

MEETING SUMMARY

of the

EXECUTIVE COUNCIL

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

December 11, 12, and 14, 2000
Arlington, Virginia

Meeting Summary Accepted By:



Charles Lee
Office of Environmental Justice
U.S. Environmental Protection Agency
Designated Federal Official



Peggy Shepard
Acting Chair

**CHAPTER ONE
MEETING OF THE
EXECUTIVE COUNCIL**

1.0 INTRODUCTION

Exhibit 1-1

The sixteenth meeting of the Executive Council of the National Environmental Justice Advisory Council (NEJAC) took place on December 11 through 14, 2000 at the Hyatt Regency Crystal City Hotel in Arlington, Virginia. Mr. Haywood Turrentine, Birmingham Urban Impact Board, continues to serve as the chair of the NEJAC. Ms. Peggy M. Shepard, Executive Director, West Harlem Environmental Action, Inc. and member of the Health and Research Subcommittee, continues to serve as the vice-chair of the NEJAC. Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, Office of Environmental Justice (OEJ), U.S. Environmental Protection Agency (EPA), continues to serve as the Designated Federal Official (DFO) for the Executive Council. Exhibit 1-1 presents a list of members of the Executive Council who were present and identifies those members who were unable to attend. More than 465 people attended the meeting.

On December 13, 2000, each member of the Executive Council participated in the deliberations of one of the six subcommittees of the NEJAC. Chapters three through eight of this meeting summary describe those deliberations.

In addition, the Executive Council hosted two public comment periods, a *Focused Public Comment Period* on the evening of December 11, 2000 on the integration of environmental justice issues into the programs and policies on Federal agencies, a *General Environmental Justice Issues Public Comment Period* on the evening of December 12, 2000. Approximately 36 people offered comments during those sessions. Chapter Two presents a summary of the comments offered during the two public comment periods.

This chapter, which provides a summary of the deliberations of the Executive Council, is organized in six sections, including this *Introduction*. Section 2.0, *Remarks*, presents summaries of the remarks offered by various speakers. Section 3.0, *Panel Sessions on Integrated Environmental Justice Implementation in the Federal Government*, provides summaries of the panel sessions presented by representatives of various Federal agencies and other stakeholder groups. The

EXECUTIVE COUNCIL

**Members
Who Attended the Meeting
December 11 through 14, 2000**

Mr. Haywood Turrentine, *Chair*
Ms. Peggy M. Shepard, *Vice-Chair*
Mr. Charles Lee, *DFO*

Mr. Don J. Aragon
Ms. Rose Augustine
Mr. Luke Cole
Dr. Michel Gelobter
Mr. Tom Goldtooth
Ms. Jennifer Hill-Kelley
Ms. Patrica K. Wood
Ms. Annabelle Jaramillo
Ms. Vernice Miller-Travis
Mr. Harold Mitchell
Dr. Marinelle Payton
Ms. Rosa Hilda Ramos
Mr. Alberto Saldamando *
Ms. Jane Stahl
Mr. Gerald Torres
Ms. Jana Walker
Mr. Damon Whitehead
Mr. Tseming Yang

**Members
Who Were Unable to Attend**

Mr. Fernando Cuevas
Mr. Arnoldo Garcia
Mr. Carlos Padin
Mr. Robert W. Varney

* *Mr. Saldamando served as a proxy for Mr. Garcia*

panelists made presentations that were designed to provide insight into issues identified and concerns voiced with respect to implementation of environmental justice throughout the Federal government. Section 4.0, *Reports and Presentations*, provides summaries of reports and presentations made to the Executive Council on various topics. Section 5.0, *Reports of the Subcommittees*, summarizes reports submitted to the Executive Council about the deliberations of

each of the six subcommittees during their meetings on December 13, 2000. Section 6.0, *Miscellaneous Business*, presents summaries of discussions by the Council of other items before the Council, including a recognition of those members whose terms were due to expire. Appendix A presents the full text of each resolution that was approved by the Executive Council. Appendix B presents a list of the members of the NEJAC. Appendix C provides a list of the participants in the meeting. Appendix D provides a copy of the written statements submitted to the NEJAC during the two public comment periods.

2.0 REMARKS

This section summarizes the remarks of the Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance (OECA), the Deputy Administrator of EPA, the Regional Administrator of EPA Region 3, and the Director of OEJ.

2.1 Remarks of the Assistant Administrator, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency

On behalf of OECA, Mr. Steven Herman, Assistant Administrator, OECA, welcomed the members of the Executive Council and all the participants in the sixteenth meeting of the NEJAC. Noting that the meeting marked the last NEJAC meeting of the Clinton administration under which the NEJAC had been conceived, Mr. Herman commented that, for all the persons who had created and worked with the NEJAC over the preceding seven years, this effort had been one of the areas that had brought great joy and great satisfaction – in the nature of the work and the people that the effort had brought together, in the very difficult issues that the NEJAC had taken on, and in the victories and the frustrations all involved had experienced together. Mr. Herman observed that the NEJAC had provided crucial and important advice to the EPA Administrator over those seven years and as a result had direct influence on many of the Agency's initiatives.

Introducing Mr. Michael McCabe, Deputy Administrator of EPA, Mr. Herman stated that one of the areas, both inside and outside the Agency, about which Mr. McCabe had been "absolutely passionate," is environmental justice and that Mr. McCabe's commitment to environmental justice is "second to none." Continuing, Mr. Herman stated that Mr. McCabe's commitment had helped to "move the ball" on environmental justice within EPA and within the entire Federal government.

2.2 Remarks of the Deputy Administrator, U.S. Environmental Protection Agency

Mr. McCabe expressed to the members of the NEJAC his appreciation for the time and effort they had devoted to important issues related to environmental justice. He then recognized the leadership of Mr. Turrentine during his tenure as chair of the Council, stating that, under Mr. Turrentine's leadership, the NEJAC had established priorities among the issues on its agenda. Currently, he continued, the NEJAC focuses on a wide range of specific policy issues – policy issues that are important to the communities that the members of the NEJAC represent.

Referring to the pending change in administration, Mr. McCabe remarked that both EPA and the NEJAC would undergo a "changing of the guard." The change, he said, represents an opportunity to celebrate successes, solidify gains, and reaffirm commitments. It also presents an opportunity to chart a new blueprint for the future, he said.



Mr. Michael McCabe

The Clinton-Gore administration, said Mr. McCabe, had been committed to implementing programs, policies, and activities that ensure that "the health of a community does not depend on the wealth of the community" or on the race of the families of that community. While the administration may not always have moved as rapidly or acted as comprehensively as some may have wished, its commitment to the cause never wavered, he said. Staff of EPA take that responsibility very seriously, he continued. In keeping with that commitment to fairness and equal opportunity, he stated, one guiding principle has been that all citizens, regardless of race, color, or national origin, are entitled to a safe and healthy environment. Further, said Mr. McCabe, EPA recognizes that meaningful participation in the Agency's decisionmaking process is essential to the accomplishment of that mission.

Mr. McCabe stated that EPA would continue to review and revise its administrative procedures related to public involvement in policymaking. He announced that EPA soon was to release for comment its draft policy on public involvement. The policy, he said, would strengthen EPA's commitment to early and meaningful public involvement. The policy also would ensure an understanding of the interests and concerns of peoples and entities affected and would include them in the environmental decisionmaking, he added. Mr. McCabe then stated that he intended to request that the NEJAC review the document and provide comment on it.

Commenting on the progress made during the preceding six years, Mr. McCabe stated that interagency integration of environmental justice is becoming a reality and that the Interagency Working Group on Environmental Justice (IWG) had made substantial progress. Thanks to the tireless work of all members of the NEJAC and the unified voices of communities across the nation, he said, environmental justice is becoming a right, rather than a privilege.

Mr. McCabe then stressed that, to maintain the momentum of the preceding six years, Federal agencies must continue to work in partnership. Through such partnerships, he continued, EPA is making great strides in protecting the health of children and communities. EPA is working with community-based public health partners across the country, especially in urban cities and rural areas, to help diagnose and treat asthma, as well as warn parents about environmental factors, such as high levels of particulate matter in the air, that are likely to trigger an asthma attack, he said. EPA's goal, he declared, is to eliminate the disproportionate burden of asthma among minorities and the disadvantaged.

Through partnerships, he continued, EPA is revitalizing communities and creating jobs through its Brownfields Revitalization initiative. Revitalization of brownfields properties in primarily low-income or minority neighborhoods had created more than 8,300 construction jobs, he pointed out. After the work was carried out, he added, another 22,000 jobs were created or retained. The program is bringing both environmental justice and economic opportunity to the neighborhoods in which the sites are located, said Mr. McCabe.

Again, through partnerships, Mr. McCabe continued, EPA is addressing public health and the environment in urban areas. Over the years, concerns about lead poisoning had been a topic of

debate at environmental justice forums and conferences across the country, he said. During the time frame of those debates, he explained, exposure to lead among young children had been reduced dramatically through a concerted effort by Federal, state, and local government agencies, along with voluntary actions in the private sector. In high-risk urban areas, he noted, EPA sponsors programs like the Lead-Safe Babies Project, which employs outreach workers to visit new parents to teach the parents how to take preventive measures to protect their newborns. But much remains to be done, Mr. McCabe stated.

Mr. McCabe acknowledged that maintaining momentum under a new administration would be challenging. He stated, however, that both he and Ms. Carol Browner, EPA Administrator, would communicate to the new president that it is essential that the Agency maintain its commitment to environmental justice and to the communities that EPA serves. Although challenges remain, he continued, he takes pride in "the things that we have accomplished together." Through such collective efforts, he said, all involved are helping to secure a healthy and sustainable future for the next generation.

Concluding his remarks, Mr. McCabe quoted Sir Isaac Newton, who wrote, "If I have been able to see further, it is because I stood on the shoulders of giants." On behalf of Ms. Browner, and for himself, he thanked the members of the NEJAC for being EPA's "giants."

2.3 Remarks of the Regional Administrator, U.S. Environmental Protection Agency Region 3

On behalf of the staff of EPA Region 3, Mr. Brad Campbell, Regional Administrator of that region, expressed pleasure in hosting the meeting of the NEJAC. Mr. Campbell also expressed his gratitude to members of the NEJAC, past and present, for their contribution not only to the work of EPA, but also to his work in prior positions at the White House and the U.S. Department of Justice (DOJ). He thanked them for their contribution to his personal understanding of the depth, complexity, and importance of environmental justice issues at all levels of government.

Mr. Campbell said that, while there is a sense of "winding down" as the current administration prepares for transition, EPA is committed to "keeping the bar high" until the very last day of the administration. The Agency is committed to keeping as much movement on the environmental justice front as possible, he said.

He then highlighted a few areas in which EPA Region 3 is moving forward, adding that he believed that the initiatives reflect the larger agenda that lies ahead.

First, he said, Region 3 is continuing its efforts to better integrate EPA's mission with that of other agencies, recognizing that it is not sufficient to take the position that a particular problem confronting a community is not within the jurisdiction of EPA or is not within the Agency's statutory mandate. The region, he explained, will continue to work to build links with other agencies and to deliver the resources of the entire Federal government to resolve whatever environmental justice problem confronts it.

Second, Mr. Campbell continued, Region 3 will continue its effort to improve the health data that are available for communities. He stated that data increasingly indicate that causes of cancers and other illnesses are primarily environmental, rather than genetic. He acknowledged that local health data on most communities concerned about risks are very limited, often too limited to support scientifically strong conclusions about the potential links between those very real health problems and environmental conditions in the community. While efforts to establish a national system of monitoring have been undertaken, he continued, EPA Region 3 is endeavoring to model community-specific efforts to gather better health data. For example, he explained, the region recently had initiated a site-specific epidemiological study of residents living near the Lower Darby Creek Superfund Site in Darby Township, Pennsylvania.

Continuing, Mr. Campbell stated that EPA Region 3 is continuing to work on efforts to highlight the links between the environmental problems suffered by low-income and minority communities and the economic opportunities that could arise from the process of addressing those problems. The region, he said, is working to address brownfields properties in distressed minority and low-income communities and revitalize those sites for future development. He added that Region 3 also is pursuing other means of creating links between clean air and economic opportunity. For example, he added, he recently had met with the president of the African-American Chamber of Commerce of Philadelphia, Pennsylvania to discuss ways to link the need for alternative-fuel vehicles to potential economic opportunities in low-income and minority communities, so that the very communities that have suffered disproportionately from air quality problems may be the first to benefit when economic opportunity is created by addressing

those problems. He explained that air quality problems have contributed to asthma rates in low-income and minority communities that are double and triple the rates in other communities. Mr. Campbell then stated that the region is evaluating ways to develop a broader use of alternative-fuel vehicles to address the problem, while establishing an opportunity for minority entrepreneurs to benefit from the economic opportunities that will be created.

Mr. Aragon commented that he had been pleased to hear of the initiative to improve local health data because the quality and quantity of health data for communities on Indian reservations are very poor, as well. He pointed out that many Indian people rely on subsistence foods; they can become exposed to environmental contaminants in many of their food sources, which are contaminated with substances originating from industrial sources, he said.

2.4 Remarks of the Director, Office of Environmental Justice, U.S. Environmental Protection Agency

Mr. Hill began his presentation by welcoming all participants. The meeting, he emphasized, was designed to be not only retrospective, because it provides all participants with the opportunity to look back over the preceding six to eight years, but also prospective, in that it would provide an opportunity to look forward and to develop strategic plans to be implemented in the future.

Mr. Hill then read the statement of the issue that was to be the focus of the meeting:

"What progress has the Federal government made toward integrating environmental justice into policies, programs, and activities, consistent with existing laws and Executive Order 12898?"

