- ✓ Creosote is a mixture of hundreds of chemicals historically used to treat and preserve wood
- ✓ Exposure can occur when working or living near a wood treating facility (creosote often found on-Site, and related chemicals, like PAHs, often found in nearby neighborhoods)
- ✓ Exposure pathways include contact (touch), inhalation (breathe), ingestion (eat/drink)
- ✓ The potential effect of exposure on health depends on:
  - How often is there contact with contamination?
  - How much contamination is present?
- ✓ Exposure to creosote is linked lung and respiratory injury, severe skin irritation, eye damage, kidney and liver damage, cancers and other serious illnesses

The screenshot shows a document header with the ATSDR logo and the text "ATSDR - Former Kerr McGee (Tronox) Facility" and "November 2006". Below the header is the title "Creosote Health Effects Former Kerr McGee (Tronox) Facility". The document is divided into sections: "Overview", "The name 'creosote'", "What creosote is", and "How creosote enters the environment".

**Overview**  
This fact sheet was developed by the Agency for Toxic Substances and Disease Registry (ATSDR), as requested by community members potentially affected by the Former Kerr McGee (Tronox) Facility.

It talks about:

- what creosote is,
- what happens when creosote enters the environment,
- health effects associated with creosote, and
- how people can avoid or minimize contact with it.

**What is ATSDR?**  
The Agency for Toxic Substances and Disease Registry (ATSDR) is the federal public health agency whose mission is to prevent adverse human health effects that result from hazardous waste exposure. The agency conducts assessments or evaluations to determine whether communities have been exposed to hazardous waste, and then provides health information to prevent harmful exposures and related diseases.

**ATSDR - Former Kerr McGee (Tronox) Facility** November 2006  
Environmental Health

**Creosote Health Effects**  
*Former Kerr McGee (Tronox) Facility*

**The name "creosote"**  
Creosote is a name used for several different products. In this fact sheet, the name creosote will be used specifically to talk about coal tar creosote since this is the type of creosote normally used in wood preserving processes.

**What creosote is**

- Creosote is a mixture of hundreds of chemicals. A mixture is substances, like water and salt, staying together by physical forces. The major chemicals in coal tar creosote are polycyclic aromatic hydrocarbons (PAHs), phenol, and cresols.
- Creosote is a thick and oily liquid. It is easily set on fire. Its color is usually amber to black.
- Creosote is the most common product utilized to preserve wood in United States.
- Creosote is also a pesticide. A pesticide is a substance that kills pests.
- People need to be trained and certified to use creosote to preserve wood and as a pesticide.

**How creosote enters the environment**  
Creosote that is in the environment has usually been released from industries that preserve wood. Creosote can be released into soil and water and can then move through the soil to groundwater. Groundwater is water found underground in cracks and spaces in soil, sand, and rocks. After creosote gets into groundwater, it may take many years to break down.



# Challenge – Residents’ Health-Related Concerns

- ✓ Between 1999 and 2001, Kerr-McGee was named in ~22 lawsuits seeking compensation for health conditions and property damage caused by exposure
- ✓ By Tronox bankruptcy proceedings, over 24,000 class action claims filed, of which 15,000 were at settled at a cost of \$72 million
  - **Columbus, Mississippi**
    - \$50M settlement reached on behalf of ±4,400 to ±6,000 residents
    - Settlement precluded future legal action and anecdotal reports were of very small payments to individuals (reports of \$400 to \$1,000 each)
    - Many affected residents did not receive settlement payments
  - **Bossier City, Louisiana**
    - Certain residents’ claims were settled (amount uncertain)
    - Court dismissed remaining claims, in part, based on Plaintiffs’ requests for extension needed for the presentation of expert evidence
    - Continued confusion due to class action litigation over the nearby Lincoln Creosote Site (~\$30 million settlement)



# Challenge – Residents’ Health-Related Concerns

- ✓ Tronox Tort Trust (Tort Trust) established with \$25 million in 2011 as part of the Tronox bankruptcy, to pay health and medical-related expenses
- ✓ Tort Trust received additional \$600 million in 2015, after Anadarko settlement
- ✓ Generally, residents feel Tort Trust has not been managed for the benefit of the affected communities:
  - People not well represented in original claims process
  - Payouts to date viewed as extremely unfair, little funding remains, and certain claims remain outstanding
  - Information about the Tort Trust is not satisfactory or accessible
- ✓ Community frustration colors perspectives about Multistate Trust:
  - Confusion remains about segregation of funds between Trusts
  - Issues about Tort Trust can dominate community meetings



# Challenge – Residents’ Health-Related Concerns

- ✓ Multistate Trust has requested involvement and communication from the Tort Trust, including:
  - Fact sheets/newsletters
  - Attendance at Town Hall meetings
  - Participation in small group meetings with stakeholders
- ✓ Tort Trust claims website and hotline are sufficient
- ✓ Tort Trust has been unwilling to work with Multistate Trust to jointly respond to communities’ concerns

## *The Multistate Trust Cannot Pay Personal Injury or Property Claims*

The Multistate Environmental Response Trust (Multistate Trust) was created to clean up Kerr-McGee contamination in soil and groundwater.

