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PRESENT:

MARTIN R. CASTRO, Chairman

PATRICIA TIMMONS-GOODSON, Vice Chair *

ROBERTA ACHTENBERG, Commissioner

PETER N. KIRSANOW, Commissioner *

DAVID KLASNEY, Commissioner

KAREN K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner *

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

* Present via telephone
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STAFF PRESENT:

JENNIFER CRON HEPLER, Parliamentarian
PAMELA DUNSTON, Chief, ASCD
DARREN FERNANDEZ
ANGELA FRENCH-BELL, Director, OCRE
GERSON GOMEZ
ALFREDA GREENE
LENORE OSTROWSKY, PAU
JUWANDA SMITH
MICHELE YORKMAN, Director, IT

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART
ALEC DUELL
AMY GRANT
JASON LAGRIA
CARISSA MULDER
ALISON SOMIN
IRENA VIDULOVIC
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I. OPEN MEETING

CHAIRMAN CASTRO: We are coming back into session, and we're continuing now for the business meeting. It is 4:49 p.m. eastern time. On the phone we have Vice Chair Timmons. Are you still there, Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: I am, Mr. Chair.

CHAIRMAN CASTRO: And then we have in person Commissioners Narasaki, myself, Kladney, and Achtenberg. That gives us a quorum. And I am assuming Commissioners Yaki and Kirsanow are not on the phone?

COMMISSIONER KIRSANOW: Kirsanow is here.

CHAIRMAN CASTRO: Okay, but you're recusing? No, you're not recused on this, right, or are you?

COMMISSIONER KIRSANOW: If we're voting on the trip to - I will recuse myself for everything dealing with environmental justice.

CHAIRMAN CASTRO: Okay, then that's - all right. So you'll be able to vote on the Quiet Crisis one then.
COMMISSIONER KIRSANOW: Right.
CHAIRMAN CASTRO: Okay, got it, so we do have a quorum then.

II. DISCUSSION ON ALABAMA TOWN HALL

CHAIRMAN CASTRO: For those of you who recall, we were going to try to conduct a town hall in Uniontown, Alabama in late February, and because of that, we decided we were going to move our Quiet Crisis mini-briefing to a later time. However, because of various logistical matters, we were not able to do the town hall at the end of February.

So what I'd like to discuss is the possibility of doing a town hall in Uniontown, Alabama at the end of March. And as a result, if we do decide to do that, then to continue to have our Quiet Crisis briefing when it was originally set on February 19. I'll open it up for discussion or any motions folks might have. Commissioner Narasaki?

COMMISSIONER NARASAKI: I do think that if we are moving the town hall back, that in order to save money, we need to move the Quiet Crisis back to the February date, because otherwise, we'll have to incur additional costs to extend the writer's contract that we have because originally we were moving that back in...
order to accommodate the town hall, but that was going
to cost apparently an enormous sum of money that we
don't have.

So I know it's ideal for people to have to
come back in two weeks and do another hearing, but -
and I'm sure it's not fun for staff either, but I feel
like from a budget standpoint, we just don't have a lot
of options.

CHAIRMAN CASTRO: Okay, Commissioner
Achtenberg?

COMMISSIONER ACHTENBERG: Mr. Chairman,
when you say the end of March -

CHAIRMAN CASTRO: I believe the date we
are working with is March 31.

COMMISSIONER ACHTENBERG: March 31.

CHAIRMAN CASTRO: Was I right?

COMMISSIONER ACHTENBERG: So it would be
travel on the 30th, the hearing on the 31st, and then
travel on the 1st?

CHAIRMAN CASTRO: Something like that.

COMMISSIONER ACHTENBERG: Something like
that, okay, great. Thank you very much. Oh, thank
you. I'm sorry, okay.

CHAIRMAN CASTRO: Okay, any other
questions or discussion? Commissioner Narasaki?

COMMISSIONER NARASAKI: I just want to add

I know that Commissioner Heriot -

CHAIRMAN CASTRO: Yes.

COMMISSIONER NARASAKI: - had made it clear that she was very interested in having the - in going forward with the hearing. At least that's the last exchange I saw. I'm a little more up in the air, but I just wanted to represent her since she wasn't able to be here today.