Mr. Hill pointed out that the policy question speaks to the basic purpose of government and the important role that government plays in the lives of all citizens and residents of the nation. Continuing, Mr. Hill noted that government is one of humanity's oldest and most important institutions; some form of government has been a vital part of every society, he said. Questions about the role of government often are directed at the relationship between government and the public it serves and protects, he continued. One of the most basic questions about that relationship, he added, is "What right is so fundamental to the public that it is a responsibility of the government to secure, preserve and protect that right?" He then

commented that Reverend Jesse Jackson had offered a response to that question on Earth Day 1990, when he stated "Over the years, I've led many demonstrations, for the right to public accommodations, the right of open housing, the right to be free of a third world war, the right to register and vote. Yet, none of those rights are more basic than the right to breathe free, for unless I have the right to breathe free, the right to drink good drinking water, no other right can be realized." In other words, declared Mr. Hill, residents of every community throughout this country, as citizens of this democracy, are entitled to clean air, clean land, and clean water, and it is the responsibility of the government to secure, preserve, and protect that fundamental right.

Then, quoting Ms. Deeohn Ferris, former chair of the Enforcement Subcommittee of the NEJAC, Mr. Hill stated that "environmental justice is not about equal pollution; environmental justice is about equal protection." He then explained that the underlying question the panelists and the members of the NEJAC should consider is whether the Federal government, as a public servant, is effectively and efficiently serving the public by ensuring clean air, land, and water for everyone in the nation.

Concluding his remarks, Mr. Hill noted that the IWG represents a clear effort to bring about fundamental change in how the government operates and provides effective services and resources to the public to ensure clean air, clean land, and clean water. However, he acknowledged, the government is not perfect in the performance of its duties and responsibilities. Therefore, EPA and the other members of the Federal family have asked the members of the NEJAC to provide their advice and recommendations about how the government can serve the public better. On behalf of the Agency, he said, he was looking forward to a vibrant meeting, a robust discussion, and the constructive advice that would follow.

2.5 Remarks of NEJAC Members

Dr. Michel Gelobter, Rutgers University and member of the Air and Water Subcommittee, expressed his opinion that, under the Clinton-Gore administration, EPA had mobilized at a unprecedented level to make environmental justice as much a reality as possible and that EPA had set a very high standard for the next administration. He then expressed his appreciation to Mr. McCabe, Mr. Herman, Mr. Fields, Mr. Lee, Mr. Hill, and others for their hard work and dedication.

Mr. Don Aragon, Wind River Environmental Quality Commission and member of the Health and Research Subcommittee, expressed his appreciation that EPA had developed an Indian policy and continues to work with Indian tribes throughout the United States; however, he said, he had not observed similar efforts on the part of other Federal agencies. Mr. Aragon then stated his hope that the entire Federal family would follow the leadership of EPA.

Mr. Tom Goldtooth, Indigenous Environmental Network and chair of the Indigenous Peoples subcommittee, agreed that the future of environmental justice is uncertain. The NEJAC had served as a forum through which local communities could voice their concerns, he said. On the basis of those concerns, the NEJAC had made recommendations to EPA on issues related to environmental justice, and EPA administrators under the Clinton-Gore administration had supported most of those recommendations, he continued. It will be essential that the next administration continue to hear from local communities through a forum such as the NEJAC, said Mr. Goldtooth. He then asked Mr. McCabe and the members of the NEJAC to communicate to the next administration the importance of listening to local communities.

Noting that it is difficult to change the culture of a bureaucracy, Ms. Shepard expressed her appreciation to EPA administrators for their leadership in advancing environmental justice concerns within EPA. She added that the NEJAC would encounter many new challenges under the new administration; she stressed that the members of the NEJAC must work together, remain focused, and take strategic action if the NEJAC is to remain strong and effective in the years to come.

Ms. Rosa Hilda Ramos, Community of Cataño Against Pollution and member of the Air and Water Subcommittee, also expressed her appreciation to the EPA senior managers for constructing a solid basis for environmental justice. Ms. Ramos explained that the administrators had expounded the concepts of environmental justice, so that they cannot be ignored by any administration. She then pointed out that the environmental justice movement was not created by a party, but was created by the people, and the people, she declared, will not allow any party to ignore environmental justice. Therefore, she said, she is optimistic about the future of environmental justice.

Mr. McCabe stated that the remarks that had been made were indicative of the passion for environmental justice shared by the members of the NEJAC. He stated that he wished the members good luck over the coming four days as they charted the course for the next administration and in all their future endeavors.

3.0 PANEL SESSIONS ON INTEGRATION OF ENVIRONMENTAL JUSTICE INTO PROGRAMS AND POLICIES OF FEDERAL AGENCIES

In its continuing effort to provide independent advice to the EPA Administrator in areas related to environmental justice, the NEJAC focused its sixteenth meeting on a specific policy issue – the integration of environmental justice into the programs and policies of Federal agencies. On Monday and Tuesday, December 11 and 12, 2000, the members of the NEJAC heard a series of presentations from panels made up of various stakeholder groups. The presentations were designed to provide insight into the progress the Federal government has made toward integrating environmental justice into its policies, programs, and activities, as required under existing laws and Executive Order 12898. Exhibit 1-2 identifies the panel members who participated in the discussions.

Mr. Lee stated that the NEJAC would consider the following questions:

- How have the efforts undertaken benefitted low-income, minority, or indigenous communities?
- What lessons have been learned from efforts undertaken to increase interagency cooperation, including the implementation of interagency model projects on environmental justice?
- What opportunities exist for greater utilization of existing statutes?
- What areas could be developed further and through what mechanisms?
- What barriers exist to integrating environmental justice, and what strategies would be helpful in overcoming those barriers?

Mr. Lee emphasized the following points to be considered during discussion of the integration of environmental justice by Federal agencies:

- The NEJAC's examination of the implementation of environmental justice throughout the Federal government should be "forward-looking." The members of the NEJAC should identify lessons learned from prior efforts to implement the Executive Order and make recommendations about how to further integrate environmental justice into the programs, policies, and activities of the Federal family.
- The members of the NEJAC should examine implementation of environmental justice in two basic areas: (1) progress in and lessons learned through implementation by individual agencies and (2) development of collaborative interagency strategies.
- NEJAC's recommendations should provide a very clear and definitive statement of the directions and strategies that should be pursued during the next administration to ensure that environmental justice is made a part of the ongoing work of the Federal government.

Mr. Lee informed the members of the NEJAC that the formal record of the meeting would be open for comments until January 31, 2001, so the comments and testimony would be included in the current year's record.

Mr. Lee then recognized the EPA senior staff present at the meeting. He thanked the senior staff members for their attendance, commenting that their presence at the meeting displayed their commitment to environmental justice. He stressed that such commitment is crucial to the development of effective collaborative interagency strategies.

The following sections provide summaries of each of the various panel presentations on integration of environmental justice into the programs, policies, and activities of Federal agencies.

3.1 Panel 1: Overview of Executive Order 12898

Mr. Gerald Torres, University of Texas Law School, provided an overview of the historical context of Executive Order 12898. Exhibit 1-3 describes the focus of Panel 1.

**MEMBERS OF THE PANEL SESSIONS ON INTEGRATION OF
ENVIRONMENTAL JUSTICE INTO PROGRAMS AND POLICIES OF FEDERAL AGENCIES**

Panel 1: Overview of Executive Order 12898

- Gerald Torres, Vice Provost, University of Texas Law School
- Gail Small, Director, Native Action (*Due to weather constraints Ms. Small could not attend the meeting.*)

Panel 2: Discussion of the Interagency Working Group on Environmental Justice and the Federal Interagency Environmental Justice Action Agenda

- Timothy Fields, Assistant Administrator for Solid Waste and Emergency Response, U.S. Environmental Protection Agency (EPA)
- Charles Lee, Associate Director for Policy and Interagency Liaison, Office of Environmental Justice, EPA

Panel 3: Individual Federal Agency Panels

- Lois Schiffer, Assistant Attorney General, U.S. Department of Justice
- Sherri Goodman, Deputy Under Secretary of Defense for Environmental Security, U.S. Department of Defense
- Carolyn Huntoon, Assistant Secretary for Environmental Management, U.S. Department of Energy
- Ron Stroman, Director, Office of Civil Rights, U.S. Department of Transportation
- Willie Taylor, Director, Office of Environmental Policy and Compliance, U.S. Department of the Interior (DOI)
- Lisa Guide, Acting Assistant Secretary for Policy, Management and Budget, DOI
- Jerry Clifford, Deputy Regional Administrator, Region 6, EPA
- Roland Droitsch, Deputy Assistant Secretary, Office of the Assistant Secretary for Policy, U.S. Department of Labor
- Charles Wells, Director, Environmental Health Sciences, National Institute of Environmental Health Sciences
- Herbert Avent, Director for Urban Health, Bureau of Primary Health Care, Health Resources and Services Administration, U.S. Department of Health and Human Services
- Reuben Warren, Associate Administrator for Urban Affairs, Agency for Toxic Substances and Disease Registry
- Terry Harwood, Director of Hazardous Materials Management Group, U.S. Department of Agriculture
- Marvin Wentz Turner, Special Actions Office, Office of the Secretary, U.S. Department of Housing and Urban Development

Panel 4: Integrated Interagency Demonstration Projects

- Admiral Chris Weaver, Department of the Navy, DoD
- Mary Nelson, Bethel New Life, Inc.
- James Talley, Mayor, City of Spartanburg, South Carolina
- José R. Rodríguez-Santana, Asthma Coalition of Puerto Rico, Pediatric Pulmonary Program, Cystic Fibrosis Center
- Emil Jason, Great Rivers Alliance of Natural Resource Districts
- Richard Mark, East St. Louis Lead Project, St. Mary's Hospital

Panel 5: Stakeholder Perspective on Integrated Interagency Strategies

- Charlotte Keys, Executive Director, Jesus People Against Pollution
- Sue Briggum, Director, Government and Environmental Affairs, Waste Management, Inc. (*statement presented by Patricia Wood, Georgia-Pacific Corporation*)
- Jesus Nava, Deputy City Manager, City of San Jose, California
- Terry Williams, Commissioner for Natural Resources and Fisheries, The Tulalip Tribes
- Richard Gragg, Center for Environmental Equity and Justice, Florida A & M University

Exhibit 1-3**FOCUS OF PANEL 1**

This panel provided the historical context of Executive Order 12898. The panelist also provided an analysis of the legal, programmatic, and organizational foundations of the Executive order. This understanding of goals and motivating factors was designed to provide an overall framework on which a balanced assessment of implementation of environmental justice within the Federal government can be built. The panelist provided an independent analysis of areas of significant progress, as well as those of significant deficiency. In addition, the panelist provided an analysis of the most significant challenges for future implementation of the goals of the Executive order. Last, the panelist offered recommendations for strategies for future integration of environmental justice.

Mr. Torres began his presentation by stating that, before the Executive order was issued, the environmental justice movement moved in “fits and starts” in the effort to change the way in which the Federal government responds to issues related to environmental justice. A fundamental change had been needed in the institutional culture within Federal agencies that respond to the issues being raised by the environmental justice movement, he explained.

Mr. Torres then stated that, the authors of the Executive order faced one difficulty, in that an Executive order does not inherently create enforceable rights for the people it protects. On the other hand, he continued, the principal audience of the Executive order is the Federal agencies that are directed to change the way they make decisions. The most challenging task for Federal agencies is to incorporate into their decisionmaking processes consideration of issues that fall outside of their mandates, he explained.

Continuing, Mr. Torres stated that the National Environmental Policy Act (NEPA) had been used as one model for implementing Executive order 12898. He explained that, when NEPA first was passed, it had been perceived as weak and lacking enforceability. However, he continued, one of the goals of NEPA had been to increase the weight given to environmental factors in the Federal decisionmaking process. Mr. Torres stated that NEPA had been somewhat successful in motivating Federal agencies to change their decisionmaking structures so that environmental issues would be considered in those processes.

Therefore, Mr. Torres stated, one of the hopes for Executive order 12898 was that those agencies would be further motivated to include considerations of environmental justice in their decisionmaking processes.

Concluding his remarks, Mr. Torres observed that some Federal agencies had responded more readily and strongly to Executive Order 12898 than others. He commented that a thorough analysis of the extent to which the principles of environmental justice have permeated the Federal decisionmaking structure would be useful, as would an evaluation of the extent to which interagency coordination affects that structure.

3.2 Panel 2: Discussion of the Interagency Working Group on Environmental Justice and the Integrated Federal Interagency Environmental Justice Action Agenda

Mr. Fields initiated the panel discussion by providing assurance, that despite the pending change of administration, the issue of environmental justice is “very much alive” and the effort to address the issue will continue “very emphatically and strongly” into the next administration. Exhibit 1-4 describes the focus of Panel 2.

Exhibit 1-4**FOCUS OF PANEL 2**

This panel provided a discussion of the formation of the Federal Interagency Working Group on Environmental Justice (IWG) and an analysis of implementation of environmental justice throughout the Federal government. This panel also emphasized that the Integrated Federal Interagency Environmental Justice Action Agenda (Action Agenda) brings a new sense of direction, innovation, and vigor to environmental justice to the entire Federal family. The panel touched on the philosophical and programmatic background of the interagency strategy.

Mr. Fields focused his presentation on the significance and future of the IWG’s Integrated Federal Interagency Environmental Justice Action Agenda (Action Agenda). He explained that the Action Agenda provides a framework that Federal agencies can use to develop and expand on future collaborative Federal environmental justice initiatives. Exhibit 1-5 describes the IWG and provides background information about the Action Agenda.

DESCRIPTION OF THE INTEGRATED FEDERAL INTERAGENCY ENVIRONMENTAL JUSTICE ACTION AGENDA

The Integrated Federal Interagency Environmental Justice Action Agenda (Action Agenda) seeks to build dynamic and proactive partnerships among Federal agencies to benefit environmentally and economically distressed communities. Increased coordination and cooperation among Federal agencies will enhance efforts to identify, mobilize, and use Federal resources, as well as enhance the capability of distressed communities to improve environmental decision making and more efficiently access and leverage initiatives sponsored by the Federal government. The Action Agenda will improve quality of life for minority or low-income populations that suffer disproportionate environmental effects. Those populations also may include indigenous and tribal communities.