Multistate Trust funds can be used **only** to clean up contamination, manage the former Kerr-McGee property, and prepare for safe, beneficial Site reuse.

The Multistate Trust cannot pay personal claims – such as health/medical claims or property damage claims – related to Kerr-McGee contaminants.

## **Questions About Personal Injury or Property Claims**

Anyone with questions about personal injury (health or medical) claims or property damage claims should contact the Tronox Tort Claims Trust at (800) 753-2480 or [tronoxtrust@epiqglobal.com](mailto:tronoxtrust@epiqglobal.com).  
Visit the website at [www.tronoxtrust.com](http://www.tronoxtrust.com).



# Challenge – Contracting Locally

- ✓ Agency support is critical because of potential cost and schedule impacts (balance with fiduciary duties)
- ✓ Robust search for potentially qualified contractors
- ✓ Substantial training needed to ensure contractors are qualified and can meet health and safety standards:
  - Coordinate training opportunities
  - Provide on-the-job training by hiring Owners' Rep
- ✓ Business and risk management practices to balance Trust requirements with local contractor success:
  - Unique financial practices (invoice processing that recognizes cash flow limits)
  - Ensuring adequate insurance (flexibility in coverage terms or direct pay insurance premium)
  - Meeting surety/bonding requirements
- ✓ Negotiating a direct contract with prime contractor
- ✓ Local prime contractor must be willing to take risk of hiring residents and local subcontractors







# Challenge – Navigating Divergent Views

- ✓ Managing perspectives on gentrification and potential community change:
  - Residential vs. commercial re-development
  - Tourism opportunities and pitfalls
- ✓ Opposing views on how to focus community meetings:
  - Tronox Tort Trust/medical claims
  - Remediation
  - Redevelopment
- ✓ Navigating relationships between those with opposing political affiliations or views
- ✓ Identifying appropriate community meeting locations (churches, schools, hotels) and vendor choices

## Slimantics: Samuel stubbornly insists on barking up the wrong tree

[cdspatch.com/opinions/2021-12-02/slimantics-samuel-stubbornly-insists-on-barking-up-the-wrong-tree/](https://cdspatch.com/opinions/2021-12-02/slimantics-samuel-stubbornly-insists-on-barking-up-the-wrong-tree/)  
Slim Smith

December 2, 2021

For the past four years, representatives from the Greenfield Multistate Trust have held meetings in Columbus to provide information on the clean-up efforts at the old Kerr-McGee site in Columbus.



Slim Smith

I suspect the officials leave those meetings frustrated. It was the same story Tuesday during a pair of virtual town meetings.

Try as they might, they are struggling to get their message out, mainly because of folks like Columbus pastor James Samuel, who routinely hijack these informational meetings to vent their fears, anger and frustration over something that is entirely irrelevant to the topic at hand.

In 2014, the Environmental Protection Agency settled its landmark suit against the company that owned the Kerr-McGee properties, providing \$5.15 billion to settle two major types of claims at some 2,100 former Kerr-McGee sites. Of that total, \$4.475 billion was designated to address environmental damage and another \$607 million was set aside for people with personal injury/property damage who are referred to as "tort beneficiaries."

Two trusts were created to handle these claims — the Multistate Trust for environmental matters and the Tronox Tort Trust, which covers personal injury and private property claims.

Two things are certain to happen at these Columbus meetings:

First, the officials who have suffered the sole purpose of each area affected by it

At every meeting, if we can do nothing;

The second thing if it — personal injury

They are always lost to race to psychological silencer on the .45

## Letter: Takes issue with critical column

[cdspatch.com/opinions/2021-12-08/letter-takes-issue-with-critical-column/](https://cdspatch.com/opinions/2021-12-08/letter-takes-issue-with-critical-column/)

December 8, 2021



Mr. Smith, I fervently disagree with your analysis of my participation in the Greenfield Multistate Trust town hall meetings! Further, I consider it to be a personal affront to me as a life-long resident of this city. When did you or your ilk ever attack the conditions under which my community was forced to live, either by "red-lining" or by sub-minimal wages, then allowing poisonous corporate entities to pollute our existence with cancerous elements? Yet, in your retrogressive mindset, you all believe that in the age of "Trumpism," that you can speak into our existence with insults, and cause "silence" to prevail! Mr. Smith, in the words of a dear friend of mine, Mr. Robert Jenkins, PhD, "A hurt mouth can not be hushed!"

No sir, we have suffered hurt, loss, sickness, death and being ignored by the powers that be! How do we crawl into an existence of "silence and acceptance" of the status quo, knowing what has been done to us by those whom we have trusted?

And in finality, Mr. Smith, I am recognizable and not willing! Neither am I alone in this struggle. Nor am I a beneficiary of the positive outcome in this our joint effort, but I am one blessed with a voice of proclamation, and God's "Truth" will no longer be hidden. I pray for all those who walk in any form of resentment of God's people, in any existential being! However, my faith is in the providential power of the living God, and his Son the "Living Christ," not Pontius Pilate or his allies. We will stand with God, obey his Paraklete, and be steadfast on the path to which God has put my feet. Even after being set-upon, there may be a Good Samaritan (another hated human) who will uphold me! Write on Mr. Smith, and enlarge me!