CHAIRMAN CASTRO: Yes, she did share an email with me, and my special assistant circulated it to all of you, and I thought I had a copy here to read into the record if we wanted to, but I can't seem to locate it. Do you have it? Oh, here it is. Thank you.

"Gail is strongly in favor of holding a field briefing in Uniontown. If the Commission goes to Uniontown, it is also very important to her that the Commission tour the Arrowhead landfill while there. As she has said before at Commission meetings, it is extremely important to her that the Commission conduct independent research and avoid merely repeating the work of others."
"She is available on the two dates that have been discussed as likely candidates, March 3 or March 31," and March 31 is the one we're talking about, "although she has to teach classes in Washington on the respective Wednesdays before, and therefore cannot travel until Thursday morning."

"It is therefore also important that the Commission schedule a tour, or the tour of the Arrowhead landfill facility for Friday morning rather than Thursday morning so that she can attend it," okay.

Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: Mr. Chairman, I agree that it's important to tour the facility, but I think what's equally as important is to speak with as many neighbors as we possibly can. Because it's my understanding that at this point, although the transfer of coal ash was pretty traumatic and quite a dramatic event, right now at this point, you know, I'm told they have capped it off. And so, you know, I think this is ongoing.

CHAIRMAN CASTRO: Right.

COMMISSIONER ACHTENBERG: This is not just one point in time.

CHAIRMAN CASTRO: A snapshot.
COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Absolutely.

COMMISSIONER ACHTENBERG: So I agree with Commissioner Heriot, but there is something that's as important, and in my view, more important, and that's -

CHAIRMAN CASTRO: The town hall.

COMMISSIONER ACHTENBERG: - getting the town -

CHAIRMAN CASTRO: Right.

COMMISSIONER ACHTENBERG: - hear from the town about what this has meant and the collective burden as so many of the witnesses identified today, assessing the collective burden, I think, is extremely important as well.

CHAIRMAN CASTRO: Thank you.

Commissioner Kladney?

COMMISSIONER KLABDEY: I agree with Commissioner Achtenberg. I think even though they're not accepting any more coal ash at the facility, and it's been capped off and put in a better condition than it was, I would think OCRE and our staff can collect photographic evidence of how it was. And I think it's a good idea for us to do interviews during the day as
well of the neighbors who have complained, as well as those who signed, I guess, the three affidavits for the company.

CHAIRMAN CASTRO: Absolutely.

COMMISSIONER Kladney: I'd like to interview them as well, and do that outside the presence of the -

CHAIRMAN CASTRO: The company?

COMMISSIONER Kladney: - the town hall.

CHAIRMAN CASTRO: Oh, the town hall.

COMMISSIONER Kladney: I mean, if the company wants to be there, I guess they're entitled to. But I think that's all important, especially in sight of the fact that the conditions have changed down there with the capping of the coal ash.

CHAIRMAN CASTRO: Madam Vice Chair, do you have anything you want to say?

VICE CHAIR TIMMONS-GOODSON: I just find myself thinking that often it's what's below the surface. I hate to keep going back to Flint, but one would not know the level of damage done by this lead just upon looking at it.

So I find myself thinking what might there be more that we should be looking at that would give
us a sense of the conditions and - that are below the surface? I just throw that out. It may not necessarily make any sense, but that's what I find myself thinking.

And so I don't know if there's some health, I don't know, not records, individual health records. We certainly could not get those, but I'm just wondering if there might be some health data.

CHAIRMAN CASTRO: Yes, what you're saying makes sense, Madam Vice Chair.

VICE CHAIR TIMMONS-GOODSON: I'm sorry, can you hear me?

CHAIRMAN CASTRO: Yes, I said what you said makes sense.

VICE CHAIR TIMMONS-GOODSON: Oh, okay, but that's just what I was thinking, Mr. Chair.

CHAIRMAN CASTRO: Okay, thank you. Commissioner Achtenberg, do you have a motion?