The Action Agenda will include examples of interagency environmental justice projects and agency-specific initiatives that were undertaken or implemented by various Federal agencies in 2000. The Action Agenda seeks to build the constructive problem-solving capacity of communities in partnership with state, tribal, and local governments. The Action Agenda is not intended to replace or supersede existing Federal, state, tribal, or local government decisionmaking processes.

Goals outlined in the Action Agenda include:

- The promotion of greater coordination and cooperation among Federal agencies.
- The facilitation of a more accessible and responsive government.
- The formulation of strategies to ensure the integration of environmental justice into the policies, programs, and activities of Federal agencies.
- The initiation of environmental justice demonstration projects on which to base the development of integrated, "place-based" models for addressing livability issues affecting communities.

Mr. Fields expressed his pleasure in working on the development and implementation of the Action Agenda. It had been his pleasure, he said, to be involved in environmental justice from the perspective of his own program areas, which include Superfund, the Resource Conservation and Recovery Act (RCRA) Hazardous and Solid Waste Program, the Federal Facilities Program, the Underground Storage Tank (UST) Program, and the brownfields cleanup and redevelopment effort, he added. He also expressed his pleasure in beginning to work with other Federal agency partners on ways in which the Federal government can collaborate through interagency partnerships to address environmental justice issues.

Mr. Fields remarked that the Executive order had been necessary so that the Federal government would do what is within its power to eliminate disparate situations that had direct and indirect effects on real communities. He stressed that no one person, and no one agency, could hope to remedy decades and centuries of injustice singlehandedly. Working together, however, he declared, agencies can achieve those goals.

In the spirit of the Executive order, Mr. Fields explained, the IWG had provided leadership throughout the Federal government on ways to collaborate and work together in communities across America that have serious concerns related to environmental justice. The Executive order provided the framework for the progress that Federal agencies had made to date, he said. Further, the Executive order, he continued, established the framework for addressing and solving the challenges that lay ahead.

Mr. Fields then stated that the progress made in developing the Action Agenda could be attributed to the foresight and fortitude of the authors of the Executive order, he said. Although it had taken years to educate the bureaucracy about environmental justice, he added, the hard work and effort had begun to produce some results. He stated that he had met regularly with senior leadership in various Federal agencies, and, at each meeting, he had been greeted enthusiastically. Representatives of those agencies, he added, had exhibited a sincere desire to conduct business in a manner that will have a positive effect on environmental justice in

communities across the country. Senior managers at the Federal agencies had committed their time and staff to the effort to develop and implement meaningful and effective resolutions of environmental justice issues, he continued.

Environmental justice demonstration projects are an excellent example of how Federal agencies and other stakeholders, including communities, businesses, and state and local governments, can work together to develop and implement meaningful, effective, and desirable solutions, said Mr. Fields. He explained that 15 demonstration projects are now underway, under which two or more Federal agencies are working with state governments, local governments, tribal governments, private partners, and community representatives to address environmental injustice in meaningful ways. The Action Agenda and demonstration projects represent the new baseline by which environmental justice and community involvement and participation will be measured, he added. They provide a new starting point for tomorrow's successes, he stressed. See Section 3.4 of this chapter for a summary of the presentations about several demonstration projects, as well as a list of the projects initiated under the Action Agenda.

Continuing his remarks, Mr. Fields described his vision of the future of environmental justice:

- More partnerships among all stakeholders, from the community to the local government and the private sector, all working together with Federal, state, and local governments and Tribal governments to address concerns related to environmental justice.
- More emphasis on preventing disparity before it becomes a serious issue of environmental injustice in a particular community.
- Fostering of relationships between Federal agencies and groups like the NEJAC and the IWG.
- Coming together of communities and businesses from which mutual benefits can be identified.
- Full integration of the goals and principles of environmental justice and the Environmental Justice Action Agenda into not only the fabric of the Federal government, but also into the threads of state and local government and into the decisionmaking processes of tribal governments and communities across America.

Mr. Fields stated that he anticipated that the demonstration projects underway would evolve into a full-fledged program in the coming years and provide a guide to the way in which the Federal government should deal with other stakeholders in addressing the significant environmental justice concerns of communities. Such a program, he continued, will be one in which people and organizations will clamor to participate because "it is the right thing to do." When we live up to the principles of environmental justice, he stated, we are holding America to its greatest promise. We cannot and will not shirk from that great opportunity and the even greater opportunity the future holds, he declared.

Continuing the discussion, Mr. Lee focused his presentation on the background, philosophy, goals, and future direction of IWG's Action Agenda. He explained that the premises of the Action Agenda are to (1) promote Federal support of solutions that "begin in the community and remain in the community;" (2) link federal, state, and local governments with a community-based, comprehensive planning process; (3) seek collaboration and integration so that resources can be targeted and leveraged more effectively; (4) develop a template for holistic, community-based solutions to environmental justice issues; and (5) serve as a platform for advocating a new way of doing business. The Action Agenda presents a collaborative partnership model for achieving economic vitality, social equity, and environmental quality, he said.

Reflecting on the definition of environmental justice, Mr. Lee explained the concept as (1) fair treatment and meaningful involvement of people in environmental decisionmaking; (2) management of environmental, public health, economic, and social concerns in an integrated manner; and (3) collaborative and constructive problem-solving that includes holistic solutions that are early, truly proactive, and truly comprehensive. Further, environmental justice requires the comprehensive and holistic integrated efforts of all stakeholders – local, state, tribal and Federal governments; community-based organizations; civic and religious groups; academic institutions; business and industry; philanthropic groups; and labor and professional organizations, he continued. The Action Agenda and the demonstration projects have begun to form the vision of that collaborative, partnership approach, he stated.

Mr. Lee explained that two environmental justice listening sessions (the first held on July 11, 1998, in Los Angeles, California and the second held on

March 6, 1999 in New York City, New York), both jointly sponsored by the White House Council on Environmental Quality (CEQ) and EPA, were held to allow senior Federal officials new opportunities to respond directly to affected communities, as well as opportunities for meaningful dialogue among all stakeholders. Development of the goals of the Action Agenda, Mr. Lee continued, was based on ideas and lessons learned that had been discussed during the listening sessions.

In closing, Mr. Lee reiterated that the Action Agenda advocates a new way of doing business. A new way of business will be formed through integrative technology, collaborative partnerships, community-based capacity-building, and the targeting and leveraging of resources, he explained, and will lead to a truly proactive and comprehensive community-based approach to problem-solving.

Ms. Shepard asked how communities could begin to gain access to the process outlined in the Action Agenda. Mr. Fields responded that many Federal agencies already had identified communities that they would like to include in the next round of interagency demonstration projects. In addition, EPA soon will post a notice on its Internet Web site to request that communities that wish to be considered for a demonstration project submit applications by the end of March 2001, he said. Selection criteria would be developed, he continued, suggesting that such criteria might include the willingness of two or more Federal agencies to participate and provide resources to assist the community in dealing with environmental justice issues and the existence of a demonstrated need or a documented environmental justice concern that adversely affects the community. The IWG will review the applications and make selections for the next round of projects, said Mr. Fields.

Mr. Alberto Saldamando, International Indian Treaty Council and proxy for Mr. Arnaldo Garcia, chair of the International Subcommittee, commented that Executive Order 12898 mandates that Federal agencies identify communities that are affected by the activities of those agencies. He stressed that the Federal agencies should make a commitment to identifying those communities themselves, rather than waiting for a community to organize an initiative and secure the participation of Federal agencies. Agreeing, Mr. Lee responded that Federal agencies should be proactive, but, he added, communication from the communities themselves is essential, as well. Federal agency action can not be done in the absence of extensive communication, input, and leadership from communities themselves, Mr. Lee emphasized.

Mr. Fields then explained that all the candidate projects, as well as those selected as IWG demonstration projects, will be announced to the public. He stated that several candidate projects, particularly those at which significant concerns about energy or military issues have been identified, had been called to the attention of the IWG by various Federal agencies because they say they can better address concerns if other Federal partners assist them. Other projects had been suggested by communities, he continued. Mr. Fields added that the IWG had been pleased to hear from private-sector entities that wished to become involved in the IWG demonstration projects and expressed willingness to work with communities and local, state and Federal governments to address environmental justice concerns.

3.3 Panel 3: Individual Federal Agency Panel Presentations

Mr. Lee introduced the third panel session, explaining that the panel discussion was intended to provide a thoughtful review of the progress that had been made in integrating environmental justice into the policies, programs, and activities of all Federal agencies. Rather than a "report card," he explained, the session was meant to provide a review of the accomplishments, challenges, and barriers experienced by the individual agencies and to identify opportunities for addressing environment justice in the future. Exhibit 1-6 describes the focus of the panel.

3.3.1 U.S. Department of Justice

Ms. Lois Schiffer, Assistant Attorney General, DOJ, focused her presentation on three areas: DOJ's work in environmental litigation; coordination of civil rights efforts; and DOJ's community-based programs. The role of DOJ under the Executive order, she explained, is to implement the principles of the Executive order in all litigation. Ms. Schiffer added that, as Assistant Attorney General for DOJ's Environment and Natural Resources Division, her job is to enforce the nation's environmental laws; defend the actions of Federal agencies in environmental lawsuits; and work on cases related to public lands that involve natural resources, wildlife cases, land condemnation cases, and some issues related to Indian tribes.

FOCUS OF PANEL 3



The intent of the panel presentations was to be both retrospective and prospective. Emphasis was placed on what lessons could be learned to shape recommendations for better and more effective integration of environmental justice into the policies, programs, and activities of Federal agencies. Each agency was requested to focus on examples of particularly notable lessons, both positive and negative. Each agency also was asked to recommend strategies that may be pursued to more fully incorporate environmental justice into its mission, as well as to achieve better integration in all Federal agencies. Special emphasis was placed on how existing laws and regulations have been used to integrate environmental justice into the work of the agencies.

One of the key principles of environmental justice, continued Ms. Schiffer, is meaningful community participation in agency decisionmaking. She added that community participation is one of the most important legacies of the environmental justice movement and is the concept DOJ has worked most assiduously to incorporate into environmental litigation. As an example, Ms. Schiffer stated that DOJ had sought the views of affected communities in the settlement of affirmative civil enforcement cases. Comment from affected communities was particularly helpful when DOJ was considering injunctive relief to cleanup problems and when the department was exploring the component of settlements known as supplemental environmental projects (SEP). Ms. Schiffer explained that SEPs are environmentally beneficial projects the defendants in such enforcement cases agree to undertake to settle the enforcement actions. SEPs are efforts that the company is not legally required to take action on, but which the company undertakes in addition to

the payment of a civil penalty and injunctive relief, she said. Continuing, Ms. Schiffer stated that a SEP project must have a connection, or “nexus,” with the underlying violation and that SEPs usually directly benefit affected communities.

DOJ puts much effort into consultation with environmental justice communities when selecting SEPs, she said. For example, Ms. Schiffer stated, DOJ resolved some complaints under the Clean Air Act (CAA) against the city of Chicago, Illinois that arose from the operation of a now-closed municipal incinerator. The incinerator, she explained, is located on the near west side of Chicago, a community that has a significant low-income and minority population. Soon after DOJ notified the city of the pending enforcement action, the facility began the process of community outreach with a grassroots umbrella organization, the West Side Alliance for a Safe, Toxic Free Environment (WASTE), which was made up of more than 20 community-based groups, she

continued. As the litigation went forward, DOJ met with the leaders of the group on several occasions and held community meetings. Under the terms of the settlement, the city agreed to pay a civil penalty of \$200,000 and perform SEPs that were valued at \$700,000. The SEPs, the selection of which the community had significant involvement, included two brownfields projects and two lead abatement projects, added Ms. Schiffer.

Continuing, Ms. Schiffer said that another effective means of achieving environmental protection and environmental justice is the development of initiatives that focus on particular problems. Over the past two years, she explained, DOJ, the U.S. Department of Housing and Urban Development (HUD), EPA, and state and local governments around the country had embarked on a nationwide initiative to enforce the Residential Lead-Based Paint Hazard Reduction Act. The legislation, she said, requires that landlords and sellers of older housing warn prospective tenants and buyers of the dangers of lead paint and disclose information about lead paint in buildings. Ms. Schiffer then stated that, in the past year, DOJ had secured a number of settlements with major landlords in the District of Columbia. One result, she reported, had been the provision of more than \$2 million for measures to prevent lead poisoning, such as inspections, abatement projects, and community-based projects, and the provision of portable blood measuring devices that can be used to test blood lead levels in children.

Ms. Schiffer stated that other coordinated enforcement efforts that benefit low-income and minority communities include DOJ's continuing role in Superfund enforcement to clean up hazardous waste sites and help to redevelop brownfields properties in consultation with affected communities. Ms. Schiffer explained that DOJ had been involved in promoting brownfields redevelopment through (1) completing its Superfund cases; (2) playing a role in approving prospective purchaser agreements; and (3) taking steps to protect a prospective buyer from liability under Superfund for existing contamination caused by previous property owners if the purchaser had no role in causing that pollution. In return, prospective purchasers typically agree to pay for or perform some of the response actions at the site by providing reassurance to buyers of contaminated lands on the issue of their liability, she said. Prospective purchase agreements, she pointed out, do not provide protection for prospective purchasers who create new contamination or to those that were involved in causing the contamination already present at the site.

In all the cases she had described as examples of litigation support, Ms. Schiffer emphasized, DOJ is one player in coordinated interagency efforts to "bring the pieces of the puzzle together."

Turning her attention to DOJ's role in the enforcement and implementation of civil rights laws, Ms. Schiffer stated that the Attorney General is charged by Executive Order 12250 with coordination of action taken under Title VI of the Civil Rights Act of 1964 (Title VI), and implementation and enforcement of Title VI.

Over the past few years, said Ms. Schiffer, DOJ's Environment and Natural Resources Division and Civil Rights Division have worked to coordinate Title VI issues as they relate to environmental justice. The Coordination and Review Section had committed a significant percentage of its resources to consulting on and coordinating Title VI complaints that raise environmental justice issues, she said. Many of the complaints involve a number of agencies, and the Civil Rights Division is in a unique position to bring the various parties together, she added.

