

To: Newtown Creek Steering Committee and CAG
From: Consensus Building Institute
Date: June 30, 2026
Re: CBI Contract Vehicle Discussion

The Newtown Creek CAG will be meeting on July 29, 2026, to continue its discussion of the CBI contract vehicle. As requested, we have been asked to briefly summarize the main points covered at the CAG's June 25 discussion of this topic.

Background

Historically, NCG funds were directed through EPA to pay for CBI's facilitation services. In discussion with the CAG, CBI entered into a direct contract with NCG in Fall 2025 to insulate its work from government shutdowns or stop-work directives. In April 2026, EPA informed the Steering Committee it expected EPA could resume the facilitation contract under the prior system by May or June. Since then, there has been an ongoing stop-work order. CBI subsequently sought a timeline from EPA, but no end date has been provided. The result of leaving the NCG contract would be no facilitation at this time.

CBI's current contract with NCG has the following key features:

- Runs through September 16, 2026.
- CBI's scope of work is linked to the US EPA Performance Work Statement.
- The contract includes the following clause: "The Trust shall not provide any supervision over or evaluation of the services CBI provides to the CAG. CBI shall conduct the Work in an impartial manner and avoid conduct that gives the appearance of partiality."

The Steering Committee has met twice to discuss the best contract vehicle for moving forward. The July 29, 2026 meeting will be the final opportunity for the Steering Committee and any interested CAG members to provide their thoughts on this topic. The Steering Committee will be polled July 30 to determine its final guidance on its preferred contract vehicle for CBI going forward. Below is a summary of key discussion points so far.

Summary of Discussion

- Bennett Brooks highlighted performance clauses and payment terms in the contract and noted the contract language precludes NCG from supervising or evaluating CBI's services and that CBI must act in an impartial manner. He further noted that CBI has no experience of NCG attempting to use the contract as a vehicle for executing any influence on CBI's work or neutrality.
- The group reiterated that while EPA had offered to take back over the contract a few months ago, right now they are no longer able to. This would leave the CAG without facilitation support.
- The group discussed the facilitation arrangement at another superfund site, where EPA has stepped in as facilitator. One Steering Committee member reported that they heard this arrangement was working well. Other members shared concerns with the public's perception of EPA facilitating CAG meetings and fears about how staff turnover may

affect this arrangement. One member emphasized that EPA acting as facilitator diminishes the CAG's control over the CAG process.

- The group acknowledged the bad optics of NCG paying CBI directly without EPA acting as an intermediary and several shared their deep distrust of NCG. Several Steering Committee members felt that, despite the arrangement's imperfections, the NCG contract is more reliable than EPA's erratic disbursements, making it the preferred option.
- A Steering Committee member raised strong concerns about NCG's potential influence over the CAG process and considered NCG's written word unreliable regardless of NCG's contractual commitments. Another CAG member proposed developing a structure for accountability and transparency to prevent the possibility of NCG's influence on CBI and thereby the CAG.
- A CAG member cautioned that a PRP at a different CAG site had attempted to exert influence over the CAG process and argued that direct payment by NCG to CBI violates general ethical standards.
- One CAG member thought that retaining CBI's services under the current NCG contract is preferable to the alternative of no facilitation. The member considered the current contract vehicle acceptable as long as CAG members remain vigilant and involved.

Next Steps

The Steering Committee agreed to the following process: CBI will draft this summary and share it with the Steering Committee by June 30. The CAG will receive an update and opportunity for input during the CAG-only agenda item on July 29. On July 30, the Steering Committee will vote via online poll on whether CBI remains under contract with NCG.

Attendance

Steering Committee Members

- Willis Elkins
- Em Ruby
- Sarah Durand
- Mike Dulong
- Quincy Ely-Cate
- Louis Kleinman

CAG members

- Priscilla Stadler
- Laura Hofmann
- Steve Chesler