COMMISSIONER ACHTENBERG: Yes, Mr. Chairman, I mean, the Vice Chair makes an excellent point. To the extent that there is - has been any private well testing, for example, any testing of the waterways, I mean, because the big -

VICE CHAIR TIMMONS-GOODSON: Yes.
COMMISSIONER ACHTENBERG: One of the big challenges is the fact that this stuff leaches into the water table and fouls the water that people know, so we need to do some data collection in that regard as much as exists, and if it doesn't exist, maybe that's something that we need to look into and think about making recommendations with regard to it.

CHAIRMAN CASTRO: Yes, and you know, I think particularly in the last five years that we've been working together, and the last couple that we've been working together, that we've really tried to make an effort to resuscitate this agency as the nation's conscience on civil rights.

And I keep thinking about the fact that last year's statutory enforcement report was important, but it was most powerful because we actually went to those detention centers to see what we were hearing about firsthand, and I think that helped not only make the report more powerful, but more credible.

And therefore in that same view, I think that while we've heard a lot today, and what we heard from the EPA, and the data we've read that, you know, we could write a report based on what we have, but I don't think it will be as powerful as if - unless we
go and look at a representative site and say, "We are the Civil Rights Commission, and we have heard the community, and we want to see this for ourselves." I think it's important for us to do that. I know maybe not everyone agrees here, but I certainly think it's important for us to do that. So do we have a motion?

COMMISSIONER ACHTENBERG: So moved.

CHAIRMAN CASTRO: So the motion is to conduct -

VICE CHAIR TIMMONS-GOODSON: Yes, Mr. Chair? I move that we go there to the site in Alabama as we have discussed so that the Commission can see for itself what's going on there.

CHAIRMAN CASTRO: Okay, is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Any additional discussion? If not, I will do a roll call vote. Commissioner Kirsanow, you are recusing itself, and Commissioner Heriot is absent. Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I abstain.

CHAIRMAN CASTRO: Okay, Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.
CHAIRMAN CASTRO: Okay, Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: I vote, as the Commissioner from the State of California, I vote a proud yes.

CHAIRMAN CASTRO: Commissioner - I should say Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, are you on the phone? Okay, so he'll be listed as absent. And as the Commissioner from the State of Illinois, I vote yes. So Commissioner Kladney, we're coming back to you.

COMMISSIONER KLADEY: I've really thought about this a lot.

CHAIRMAN CASTRO: I can tell.

COMMISSIONER KLADEY: Yes, I have. I'm just struggling with it because I understand what we're saying, and I understand what we're doing, but I'm going to -

CHAIRMAN CASTRO: You'll just vote yes.

COMMISSIONER KLADEY: I know you want me to vote yes, Mr. Chairman.

CHAIRMAN CASTRO: I know.
COMMISSIONER Kladney: Well, I guess I'm on the needle, huh?

Chairman Castro: You don't have to go, but you can still vote yes.

COMMISSIONER Kladney: Okay, I'll vote yes.

Chairman Castro: Thank you. So we have four yeses and two abstentions of the motion. Wait a minute. Oh, you're - what? You're changing your mind?

COMMISSIONER Narasaki: Yes, because I feel bad for Commissioner Heriot not being here, so on her behalf, I will change from an abstention to a yes, even though I was trying to pull a Kirsanow.

Chairman Castro: Okay, so your vote has been changed to a yes, so we have five yeses and one abstention. The motion passes. Pete recused himself, so, I don't know. I'm just treating it as a recusal. It's a separate issue, right? Yes, yes, so, two separate types of issues. So that motion passes, okay.

III. Reschedule of the Quiet Crisis Briefing

Chairman Castro: Then we are entertaining a second motion to continue to conduct the
Quiet Crisis briefing on February 19. Is there a motion to that effect?

COMMISSIONER KLADNEY: I'll move.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER NARASAKI: I second, Mr. Chair.

CHAIRMAN CASTRO: Okay, I'm going to take a roll call vote on that. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, are you there? Still absent. Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so it is
unanimous, one, two, three, four, five, six yeses, so we will conduct the hearing on the 19th.

IV. ADJOURN

CHAIRMAN CASTRO: That concludes our business for today. This meeting is hereby adjourned, and the time is now 5:03 p.m. eastern time. Thank you, everybody. Safe travels home.

(Whereupon, the above-entitled matter went off the record at 5:03 p.m.)