For example, she said, DOJ's Coordination and Review Section currently was coordinating the response to Title VI complaints filed with the U.S. Department of Defense (DoD), EPA, the U.S. Department of Health and Human Services (HHS), and HUD related to the cleanup and reuse of Kelly Air Force Base in San Antonio, Texas. In a sense, she noted, DOJ's Civil Rights Division is acting as "the glue for the separate pieces of the puzzle."

DOJ also works with other agencies to promote environmental justice through community-based programs, said Ms. Schiffer. As an example, she described, Operation Weed and Seed, a community-based strategy that focuses on "weeding out" crime, drug abuse, and gang activity and "seeding" human services and neighborhood revitalization. Local Weed and Seed programs, she explained, are guided by steering committees operated through the offices of the United States Attorneys, and the mayors, chiefs of police, district attorneys, and residents of communities. All the partners work together to improve quality of life in targeted communities, she said. Recently, she continued, the Weed and Seed Program Office had conducted a nationwide survey of the approximately 250 sites in the program to identify environmental concerns. On the basis of the results of that survey, she said, DOJ had selected four sites for follow-up assistance: St. Louis, Missouri; Dade County, Florida; Portland, Oregon; and Phoenix, Arizona. DOJ soon will convene

meetings at each of the four sites to better identify and understand the environmental issues each community faces and to develop a strategy for addressing such problems.

Continuing, Ms. Schiffer stated that another example of a DOJ community-based program that promotes environmental justice is the Community-Oriented Policing Services (COPS) program. The COPS program provides funds and trains law enforcement officials in community-oriented policing, a community-driven approach to law enforcement and problem-solving, she explained. Recently, DOJ had been working with COPS, EPA, and the U.S. Department of the Interior (DOI) to explore ways in which environmental protection can be incorporated into the community policing model, she said. Under one such project, environmental training for police officers is being incorporated into the basic COPS training program, she stated. She added that DOJ had worked with Indian tribes in the COPS program, as well. She added that funding under the COPS program is available to fund environmental officers.

Concluding her remarks, Ms. Schiffer emphasized that DOJ and other Federal agencies had been working hard to put together the “pieces of the puzzle” and solve the complex, multi-jurisdictional and multi-dimensional problems that face low-income, minority, and Native American communities. Much remains to be done, she stressed. Further, she stated, the collective wisdom and efforts of the affected communities, Federal agencies, tribes, states, industry, and other stakeholders are needed. It is up to the people present to maintain pressure on the next administration to ensure that it continues to work on the puzzle, she stated, citing the Chinese proverb: “The person who says it cannot be done should not interrupt the person who is doing it.”

Ms. Ramos then expressed her appreciation to DOJ for proceeding against what she termed as “the criminal acts” of the government-owned power plants in Puerto Rico. However, she stated, the plants have not complied with the terms of the probation, but DOJ had taken no action in response to that failure. Ms. Ramos then asked that DOJ revise its policy to oppose in court the reimbursement of legal fees to affected communities, especially when the expenses would be paid by violators. She stated that the policy is incompatible with the principles of environmental justice.

3.3.2 U.S. Department of Defense

Ms. Sherri Goodman, Deputy Under Secretary of Defense for Environmental Security, DoD, presented an overview of progress DoD has made in implementing Executive Order 12898. Most recently, she began, DoD had hosted a stakeholder forum in St. Louis, Missouri to provide community members and citizens a final opportunity during the current administration to talk to defense leaders about cleanup activities in their communities and to express their views about ways to improve the Department’s efforts in the future. Several individuals representing environmental justice communities in the vicinity of such sites as the Defense Depot, Memphis, Tennessee (DDMT); Kelly Air Force Base; and the Hunter’s Point Naval Shipyard had attended the forum, she said. They had expressed great concerns that DoD is not doing enough to address the minority communities and low-income populations living and working in those communities, she continued.

Ms. Goodman stated that, after listening closely to the testimony about DoD’s activities at DDMT and the health concerns of local citizens, she had become very concerned that DoD could be doing more. Ms. Goodman said that she had asked her staff to meet with the lead health investigator at the Agency for Toxic Substances and Disease Registry (ATSDR) to discuss how DoD could help that particular community. Together, she continued, her staff and ATSDR had developed some ideas, and they are working directly with the community to determine whether those ideas would be beneficial. One promising idea is the possibility of providing surplus government property, such as computers or trailers, to the community for use in establishing more accessible health care facilities, she said, much in the same manner as when the U.S. Air Force recently had transferred surplus trailers to an Indian community to be used to provide much-needed housing.

Continuing, Ms. Goodman discussed other concrete actions DoD had taken to implement the Executive order. After President Clinton signed the Executive order, she explained, DoD took steps to design an implementation strategy that focuses on institutional changes, rather than one-time events, to implement the Executive order, she said. She explained that DoD first had identified five principles of strategy: (1) promotion of partnerships with all stakeholders; (2) identification of impacts of DoD activities on communities; (3) streamlining of government; (4) improvement of day-to-day operations at installations that are

related to environmental justice concerns; and (5) fostering of non-discrimination in all DoD programs and activities.

Continuing, Ms. Goodman stated that DoD had issued to its military departments and agencies regulations based on that strategy, requiring that an analysis of the impacts of proposed actions on minority and low-income populations be performed as part of DoD's implementation of NEPA. Each of the military departments had issued correspondent requirements for its environmental justice analyses, she explained. She cited the following examples:

- U.S. Department of the Navy (Navy) had issued policy guidance with the goal of having all Navy commands include environmental justice considerations in evaluating applicable mission-related activities, she said. In addition, the Navy had incorporated an environmental justice guidance into its installation planning, design, and management guide and into the Marine Corps Environmental Compliance and Protection Manual.
- Department of the Air Force had issued similar guidance based on its experiences with several environmental impact statements and other planning activities, usually in urban areas or built-up areas of small towns. The guidance focuses on the determination of potentially disproportionate adverse effects on low-income and minority populations.

DoD's work with Native American tribes also falls under the Executive order, said Ms. Goodman. In 1998, she explained, then Secretary of Defense William Cohen had signed the first formal DoD policy governing how DoD would work with Federally recognized tribes. Noting that the policy is truly a milestone for DoD, Ms. Goodman stated that she believed the policy is the most comprehensive policy among those of all Federal agencies, adding that it exceeds the requirements of the Presidential memorandum on government-to-government relations with Federally recognized tribes and the Clinton administration's Executive order on consultations with Indian tribal governments. The policy brings uniformity to DoD's interactions with tribes and helps DoD meet its responsibilities under the Federal Trust Doctrine, treaties, and other obligations, she continued. The policy also establishes the groundwork that allows tribes to function as equal partners in DoD actions that affect them, she said. For example, she continued, DoD actively uses

cooperative agreements to assist tribes in working directly with DoD to address the environmental effects of its actions on tribal land.

Such cooperative agreements create a partnership between DoD and the tribal government, she explained, enabling the tribe to play a significant role in mitigation efforts in projects carried out on their lands, while also providing them opportunities for capacity-building. Cooperative agreements provide a mechanism through which DoD and the tribes can work cooperatively to mitigate adverse environmental effects and enable a tribe to receive technical assistance and training so that it can function as an equal partner, she said. During the past three years, she continued, DoD had entered into cooperative agreements with more than 16 Federally recognized tribal governments or tribal consortia. DoD had received funding to support those cooperative agreements, assist in training, and enable tribal organizations to undertake some of the cleanup and environmental mitigation work, she added.

Continuing, Ms. Goodman stated that in addition to developing policies and guidance documents, DoD had reached out to environmental justice communities through restoration advisory boards (RAB). She explained that RABs provide communities affected by DoD's cleanup activities the opportunity to participate in the environmental restoration process and provide comment on DoD's decisions about cleanup. To assist RABs in understanding the restoration process and how it affects them, DoD makes technical assistance for public (TAP) grants available to support independent technical consultation and scientific advice, she said. RABs empower members of communities to take an active role in the protection of their health and safety and that of the environment, she continued. The understanding that grows out of such partnerships increases trust among members of the community, as well as the community's confidence in the environmental restoration activities when that process is working well, she said. Ms. Goodman acknowledged that some efforts are not successful in some communities, adding that she had heard from representatives of such communities in a meeting she had attended that day. However, she pointed out, of the more than 250 RABs operating nationwide, only a handful have not been successful.

Highlighting another example of community outreach, Ms. Goodman discussed an effort of the Defense Logistics Agency (DLA) that focuses on youth. In California, she explained, a partnership

between DLA and youth of the local community rescued the endangered Palos Verdes blue butterfly from extinction. The Palos Verdes blue butterfly had been thought to be extinct, she continued, but had been found several years earlier to live only on a fuel depot located south of Los Angeles. The rescue not only saved a rare species, but also provided skills and opportunities for a number of disadvantaged youth in the community, she continued. One former member of a gang who had served time in prison, currently is employed at the DLA depot where he supervises the effort to breed more than 1,000 butterflies to maintain the endangered species. Ms. Goodman acknowledged that not every project is as successful as that particular effort, but expressed the hope that DoD would be able to implement more such efforts in the future.

Ms. Goodman then stated that DoD also provides technical assistance outreach directly to minority academic institutions, including historically black colleges and universities (HBCU), institutions that serve Hispanic populations, and tribal colleges and universities. Such technical assistance, she said, includes information about the organizations, missions and responsibilities of various components of DoD, and the programming and budgeting processes, as well as information about the acquisition process and preparation of bids and proposals. Ms. Goodman explained that the overall purpose of the program is to present opportunities for minority academic institutions to participate in DoD's contracts, grants, and programs.

Continuing, Ms. Goodman stated that DoD is implementing its policies and ensuring that personnel understand the Executive order through training efforts. DoD has produced an environmental justice videotape that explains to military and civilian personnel the requirements of the Executive order on environmental justice and the effect of the Executive order on the policies and programs of DoD. The goal of the effort is to increase awareness of environmental justice among military and civilian personnel and to infuse the spirit and intent of the Executive order into DoD's decisionmaking process, she explained. For example, DoD has recently embarked on an aggressive program to provide sensitivity training in American Indian and Alaskan Native cultures to military and civilian personnel who work with tribes, she said. The training provides DoD personnel at all levels an understanding of DoD policy applicable to American Indian tribes and Alaskan Natives villages and of the need to interact with tribes on a government-to-government basis, she explained.

Ms. Goodman informed the participants that DoD maintains an environmental justice web site; many documents, brochures, and pamphlets on environmental justice are available on the web site, she noted. To communicate with the environmental justice community, DoD also uses other media such as conferences, meetings, workshops, and postings in community newspapers. Bilingual versions of printed materials also are available, she said. She added that the Army's Chemical Demilitarization Program also makes a number of documents available for distribution, both through the Internet and by other means. She explained that the Chemical Demilitarization Program is responsible for identifying and disposing of chemicals at more than 200 known and suspected sites around the country, including eight stockpile sites and numerous non-stockpile sites. Some of the sites are located in minority or low-income communities, she said. The program is taking an aggressive approach to ensuring that minority and low-income communities are aware of all actions that may be taken to dispose of the materials, continued Ms. Goodman. For example, program officials plan to compile census tract data for each potential site to determine accurately whether minority or low-income populations reside in the vicinity of the site, perform site-specific research for outreach consultation purposes, and conduct risk communication and cultural sensitivity training for personnel responsible for cleanup operations, she explained.

Turning her attention to the IWG's environmental justice demonstration projects, Ms. Goodman stated that DoD was taking the lead in two of the 15 pilot projects supported by the Action Agenda. A pilot project led by DoD addresses environmental concerns on the Annette Islands Indian Reserve located in southeast Alaska, she continued. Through a partnership with Federal, tribal, and local government agencies and organizations, she explained, an approach for cleaning up contamination on the reserve is being developed. The master plan addresses land use and future development on the reserve, she added. To date, five Federal agencies had been involved actively in investigating and cleaning up contamination on the reserve, she continued. Benefits the pilot project brings to the community include the establishment of a collaborative relationship between the tribe and Federal officials, protection of the customary and traditional use of food resources, enhancement of tribal capacity to manage and conduct environmental programs, and provision of Federal technical assistance.

Concluding her remarks, Ms. Goodman acknowledged that DoD can and should do more for communities in the vicinity of its installations. DoD must be a good neighbor to the communities in which those installations are located, she said. Ms. Goodman stated that she believed that DoD had made enormous progress in earning the trust of communities located near their facilities, but acknowledged that DoD work remains to be done. Continuing, she stated that she hoped that the effort DoD had begun under the current administration will maintain its momentum and that, with the help of the NEJAC and the Federal Facilities Working Group, DoD will be able to help “write the next chapter on environmental justice interaction” in a way that helps establish levels of trust that lets DoD accomplish its mission, while addressing the real health concerns of citizens. In that way, she said, DoD will continue to be a good neighbor in the community.

Ms. Miller-Travis asked Ms. Goodman how the participation of environmental justice organizations in San Antonio, Texas, was being incorporated into the RAB process at Kelly Air Force Base. Ms. Goodman responded that Kelly Air Force Base conducts an extensive public outreach program in addition to the activities of the RAB. She acknowledged, however, that the community continues to be concerned about health problems. Ms. Goodman stated that the Air Force was continuing to work on addressing those concerns. She explained that the situation at Kelly Air Force Base is difficult because many complicating factors are present, not only on the base, but also in the community. Ms. Goodman then stressed that the Air Force is committed to addressing the problems at Kelly Air Force Base.

Directing several comments to the representatives of DoD, Mr. Goldtooth informed Ms. Goodman that military fly-bys commonly disrupt a religious ceremony on the Lakota Reservation at Standing Rock, South Dakota, despite numerous requests by the Lakota that DoD discontinue the fly-bys during the ceremony. Mr. Goldtooth then commented on the issues surrounding the cleanup of formerly used defense sites (FUDS) in Alaska. That serious issue, said Mr. Goldtooth, had received little management attention or funding; he then asked representatives of DoD to address the issue. Finally, Mr. Goldtooth commented that DoD seems to have immunity from environmental laws.

Ms. Goodman referred Mr. Goldtooth to Mr. Len Richeson, DoD’s Environmental Justice Coordinator, who she said would assist in obtaining action on the issue of the military fly-bys

over the Lakota Reservation during religious ceremonies. In response to Mr. Goldtooth’s comment about the FUDS program, Ms. Goodwin stated that she was working to double the funding of the FUDS program for the next fiscal year. Continuing her response to Mr. Goldtooth’s comments, Ms. Goodman stressed that DoD is not exempt from environmental laws and stated that DoD, like all other Federal agencies, must comply with environmental laws.

Addressing the issue of DoD’s commitment to international environmental justice issues, Ms. Goodman stated that DoD had been involved heavily in negotiations related to climate change. She pointed out that DoD had decreased by two-thirds the greenhouse gas emissions from military operations and other DoD activities. Ms. Goodman stressed DoD’s commitment to making a significant contribution to the effort to reduce persistent organic pollutants (POP) in the global environment.

Mr. Saldamando commented that the Executive order requires Federal agencies not only to examine the effects of their previous activities but also to evaluate their current programs and policies that have a significant effect on environmental justice. He stressed that, if environmental justice is addressed at the policy level, environmental injustices can be avoided. For example, he continued, the IWG Action Agenda identified Fort Belknap as a community that suffers disproportionate environmental degradation; however, DoD is considering installing a bombing range in the same community. If environmental justice were to be incorporated into DoD’s policy, he pointed out, such a situation could be prevented.

3.3.3 U.S. Department of Energy

Dr. Carolyn Huntoon, Assistant Secretary for Environmental Management, U.S. Department of Energy (DOE), focused her presentation on DOE’s environmental justice activities and accomplishments. Dr. Huntoon first stated that environmental justice had become a part of the fabric of DOE’s programs and policies. She emphasized that the programs and policies implemented by DOE had benefitted low-income, minority, and indigenous communities and that DOE had taken action to institutionalize environmental justice within the culture of the Department.

Dr. Huntoon stated that DOE had achieved a number of successes. For example, she said, the Environmental Justice Resource Center, which is sponsored by DOE, had become the nation's premiere institution of its kind. Located at Clark Atlanta University, the center serves as a research, policy, and information clearinghouse for issues related to environmental justice, race, the environment, civil rights, land use planning, and other equity issues, she said. DOE also has entered into a cooperative agreement with the National Conference of Black Mayors, she added. Under the cooperative agreement, she explained, DOE is assisting in the effort to rebuild the city of Princeville, North Carolina, which was almost destroyed by Hurricane Floyd in 1999. In addition, DOE's Samuel B. P. Massey Chairs of Excellence Program, which supports environmental experts of national and international renown from nine HBCUs and one Hispanic-serving institution, is assisting the National Conference of Black Mayors and disadvantaged communities in improving sewage systems and solid waste incineration facilities and in addressing other municipal environmental issues, she continued. The Massey Chairs also assist educationally disadvantaged students in grades kindergarten through 12 who reside in small towns and rural areas by providing them with opportunities to participate in environmental research and earn college scholarships, she said.

Continuing, Dr. Huntoon stated that DOE's Office of Efficiency and Renewable Energy provides throughout the United States a home modernization program for more than 80,000 low-income residents. Further, she added, recognizing the increasing need for communications in an increasingly digital world, DOE has provided disadvantaged communities with the technology and the training needed to participate in that world. For example, she said, DOE, in partnership with EPA, provided to the Hyde Park/Aragon community in South Carolina located near DOE's Savannah River site, used computers and training to research enforcement issues affecting the community. Ultimately, members of the community used their new-found expertise to apply for and win an EPA brownfields grant to clean up areas affecting their community.

Turning her attention to the institutionalization of environmental justice within DOE, Dr. Huntoon stated that DOE maintains an environmental justice coordinator in its Office of Economic Impact and Diversity and has designated points of contact for environmental justice issues in each of its major programs and field centers, she said.

Environmental justice considerations have been incorporated into DOE's NEPA review process, she added.

Dr. Huntoon stated that an increasing number of DOE offices offer training in environmental justice to educate and sensitize managers and staff. DOE's Office of Environment, Safety, and Health conducts health studies in communities near DOE sites, she added. In addition, DOE's Office of Energy Efficiency and Renewable Energy is using environmental justice considerations in its review process for awarding funding, she said. She then stated that another ongoing DOE activity is an aggressive public information outreach effort designed to reach all affected peoples and communities. That effort, she reported, includes the following activities:

- DOE's Office of Energy Efficiency and Renewable Energy's Center for Sustainable Development operates a bilingual web site that provides information about "green building," transportation, rural issues, efficiency in the use of resources, and economic issues.
- DOE's Center for Environmental Management Information provides information about the Department's environmental management program, including distribution of the Executive order and DOE's environmental justice strategy and maintaining the center's Environmental Justice web page.
- DOE's Office of Environment Management is working in partnership with EPA's Office of Federal Facilities Restoration, Savannah State University, and Citizens for Environmental Justice, to support workshops and public involvement programs for communities near the Savannah River site that have suffered adverse effects as a result of conditions at that site. Activities include community workshops that provide hands-on training, literature and exhibits on environmental radiation, weekly radio programs, and interaction with site managers and members of the Savannah River Citizen Advisory Board.

Concluding her remarks, Dr. Huntoon reiterated that DOE is an active participant in the IWG and had taken the lead on several interagency demonstration projects. She stressed that DOE had made a commitment to environmental justice, but acknowledged that much more remains to be done. She stated that it is in the common interest of the entire nation to be able to live in a clean, safe, and healthy environment.

3.3.4 U.S. Department of Transportation

Mr. Ronald Stroman, Director of the Office of Civil Rights, U.S. Department of Transportation (DOT), explained that DOT's essential approach to environmental justice has been to attempt to influence "the front end" of the planning process for transportation projects around the country. He stated that DOT was optimistic that the department would be able to issue a final rule on the joint planning process of the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) before the end of the current administration. Mr. Stroman stated that DOT expected that concerns, analysis, and approaches related to environmental justice would be included in that final rule.

Mr. Stroman explained that DOT's planning process requires that local metropolitan planning organizations (MPO) devise a recommended plan for transportation projects. He added that DOT's proposed rule builds on a memorandum that was issued in October 1999 by the FHWA and the FTA that clarified the procedure for including consideration of environmental justice issues as part of that planning process. Before the memorandum was issued, he said, environmental justice issues were paid "lip service" in the review of the planning process by local MPOs. That, however, is no longer the case, he said. For the first time in the history of DOT, continued Mr. Stroman, two local MPOs had been given conditional certification under which they are required to reexamine their plans and incorporate environmental justice concerns into the analysis of transportation projects in their regions.

Discussing another DOT approach for incorporating environmental justice, Mr. Stroman explained that, several years earlier, DOT had received a notice of intent to bring law suits against DOT from a number of environmental justice organizations in the Atlanta, Georgia area. After meeting with the environmental justice groups in Atlanta, the groups had agreed to the conduct of a two-part environmental justice review of the Atlanta area, in lieu of litigation, he said. After conducting an investigation, DOT developed a public participation approach that included local environmental justice organizations, as well as the Georgia Department of Transportation, the Atlanta Regional Transportation Commission, and the Metropolitan Atlanta Regional Transit Agency, the local transit agency, he stated. The approach consisted of some 25 recommendations for implementing change in the public participation process in the metropolitan Atlanta area, he said.

The second phase of the review includes an analytical analysis of the benefits and burdens of transportation projects in the Atlanta area, continued Mr. Stroman. DOT had hired an independent organization to conduct a study over the next several years and to develop a method of measuring the effects of transportation projects on low-income and minority communities in the Atlanta area, he explained.

Continuing, Mr. Stroman reported that DOT had settled an environmental justice lawsuit involving the Jersey Heights neighborhood near Salisbury, Maryland, a predominantly African-American community that had been uprooted when U.S. Route 50 was built. After the community was resettled, the state of Maryland had undertaken an effort to build another highway project that would have had an adverse effect on the community. Mr. Stroman explained that the outcome of the settlement had been a "win-win" result for the community and the state of Maryland. That settlement had set the stage for the way in which DOT had begun to address environmental justice complaints in the future, he said. DOT has established an Environmental Justice Review Committee made up of senior officials of DOT who discuss, share information on, and coordinate considerations of environmental justice on transportation projects on minority communities and low-income communities throughout the country, he explained. Through the efforts of the committee, he continued, DOT has expanded the application of the principles of environmental justice beyond the FHWA and the FTA.

Mr. Stroman then listed other examples of the integration of environmental justice into the activities of DOT, including:

- Implementation of major environmental justice analysis of the effect of a pipeline in minority and low-income communities in Texas, a task that falls under DOT's responsibility to regulate the safety of interstate pipeline.
- Application of environmental justice principles in the actions of the U.S. Maritime Administration in the area of scrapping of ships and to the Federal Aviation Administration in the area of airport expansion.
- Development of a better coordinated, team effort to address complaints related to environmental justice and Title VI.

- Provision of training and workshops on the principles of environmental justice for staff of DOT, local departments of transportation, and MPOs.

Ms. Miller-Travis expressed her opinion that MPOs are “woefully” lacking in diversity and most often are not representative of the metropolitan areas that they serve. She added that, if MPOs remain the principal instrument for local transportation planning, DOT would remain exclusive of the needs and concerns of environmental justice communities. Ms. Miller-Travis then asked Mr. Stroman how DOT’s implementation of Title VI differs from EPA’s implementation plan. Mr. Stroman responded first that he agreed with her statement about MPOs. He explained that MPOs operate on a one vote per jurisdiction basis. New York City, for example, may have exactly the same representation as a suburban area in the region and, therefore may be outvoted consistently when transportation projects are considered, he said, despite a larger population. DOT is exploring options for instituting a proportional voting representation system, he continued. With regard to implementation of Title VI, he then stated, DOT currently was revising its Title VI procedures to make them more consistent with EPA’s plan.

3.3.5 U.S. Department of the Interior

Mr. Willie Taylor, Director, Office of Environmental Policy Compliance, DOI, provided an overview of DOI’s Environmental Justice Strategic Plan. He began his presentation by explaining that DOI’s overall mission is to protect and to provide access to the nation’s cultural and natural resources and to honor its trust responsibilities to tribes. He also explained that DOI is made up of eight major bureaus: the Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM), the Bureau of Reclamation, the Minerals Management Service, the National Park Service (NPS), the Office of Surface Mining, the U.S. Fish and Wildlife Service (FWS), and the U.S. Geological Survey (USGS). Together, the bureaus are responsible for more than one-half billion acres of land, he continued. Mr. Taylor stated that DOI’s Environmental Justice Strategic Plan provides a method for coordinating each individual bureau’s environmental justice efforts. The plan, which Mr. Taylor noted is available on DOI’s web site, includes a natural resources component.

To implement the plan, explained Mr. Taylor, the bureaus have on staff environmental justice coordinators who focus their efforts on (1) cooperating with other Federal agencies, state and

local governments, and communities; (2) ensuring the protection of cultural and natural resources; and (3) fulfilling the trust responsibilities to American Indians and Alaskan Natives.

Citing examples of efforts to implement DOI’s Environmental Justice Strategic Plan, Mr. Taylor stated that DOI’s Office of Surface Mining had provided \$25 million to the Appalachian Clean Streams Program, an initiative undertaken to clean 68 streams and address acid mine drainage that affects those streams. In addition, DOI had played an integral role in 4 of the 15 environmental justice demonstration projects, including Bridges to Friendship, the Metlkatla Indian Community Unified Interagency Environmental Management Task Force, the New York City Alternative Fuel Summit, and the Environmental Justice in Indian Country Roundtable, he continued. See Section 3.4 of this chapter for a discussion of the interagency demonstration projects.

Continuing, Mr. Taylor explained that DOI had participated in and provided funding for the remediation of contamination caused by sheep-dipping operations located on the Navajo Reservation. The pesticides used in several of those operations can cause serious health problems, he explained. DOI is working to remediate two of those sites, he said. He then stated that DOI had worked with ATSDR to identify areas in which residents are experiencing health problems and to remediate contamination causing such problems.

Concluding his remarks, Mr. Taylor stressed that DOI is committed to working with the Federal community as a whole.

Ms. Lisa Guide, Acting Assistant Secretary for Policy, Management, and Budget, DOI, provided information about DOI’s responsibility for protection of the subsistence diet of Native Americans in Alaska, particularly efforts to address POPs in the American and Canadian Arctic regions. POPs, she explained, are industrial chemicals and pesticides that are by-products of industrial activities. Although most POPs are not produced in the American Arctic region, she explained, the region acts as a sink for POPs that are pulled there by air and water currents, or brought there by migrating species. In the winter, she added, the arctic front even extends into the continental United States and encompasses the northern part of the Great Lakes.

POPs and heavy metals have been detected in the traditional food sources of Native Americans in Alaska, such as marine mammals and fish, she continued, where they accumulate in the fatty tissues of mammals. As nutrients move up the food chain, the concentration of POPs is magnified, she said. Studies of the human health effects of POPs on Alaskan Natives are limited, she continued; however, toxicological data indicate that POPs can cause reduction of reproductive ability, decreased function of the immune system, impairment of neurological function, and developmental problems, she added. She added that nursing babies and developing fetuses are most vulnerable to the effects of POPs.

Research conducted in the Canadian Arctic indicates that the blood levels of polychlorinated biphenyls (PCB) among the native Inuit population average seven times higher than the average blood levels among non-Inuit Canadians, and is higher than that among Native Americans who do not reside inside the Arctic Circle, in the Aleutian Islands, or in the chain of Alaskan islands that lie near Russia – one of the areas thought to contribute POPs to the environment, she stated. She added that there are high levels of dichlorodiphenyltrichloroethane (DDT) in sea otters and killer whales in the North Pacific.

Continuing, Ms. Guide stated that the United States has a strong Clean Air Act (CAA) and an equally strong Clean Water Act (CWA). Enforcement of environmental laws in the United States, she said, has reduced the amount of POPs released to the environment from the continental United States. However, she continued, the production of POPs by other countries has offset the reduction the United States has achieved through domestic regulation. In the continental United States, 36 states still have fish advisories and other advisories in place, most issued in the Great Lakes region, because of the presence of POPs, she said. Native Americans and non-native Americans living in the Great Lakes region who rely on subsistence diets exhibit tissue levels of contaminant that are two to three times higher than the average level found in Americans who do not consume subsistence diets, she added.

To address POPs in the American Arctic region, Ms. Guide stated, DOI had initiated several efforts. In conjunction with the National Oceanic and Atmospheric Administration (NOAA) and the state of Alaska, DOI developed a report, *Contaminants in Alaska*, that focuses on the effects of POPs and the correlation between the presence of POPs in the Arctic region and their generation in the

continental United States, she explained. DOI will provide funding for more cooperative research on the subject and for monitoring, she said. DOI also had been working to strengthen partnerships with agencies and universities, continued Ms. Guide. Finally working with the U.S. Department of State and other Federal, state, tribal communities, DOI prepared an international treaty for reduction in the use of and the eventual banning of 12 hazardous POPs, she said. She explained that the proposed treaty soon would be sent to the United States Senate and to 120 other nations for ratification. In closing, she stated her hope that the international treaty would be signed in May, 2001.

Ms. Miller-Travis then asked Ms. Guide and Mr. Taylor about DOI's plan of action for responding to the high blood levels of POPs in the Inuit population. Mr. Taylor responded that DOI anticipates that adoption and implementation of the proposed International treaty discussed by Ms. Guide will help to reduce or alleviate exposure of the Inuit population. He acknowledged that DOI had not yet formed a plan for addressing past exposure. Mr. Taylor added that addressing the issue would require an interagency effort.

Regarding the proposed international treaty for the reduction of POPs, Mr. Goldtooth stated that he had been appalled at the lack of policy or commitment on the part of Federal agencies that the language of the treaty makes evident. Stating that Federal agencies have established policies and developed guidance for addressing environmental justice domestically, Mr. Goldtooth asked about the commitment of such agencies to environmental justice in international matters, such as the proposed treaty on POPs, climate change, and the United Nation Commission for Sustainable Development.

3.3.6 U.S. Environmental Protection Agency Region 6

Continuing the presentations of Federal agencies, Mr. Jerry Clifford, Deputy Regional Administrator, EPA Region 6, focused his comments on what he termed "food for thought" for the members of the NEJAC as they continue to fulfill their role in addressing environmental justice issues in the nation and around the world. Commenting that much of the day's discussion had focused on what had been accomplished under the current administration, he pointed out that much that agency officials had learned falls into three important areas: interrelationships, integration, and initiative.

Since the NEJAC was formed, Mr. Clifford stated, Federal agencies had received an extensive education in environmental justice and had taken effective steps in determining how to address such issues, primarily within their respective agencies and departments. As government agencies look to the future, he said, it is their responsibility to determine how they can coordinate their efforts so that they can approach a community together, covering a multiplicity of issues in unity. Agencies at all levels of government must learn to form interrelationships and work collaboratively to address the issues that are most pertinent to communities, he added.

As they look to the future, Mr. Clifford stressed, government agencies also must find ways to integrate the principles of environmental justice within their respective agencies and departments, so that a separate Office of Environmental Justice or equivalent will not be necessary. Government agencies must strive to implement programmatic environmental responsibilities under the environmental statutes and regulations in a manner that institutionalizes environmental justice issues in their everyday work, he said.

Mr. Clifford suggested that the NEJAC could help government agencies achieve that end by advising them about which agencies or programs have been or are becoming most successful in doing so and by identifying lessons learned.

Last, Mr. Clifford spoke about initiative and leadership. He stated that there is no question that the departments and agencies speaking today had accomplished more during the past eight years to address issues of environmental justice than at any earlier time. He noted that EPA could not have accomplished as much in the preceding eight years without the leadership of the administration of EPA. That leadership must continue at the national level, he said, but there is a need as well for similar initiative and leadership at the regional, state, and local levels. Mr. Clifford suggested that the NEJAC could be replicated at the regional level – that is, establish regional environmental justice advisory committees that could work through the IWG to help support interagency coordination.

Mr. Clifford commented that significant change in all agencies in the area of environmental justice cannot be accomplished simply through 15 pilot demonstration projects. He explained that agency partners could not devote the necessary resources for the demonstration projects and still have adequate resources to replicate the projects in hundreds and hundreds of similar communities

across the country. Therefore, governmental agencies must learn how to use the pilot projects to create institutional change, he said. Doing so will require leadership at the state, local, and regional levels, he stressed.

Concluding his remarks, Mr. Clifford agreed with the remarks offered by Mr. Goldtooth about international environmental justice issues. He then requested that, during future meetings, the NEJAC discuss how Federal agencies can begin the process of ensuring that the actions they take to address international environmental justice issues meet the same standards that they must meet in the United States.

3.3.7 U.S. Department of Labor

Mr. Roland Droitsch, Deputy Assistant Secretary, Office of the Assistant Secretary for Policy, U.S. Department of Labor (DOL), stated that several DOL programs and initiatives fit well into the environmental justice movement, he said. However, he explained, the principal area in which DOL had contributed and can contribute to environmental justice is through employment and training programs.

For example, continued Mr. Droitsch, DOL has been working with Partnership for Environmental Technology Education (PETE) to develop a number of courses that communities in need of job training and development programs can access. He explained that there are many career opportunities in the environmental technology field, such as careers in lead abatement and the cleanup of hazardous waste. He stated that environmental justice communities affected by economic as well as environmental problems, could access the programs.

Continuing, Mr. Droitsch stated that DOL also was involved with the National Training Collaborative for Environment Justice in educational efforts. He added that DOL also is a participant in a number of the IWG demonstration projects, including the Bridges to Friendship project in Washington, D.C.

Reflecting on the challenges encountered in the Bridges to Friendship project and other demonstration projects, Mr. Droitsch explained that the Federal and state agencies and local community-based organizations combined efforts to initiate the project, but encountered significant legal difficulties and problems related to laws governing appropriations. He stressed that identifying ways to resolve such problems is a key contribution of the demonstration projects.

Solutions developed through the efforts of the demonstration projects can benefit other communities in the future, he said. He then observed that the Bridges to Friendship project could transform the entire Anacostia River area in a way that supports community-based organizations and brings the entire area together.

Mr. Luke Cole, Center on Race, Poverty, and the Environment and chair of the Enforcement Subcommittee, expressed his disappointment that DOL's environmental justice program is quite limited, stating that occupational illness and injury affect people of color much more severely than non-minority individuals. Mr. Cole stated that DOL could and should do more to respond to Executive Order 12898.

Mr. Droitsch responded that, although DOL may not have been addressing such issues under the mantle of environmental justice, the Occupational Safety and Health Administration (OSHA) had been addressing issues of occupational illness and injury through a targeted approach, focusing its efforts first on the most dangerous sites and on segments of the workforce in which the incidence of illness and injury is high. He added that DOL's resources are extremely limited, especially when one considers the number of hazardous chemicals and conditions found at the nation's work sites.

Mr. Lee commented to Mr. Droitsch that, if his specific job description encompasses environmental justice, he should search far more broadly for ways to implement the Executive order in DOL's programs and activities than his presentation indicated is currently the case.

3.3.8 National Institute of Environmental Health Sciences

Dr. Charles Wells, Director, Environmental Health Sciences, National Institute of Environmental Health Sciences (NIEHS), focused his presentation on new NIEHS programs and changes in NIEHS policies that have been implemented in response to Executive Order 12898. He described several efforts underway at NIEHS:

- A community-based research project designed to implement culturally relevant prevention and intervention activities in disadvantaged and underserved populations that are exposed to adverse environmental contaminants. Currently, the project includes nine grants. An objective of the project is to refine scientifically valid intervention methods to strengthen the involvement of NIEHS with the communities that are affected by pollutants.

- NIEHS' environmental justice partnership for communication, which represents a NIEHS strategy for involving populations at risk of exposure to environmental pollution in shaping the research and allowing those populations to influence the day-to-day responsibility of NIEHS for such research. The communication program includes 15 active grants, although NIEHS was planning to fund 15 more grants in the near future.
- Environmental health research centers, each located at an academic institution. Three of the eight centers – located at the University of Iowa, the University of California at Davis, and Oregon State University – focus on environmental justice issues. A major NIEHS research program is the agricultural chemical minority health program, at which researchers at the centers are focusing on defining the risks posed to agricultural workers by chemicals used in the industry so that better prevention and intervention strategies can be developed to protect the health of those workers.

Researchers at the NIEHS environmental health centers, in partnership with the National Cancer Institute (NCI), also are conducting long-term agricultural health studies of farmers and pesticide applicators, as well as their families, to determine the real outcome of the exposures they undergo. Endpoints of the research are cancer effects, reproductive effects, endocrine disruptors, child development, asthma and other respiratory diseases, and other types of neurological effects and disease.

- Asthma studies, including the redesign of prior studies and the development of new studies. NIEHS currently is implementing a new study in five cities to assess the amount of increased risk for adverse respiratory health effects experienced by minority or disadvantaged children caused by ozone, aerosols, and other air pollutants. NIEHS, in conjunction with the National Institute of Allergy and Infectious Diseases (NIAID), also had implemented an inner-city asthma study. The objectives of the study are to design and develop asthma intervention methods in a health care setting that are aimed at reducing morbidity caused by asthma in a cost-effective manner.

Continuing, Dr. Wells discussed the efforts of NIEHS to address the issue of lead exposure in minority or disadvantaged communities. He stated

that NIEHS, in conjunction with the National Institute of Health (NIH) Office of Research for Minority Health, had instituted a clinical trial designed to evaluate the neurological and behavioral effects in individuals exposed as children to low levels of lead. The clinical trial is testing the effectiveness of a chelating drug, in reversing the neurobehavioral effects in children who have low to moderate blood lead levels. Dr. Wells pointed out that the project is unique in that it is aimed not only at developing intervention measures but also at developing therapy for the removal of lead from exposed individuals.

Another NIEHS lead study, continued Dr. Wells, is focused on the relationship between lead stored in the bones of pregnant women and low birth weight in babies. He explained that lead stored in the bones of a pregnant woman can be transferred across the placenta to a developing fetus.

Turning his attention to the changes in NIEHS policy initiated by Executive Order 12898, Dr. Wells explained that NIEHS had expanded its environmental justice efforts to address disparities in adverse health effects among various populations. Currently, NIEHS is the only institute at the National Institutes of Health (NIH) that has the responsibility for environmental justice, he said, but NIEHS is working to change that policy and is developing strategies to involve the other institutes at NIH in environmental justice issues.

Continuing, Dr. Wells stated that NIEHS conducts an outreach program that educates scientists on the importance of developing a knowledge of the populations with which they are working as partners. Further, he said, NIEHS maintains a job training program for minority and inner-city youth, educating them to identify and address environmental problems in their own communities. The job training program is implemented in conjunction with EPA, he added. Another program, he said, focuses on increasing the number of minority individuals involved in research in the environmental health sciences.

Concluding his remarks, Dr. Wells stated that, since the Executive Order had been issued, NIEHS had changed its policy and worked to implement strategies in all its programs designed to empower people in communities that are victims of environmental injustice.

Ms. Ramos urged the panelists representing health agencies to acknowledge that Puerto Ricans are a distinct ethnic group and have health problems that differ from those commonly experienced by other Hispanic groups, particularly in the case of illnesses related to asthma.

3.3.9 Health Resources and Services Administration

Dr. Hubert Avent, Director for Urban Health, Bureau of Primary Health Care, Health Resources and Services Administration (HRSA), an agency of HHS, began his presentation by stating that only through an integrated approach to health service delivery can HRSA begin to address the issues that face the many underserved communities in the country. Therefore, he stated, the mission of the Bureau of Primary Health Care in the future would be to increase access to comprehensive primary and preventive health care and to improve the health status of underserved and vulnerable populations through a comprehensive plan that takes into consideration primary care and community, economic, environmental, and human development.

Dr. Avent said that HRSA currently was funding more than 800 community health centers. He explained that if a community health center is to receive funding, the community-based organization that serves as the grantee must agree that the health center will provide all five cycles of care – from prenatal to gerontological – and must provide hospitalization services, including on-call service. Therefore, he said, the 800 community-based organizations funded by HRSA had established 3,700 clinic sites. The clinics employ more than 2,500 medical physicians, as well as more than 2,500 mid-level medical professionals, he said. Total employment in the Community Health Center Program is approximately 57,000 nationally, he added, noting that many of those individuals are residents of communities affected by environmental and health problems.

Dr. Avent explained that the operational budget of the Community Health Center Program is approximately \$2.8 billion, but, he added, less than \$900 million is provided by the Federal government. The remainder is generated through payments by patients, he stated, observing that good health includes the opportunity to participate in health care.

Reiterating the need for an integrated delivery system, Dr. Avent stated that all Federal agencies are partners and it takes a team to take care of one patient. In 1998, as part of HRSA's ongoing effort to improve the quality of health care, he said, HRSA entered into a memorandum of understanding (MOU) with ATSDR to implement strategies for building the capacity of environmental medicine in the HRSA Community Health Center Program. The goal of the project is

not only to provide training in environmental medicine to providers in community health centers, he said, but also to provide such training to all the providers who work with and have been partners with HRSA in terms of capacity to deliver services throughout the country.

Continuing, Dr. Avent stated that HRSA recently had entered into an agreement with CDC to develop a program called the Community Health Outreach and Educational Services Program. The program will use the existing infrastructure of community health centers to disseminate information about disparities in adverse health effects among various populations. Commenting on the success of this effort to use the existing infrastructure to implement a new program, Dr. Avent encouraged officials of other agencies to perform an asset inventory in their agencies to identify existing vehicles for their own new initiatives. As another example, he said, HRSA was entering into contracts with such community action agencies as Meals on Wheels and Head Start through which to disseminate health information. Dr. Avent stated that such integrated approaches are to be HRSA's focus in the future.

3.3.10 Agency for Toxic Substances and Disease Registry

Dr. Rueben Warren, Associate Administrator for Urban Affairs, ATSDR, stated that ATSDR views environmental justice as a subset of public health because public health is simply "social justice." However, he continued, the public health community had been late to join the environmental justice movement, and, he added, the learning curve is steep. Nevertheless ATSDR is committed to working with the environmental justice community, he stated.

Dr. Warren then discussed the accomplishments of ATSDR in integrating environmental justice into its initiatives. First, he said, ATSDR had established in 1997 the Office of Urban Affairs in to focus on environmental justice and minority health issues and the redevelopment of brownfields properties. He stated that that action represented a "structural" commitment on the part of ATSDR to addressing those issues. Continuing, he stated that ATSDR was working to translate that structural commitment into a functional commitment. Dr. Warren added that combining approaches to those issues provides ATSDR with an opportunity to reach the same populations in three different ways. Second, he said, ATSDR had made progress in learning to listen to environmental justice communities. Last, he

continued, ATSDR had developed a diverse workforce, having hired many young, highly educated individuals who are interested in environmental health and in working with and in environmental justice communities.

Continuing, Dr. Warren stated that officials of ATSDR believe in the infrastructure of science. Everything they do, he said, is based on good science. ATSDR is attempting to establish a "mechanism to move forward," he said, adding that the agency can move forward most effectively by continuing partnerships with other agencies at the Federal, state, and local levels. He pointed out that ATSDR works closely with both health departments and the environmental quality departments. He added that ATSDR also works at the local level with communities and environmental justice organizations. He acknowledged that ATSDR can learn from those communities and organizations, stating that ATSDR was working to become a "better listener."

Dr. Warren stated that ATSDR also works with the academic community. For example, he said, ATSDR is collaborating with five new programs in public health at HBCUs. Four of the five programs include an environmental science component, he added.

Concluding his remarks, Dr. Warren shared the following recommendations based on major lessons that ATSDR had learned through its efforts to integrate environmental justice issues into its initiatives:

- Stay with your mission.
- Use the best science available, but acknowledge cases in which the science is absent. When in doubt, err to the side of the public's health.
- Find new partners, and ways to collaborate with others.
- Strive to be trustworthy.
- Eliminate the artificial barriers that separate Federal, state, and local governments.
- Acknowledge the history of racism and exploitation by and within government.
- Realize that resources are limited and work within those limits.

Ms. Shepard stated that the environmental justice movement always and repeatedly had asked the Federal government to err on the side of the public's health when scientific data that supports an environmental health issue is lacking. She asked Mr. Warren whether he had been discussing that issue with representatives of other Federal agencies that still cling to a cause-and-effect relationship as an indicator of a need for action. Mr. Warren responded that he was communicating to the Federal partners that it is their responsibility to err on the side of public health. He added that the principle already had been incorporated into some activities of ATSDR. Mr. Warren then said that the message he wanted to convey to the NEJAC was that ATSDR had heard the NEJAC's recommendations on the issue and was working to incorporate the recommendations into its programs and activities.

3.3.11 U.S. Department of Agriculture

Mr. Terry Harwood, Director of Hazardous Materials Management, U.S. Department of Agriculture (USDA), focused his presentation on activities of the USDA and the environmental justice policies USDA had established after the Executive order was issued. One policy, he said, is the incorporation of considerations related to environmental justice into all the programs of the department. Another policy is the identification, prevention, and mitigation of any adverse human health or environmental effects that are caused by the programs and activities of USDA, as well as the provision to minority and low-income populations of the opportunity to participate in planning and decisionmaking.

Continuing, Mr. Harwood stated that USDA plans to continue to develop projects to address environmental justice issues in processes not just limited to the NEPA process. For example, USDA intends to collect, maintain, and analyze information on populations that rely on fishing, hunting and trapping for subsistence, he said.

Discussing the accomplishments of the USDA program, Mr. Harwood described the following efforts:

- USDA maintains cooperative agreements with many state agencies, including health departments, to participate in pest eradication efforts. Related efforts involve evaluation and communication of health risks related to pesticide applications.

- USDA provides funds to the National Coalition to Restore Urban Waterways in six cities, including support of a project initiated by a minority environmental association in Cleveland, Ohio to test water quality in minority communities.
- USDA has provided support to minority and rural housing areas in North Carolina for the installation of clean water supplies.
- USDA has provided integrated pest management strategies to support state and local involvement in setting priorities for research, education, and regulatory controls.

Continuing, Mr. Harwood stated that USDA emphasizes the participation of small and disadvantaged businesses in its cleanup process. USDA also has responded to the needs of industrial and field workers for health protection through cotton dust control, grain dust reduction, and safe pesticide application technologies, he said, adding that USDA has contributed to the promotion of safe handling procedures for pesticides through the USDA research programs that describe the degradation of pesticides and other chemicals.

Mr. Harwood explained that USDA collaborates with other Federal agencies, state and local governments, and public and private organizations to provide grants and technical assistance to minority and low-income urban communities to accomplish conservation of urban ecosystems through local initiatives. Further, he said, USDA collects, maintains, and analyzes information about the consumption patterns of populations that rely primarily on fish and wildlife for subsistence.

Turning his attention to USDA's environmental cleanup program, Mr. Harwood stated that lack of funding had been a major barrier to implementing the program. He stated that, after much struggle to secure funds, USDA had completed cleanup of 2,000 sites; however, he added, some 2,000 sites remain to be addressed. Mr. Harwood stressed that the problem in implementing the program is one of appropriations, rather than inattention on the part of USDA.

Continuing, Mr. Harwood explained that USDA is in an unique situation because it is both an enforcement agency under Superfund and a natural resource trustee. Therefore, he continued, when USDA approaches a cleanup, the department must approach the effort from the perspective of an enforcement agency that

oversees the cleanup and one that must work with states and tribes to restore natural resources, as well.

Addressing initiatives to assist tribes, Mr. Harwood stated that USDA recently had negotiated a MOU with DOI, EPA, the state of Idaho, and various tribes in southeastern Idaho, that specifies how the parties will collaborate to clean up selenium contamination of an extensive area caused by phosphate mining. Mr. Harwood pointed out that USDA assists the tribes as a co-trustee with the tribes. He added that USDA had hired Indian-owned firms to implement the cleanups of a number of sites in Montana.

In closing, Mr. Harwood added that USDA also had worked with rural communities to involve them in EPA's brownfields redevelopment program. He pointed out that brownfields properties often are thought of only as abandoned urban industrial sites when, in fact, there are brownfields properties in many rural communities.

3.3.12 U.S. Department of Housing and Urban Development

Mr. Marvin Wentz Turner, Special Actions Office, Office of the Secretary, HUD, in the interest of time, submitted a written fact sheet that outlined the steps taken by HUD to promote environmental justice. After presenting the document, Mr. Turner was available to respond to questions posed by the members of the subcommittee.

Referring to HUD's Smart Growth coalitions, Ms. Shepard asked Mr. Turner how HUD would respond to creating healthy communities, while at the same time maintaining affordable housing. Mr. Turner responded that the two are not mutually exclusive. Affordability, which is an index, is a key issue and concern of HUD, as is the ability to provide safer and sanitary housing, he explained. HUD's mission focuses on both, he said. Communities may use smart growth opportunities to create safe and sanitary housing that is affordable, concluded Mr. Turner, adding that HUD may be a central resource for those communities.

3.4 Panel 4: Integrated Interagency Demonstration Projects

Mr. Lee introduced the fourth panel, which featured representatives of 6 of the 15 interagency environmental justice projects initiated under the IWG's Action Agenda. The representatives shared their successes and lessons learned. Exhibit 1-7 provides a description of the panel. Exhibit 1-8

presents a list of the 15 interagency environmental justice projects initiated under the IWG's Action Agenda.

Exhibit 1-7

FOCUS OF PANEL 4

This panel consisted of a variety of non-federal partners involved in several of the 15 interagency environmental justice demonstration projects. The projects focus on various areas, such as environmental protection, economic development and community revitalization, improvement of public health, community education and capacity-building, and others. The objectives of the projects include:

- Learn how Federal agencies can collaborate better to ensure local problem-solving.
- Achieve concrete, beneficial results for affected communities.
- Promote stronger partnerships with state, tribal, and local governments.
- Enhance existing assets within affected communities.
- Develop a template for integrated community-based solutions to environmental justice issues.
- Document lessons learned that can provide positive support to other communities.
- Recommend changes in Federal policy when appropriate.

3.4.1 Bridges to Friendship: Nurturing Environmental Justice in Southeast and Southwest Washington, D.C.

Admiral Chris Weaver, Department of the Navy, DoD, provided an overview of the success of Bridges to Friendship: Nurturing Environmental Justice in Southeast and Southwest Washington, D.C., an environmental justice demonstration project underway at the Washington Navy Yard in southeast Washington, D.C. Admiral Weaver stressed that the Navy has been committed to improving the environmental situation at the Washington Navy Yard by improving the environment, improving opportunities for the residents living outside the gates, and improving the quality of the workplace for the installation's personnel. For those reasons, he explained, the Navy had "embraced its status as a Superfund site

**INTEGRATED FEDERAL INTERAGENCY ENVIRONMENTAL JUSTICE ACTION AGENDA
ENVIRONMENTAL JUSTICE DEMONSTRATION PROJECTS**

Under the Interagency Working Group on Environmental Justice's (IWG) Integrated Federal Interagency Environmental Justice Action Agenda, 11 Federal agencies have initiated environmental demonstration projects to help 15 environmentally and economically distressed communities. Communities selected are comprised of predominantly minority or low-income populations that face negative environmental, public health, or socioeconomic effects because of environmental contamination. The 15 projects and the lead Federal agency for each are:

- Greater Boston Urban Resources Partnership: Connecting Community and Environment (Boston, Massachusetts) – U.S. Environmental Protection Agency (EPA)
- Camden: City of Children Partnering for a Better Future (Camden, New Jersey) – U.S. Department of Housing and Urban Development (HUD)
- New York City Alternative-Fuel Vehicle Summit (New York, New York) – U.S. Department of Energy (DOE)
- Addressing Asthma in Puerto Rico: A Multi-Faceted Partnership for Results (Puerto Rico) – Health Resources and Services Administration and ATSDR, both agencies within the U.S. Department of Health and Human Services (HHS)
- Bridges to Friendship: Nurturing Environmental Justice in Southeast and Southwest Washington, D.C. (Washington, D.C.) – Department of the Navy, U.S. Department of Defense (DoD)
- Community Cleanup and Revitalization in Arkwright/Forest Park (Spartanburg, South Carolina) – EPA
- Protecting Children's Health and Reducing Lead Exposure Through Collaborative Partnerships (East St. Louis, Illinois) – EPA and HUD
- Bethel New Life Power Park Assessment (Chicago, Illinois) – DOE
- New Madrid County Tri-Community Child Health Champion Campaign (New Madrid County, Missouri) – EPA and U.S. Department of Agriculture Natural Resources Conservation Service
- Easing Troubled Waters: Ensuring Safe Drinking Water Sources in Migrant Farmworker Communities in Colorado (Colorado) – EPA
- Environmental Justice and Public Participation Through Technology: Defeating the Digital Divide and Building Community Capacity (Savannah, Georgia and Fort Belknap Indian Reservation, Montana) – DOE
- Protecting Community Health and Reducing Toxic Air Exposure Through Collaborative Partnerships in Barrio Logan (San Diego, California) – EPA
- Oregon Environmental Justice Initiative (Portland and rural communities, Oregon) – U.S. Department of Justice
- Metkatla Indian Community Unified Interagency Environmental Management Task Force (Ketchikan, Alaska) – DoD
- Environmental Justice in Indian Country: A Roundtable to Address Conceptual, Political, and Statutory Issues (Albuquerque, New Mexico) – DOE

and embarked on environmental remediation." Reflecting on the factors behind the success of Bridges to Friendship, Admiral Weaver stated that the project provides a way to combine the efforts of community groups, the Navy, other Federal

agencies, private individuals, the community itself, and the District of Columbia into a "decidedly non-hierarchical and decidedly non-bureaucratic organization." That type of organization "moved the engine forward," he said. The partners in the

Bridges to Friendship project have been able to “link job needs with job opportunities with job takers with job users,” which, in turn, builds community pride and contributes to youth development. The Bridges to Friendship process, which begins in the community, provides young people at risk with life skills and job skills training, and ultimately job and career opportunities, continued Admiral Weaver. Bridges to Friendship, he stressed, provides an opportunity to take advantage of the rebirth of southeast Washington and advance social justice, both economic and environmental.

Ms. Miller-Travis asked Admiral Weaver about other opportunities within DoD, particularly within the Navy, to advance understanding of environmental justice and activities related to it. Admiral Weaver responded that, in his opinion, any situation that involves potential environmental litigation or an environmentally or economically disadvantaged population located adjacent to a DoD installation would provide an opportunity to promote the principles of environmental justice and understanding of those principles.

3.4.2 Bethel New Life Power Park, Chicago, Illinois

Ms. Mary Nelson, Bethel New Life, Inc., Chicago, Illinois, began her presentation by briefly describing the power park demonstration organization. She stated that Bethel New Life, Inc. is a faith-based, community development organization with the goal of building a healthy, sustainable community. Ms. Nelson then discussed the organization’s definition of a sustainable community, which, she said, has four components: economic security through employment opportunities, environmental integrity, environmental quality, and public participation in decisionmaking.

Describing lessons learned through the implementation of the demonstration project, Ms. Nelson stated three ingredients are needed if a community redevelopment project is to be successful:

- The first element is vision. Members of the community had viewed their community as it was, then envisioned it as they would like it be in the year 2020. The members of the community then used that vision in creating the community development plan.

- The second ingredient needed for success is the development of partnerships. Bethel New Life, Inc.’s partnership with DOE’s Argonne National Laboratory had helped Bethel to evaluate technology transfers that would work the project and had helped attract the kind of intergovernmental cooperation a community redevelopment project must have.
- The third ingredient of a successful community redevelopment project is the use of an asset-based approach, Ms. Nelson continued. Members of the community should identify the community’s assets. For example, a brownfields property can be viewed as an asset rather than a liability because it presents an opportunity for development.

Ms. Nelson stated that Bethel New Life, Inc. used an asset-based approach to evaluate development opportunities at 30 brownfields properties in the community. The organization considered the marketability of the sites, the types of jobs that could be brought in, how much effort would be required to redevelop a site, and how environmentally friendly the operations that might be brought to a site would be. Through its various partnerships, the organization had identified and promoted the sites and established a development process.

Continuing, Ms. Nelson provided recommendations for effective interagency partnerships. First, she said, the lead Federal agency should designate a “point person” to coordinate activities with the community and other partners. Second, she continued, funding should be available at the onset of a project so that the project can move forward efficiently. Last, Ms. Nelson recommended that interagency partnerships include regional and local agencies so that those agencies will be informed of the process and can take part in carrying out the community development plan.

3.4.3 Community Cleanup and Revitalization, Arkwright/Forest Park, South Carolina

Mayor James Talley, City of Spartanburg, South Carolina, provided an overview of activities related to the Community Cleanup and Revitalization Project in the Arkwright/Forest Park community, located on the south side of Spartanburg, South Carolina. The community has a population that is 96 percent African American, said the Mayor, with two Superfund sites located within one-quarter mile of the community. Other local areas of concern include an abandoned textile mill, an

operating chemical plant, two dumps, and several areas in which it is suspected that illegal disposal takes place, said Mayor Talley.

Mayor Talley explained that the demonstration project is a “community-driven, community-based partnership” designed to assist Regenesys, a community-based organization, in involving a variety of stakeholders in efforts to foster the identification, inventory, assessment, cleanup, and redevelopment of properties in the Arkwright/Forest Park community. Continuing, he said that the community-based partnership includes local and state agencies, financial institutions, nonprofit organizations, academic institutions, local private businesses, and a variety of Federal agencies. Through a collaborative effort, the project partners had been able to avoid duplication of efforts and maximize funding resources, he said. For example, continued Mayor Talley, approximately 65 people representing the various project partners have formed committees according to their areas of expertise. The committees work to identify and develop opportunities for action within those areas, he explained.

In closing, Mayor Talley stated that the most significant lesson learned during the implementation of the project was the importance of community-control and community involvement. If a project is under the direction of citizens, he explained, the focus will remain on the benefits to the community.

3.4.4 Addressing Asthma in Puerto Rico: A Multifaceted Partnership for Results, Puerto Rico

Dr. José Rodríguez-Santana, Asthma Coalition of Puerto Rico, began his presentation by explaining that some 44 percent of the population of Puerto Rico suffers from asthma at some point in their lives. Further, the mortality rate for asthma is at least three times higher in Puerto Rico than the rate in the United States, he said. Dr. Rodríguez-Santana also explained that asthma is both an environmental disease – that is, asthma attacks can be triggered by environmental risk factors – and a genetic disease – genetic predisposition to asthma contributes to the high incidence of asthma among Puerto Ricans.

Dr. Rodríguez-Santana stated that the demonstration project represents the first asthma project funded by Federal agencies with the objective of reducing the incidence of asthma among native Puerto Ricans. The purpose of the

project is to maximize asthma prevention and augment current interagency efforts to develop a community asthma intervention program for children in Puerto Rico’s low-income, underserved populations, he continued. The project benefits from a partnership of Federal agencies, such as HRSA, HHS, and EPA; local health departments; community groups; private foundations; and universities, that seek to gain a better understanding of the factors that contribute to the high incidence of asthma in Puerto Rico, he said.

Dr. Rodríguez-Santana then shared information about one of the initiatives of the demonstration project, the development and implementation of “Los Colores de Asthma” or the Color of Asthma, a community asthma intervention program focused on reducing the incidence of asthma in children. Activities conducted under the program include the education of children who have asthma and their families, the promotion of self-management of asthma, the promotion of more advanced drug therapy for asthma, and access to adequate treatment for disadvantaged families and children, he said.

Ms. Ramos urged Dr. Rodríguez-Santana to focus the efforts of the project on the prevention of asthma, as well as on treatment strategies. She also urged the asthma coalition to become involved in the process of permitting new sources of air pollution by filing complaints about abuse of communities, as indicated by health data. Ms. Ramos also urged Dr. Rodríguez-Santana to invite people from the most severely affected communities to take part in his working group, commenting that those people would enrich the efforts of the working group and foster support for its endeavors in the community.

Dr. Rodríguez-Santana responded that the coalition was applying for additional funding from EPA’s SEP program. SEP funds would be used to address environmental hazards that contribute to the high incidence of asthma in Puerto Rico.

3.4.5 New Madrid County Tri-Community Child Health Champion Campaign, New Madrid County, Missouri

Dr. Emil Jason, Great Rivers Alliance of Natural Resource Districts (GRAND), provided an overview of the New Madrid County Tri-Community Child Health Champion Campaign (NMCTC) and described the project’s successes in three communities located in New Madrid County, Missouri. The communities of Lilbourn, North Lilbourn, and Howardville are agricultural

communities located in the boot heel region of Missouri, he reported. The communities lack business and industry to make them sustainable and are characterized by gross poverty and substandard housing conditions, said Dr. Jason. The purpose of the project is to provide a safer environment for children in those communities by promoting community awareness of the prevention of environmental health hazards and by building greater capacity to address the needs and concerns of the communities on a local level.

Dr. Jason explained that the project began by identifying environmental health hazards that might pose a health risk to members of the communities, especially children. Three areas of potential health hazards were identified: lead exposure, environmental triggers for asthma and allergies, and poor water quality.

Dr. Jason stated that NMCTC is a community-led initiative implemented through a collaborative partnership with a variety of local, regional, and Federal partners. Community development and leadership and capacity-building are integral parts of the project, he continued.

Dr. Jason then stated that capacity-building under the project is accomplished through education and outreach. He explained that four community facilitators from each of the disadvantaged communities were selected and given training on the potential health hazards in their own communities. The community facilitators then hosted training workshops and provided educational materials to share the information with the citizens of their communities, he said.

Dr. Jason stated that the project had been successful in meeting its goals and objectives. He pointed out that the community had continued to play a leadership role in implementing and participating in the project – one measure of success, he declared. Dr. Jason stressed that those successes were essential to the sustainability of efforts undertaken under the project.

Ms. Shepard asked how the success of the public education campaign was to be evaluated. Dr. Jason responded that baseline data on school absences and emergency room visits because of asthma were being collected. The data, he continued, will be analyzed to identify trends over time as an indication of the success of the education campaign.

3.4.6 Protecting Children's Health and Reducing Lead Exposure Through Collaborative Partnerships, East St. Louis, Illinois

Dr. Richard Mark, East St. Louis Lead Project, provided an overview of the demonstration project and discussed the participation of its Federal agency partners. Dr. Mark reported that 65 percent of the population of East St. Louis, Illinois is low-income, compared with the average for the state of 27 percent, and 98.6 percent of the population is minority, compared with the average for the state of 25 percent. This region is "littered" with abandoned industrial sites and junk yards, he continued, adding that the area also has numerous abandoned lots that serve as play yards for children. Blood lead levels in children in the East St. Louis area are four times higher than levels detected in children in the nearby communities, reported Dr. Mark. The purpose of the project, he continued, is to implement a comprehensive strategy to improve children's health by reducing lead poisoning. The project is being conducted through a collaborative partnership of community groups; local hospitals; local agencies in East St. Louis and St. Clair County, Illinois; and various Federal and state agencies, he added.

Dr. Mark stated that the demonstration project involved the development of a collaborative partnership through a bottom-up approach that engaged the community, identification and establishment of priorities among the needs of the community, and development of an appropriate project plan. He stated that the next phase of the project would be to conduct blood lead screenings for 3,000 children between the ages of 6 and 12, with 1,000 screenings to be conducted each year for three years. In 1999, continued Dr. Mark, 21 percent of children tested exhibited high blood levels (more than 10 micrograms per deciliter [mg/dl]), he said. The average blood level was 15 mg/dl. In 2000, the lead screenings were conducted at schools located near abandoned industrial sites at which the soil had been demonstrated by sampling on analysis to be contaminated with lead. The results of those lead screenings indicated that 51 percent of the children tested had blood lead levels between 1 and 9 mg/dl, and 9.9 percent exhibited blood levels of more than 10 mg/dl, he said. Dr. Mark pointed out that blood levels of more than 5 mg/dl can cause learning disabilities in children.

Other plans for the next phase of the project include lead-based paint assessments, rehabilitation of housing, landscaping, and

weatherization of 75 homes in the East St. Louis area, he said, as well as soil testing and site assessments of abandoned lots that children in the community use as play yards, reported Dr. Mark.

Continuing, Dr. Mark explained that the partners in the project meet every four to six weeks, noting that participation and attendance at the meetings had been “very good.” Dr. Mark stated that one of the greatest challenges partners face is to obtain funding to continue case management for the children suffering from lead poisoning and their families and to remediate contaminated sites located near neighborhood schools. The greatest success of the project, he added, is the education and prevention campaign. Dr. Mark explained that, when the project began in 1998, participation by parents and school officials was limited. However, since the partners embarked on the education campaign and developed a videotape on the effects of lead poisoning, participation and support had increased significantly, he said.

Mr. Aragon asked about the process used to followup when high blood levels are detected in a child. Dr. Mark responded that nurses from St. Mary’s Hospital volunteer to followup with children affected by lead poisoning. Followup includes retesting to verify the screening results and seeing that the children seek the care of a physician. Dr. Mark added that St. Mary’s Hospital was working to obtain additional funding for a more extensive followup program. Further, he added, Neighbors United for Progress, a community group that is involved in the partnership, follows up with testing for lead-based paint in the children’s homes. That program is funded by a grant awarded to St. Clair County by HUD, said Dr. Mark.

3.5 Panel 5: Stakeholder Perspectives on Integrated Interagency Strategies

Introducing the fifth panel, Mr. Lee pointed out that panelists would address the issue of implementing collaborative, interagency strategies and partnerships from the perspective of five different stakeholder groups: community organizations, business and industry, municipal and local government, tribes, and state-funded academic research. Exhibit 1-9 presents a description of the panel.

3.5.1 Community Perspective

Providing the perspective of a community group, Ms. Charlotte Keys, Executive Director, Jesus People Against Pollution (JPAP), Columbia, Mississippi, first stated that every government

Exhibit 1-9

FOCUS OF PANEL 5

This panel consisted of representatives of community-based organizations; including grassroots groups; business organizations; tribal, and local governments; state-funded research organizations. The panelists presented their views about the viability of the Integrated Federal Interagency Environmental Justice Action Agenda, particularly as it is applicable to their sectors, and offered recommendations for further development of integrated interagency strategies.

agency has a moral obligation to fulfill its mandate to protect public health and the environment. She then expressed her hope that the IWG can help Federal agencies move forward in meeting that obligation and in providing just solutions to the problems faced by communities.

Continuing, Ms. Keyes stated that past efforts and experiences of community and environmental justice groups make it apparent that the only way to succeed in accomplishing the goal of environmental and economic justice is to build trusting, honest, loyal, and long-lasting partnerships with other stakeholder groups. To be effective, she continued, community and environmental justice organizations must institute and maintain mechanisms that provide the diversity of individuals to work toward the just resolution of problems.

Commenting on the importance of the IWG, Ms. Keyes stated that the IWG can serve as a bridge that allows communities to gain access to the proper Federal agencies to seek assistance in local struggles for environmental and economic justice. However, she said, it will take time for many community and environmental justice groups to build trust in Federal agencies. She also stressed that community involvement at the beginning of the process for environmental and economic justice is essential.

In closing, Ms. Keyes stated, “Just solutions do not happen because one or two people decide that this is what we need. It happens when willing, honest, and trustworthy partners are willing to come to the table.”

3.5.2 Industry Perspective

Ms. Wood read a written statement submitted by Ms. Sue Briggum, Director, Governmental Affairs, Waste Management, Inc., who had been unable to attend the meeting. See Appendix C for a copy of Ms. Briggum's written statement.

In her statement, Ms. Briggum provided an industry perspective on integrated interagency strategies. She first pointed out that most environmental justice issues arise from the accumulated effects of a number of sources of health problems and environmental and economic stresses. In the classic case, she continued, a number of facilities operated by different industries or business sectors coexist in a single community that faces such challenges as heavily traveled roads, runoff from unregulated sources, and emissions from businesses and individual sources in the communities – challenges which often are cited as evidence of environmental injustice. All those challenges add to the environmental burden borne by the community, which quite often also suffers from insufficient access to medical care and other essential services, she said. Often, several government authorities have responsibilities related to conditions in the area. In many cases, Ms. Briggum continued, no one government authority is willing to take the first step to correct a problem or to assume responsibility. Ms. Briggum then observed that even a business with the best of intentions may find itself unable to define a constructive role for itself in a situation over which the company has only partial control. Similarly, it is clearly unfair to expect citizen advocates to shoulder the burden of organizing a constructive response to such concerns, she stressed.

Ms. Briggum, in her statement, then stated that she considers the interagency demonstration projects a means to “break through” that cycle of conflict. She pointed out that the pilot demonstration projects share several admirable characteristics. First, the demonstration projects assign to a Federal coordinating agency the responsibility of initiating the project and engaging the affected stakeholders in problem-solving, read the statement. Ms. Briggum also noted that the projects attempt to bring community groups together with already existing Federal resources. Further, she pointed out, the demonstration projects are based on open dialogue and cooperation, rather than confrontation. She stressed that the concept of the interagency demonstration projects makes sense because “it is place-based, tackles a manageable set of issues

and parties, and allows for trial and error.” When good models emerge, they can be replicated and expanded in the future, she added.

Ms. Briggum stated that, in many cases, the IWG's projects are similar to the early brownfields pilot projects, which began with a central agency coordinator and leveraged substantial private-sector and government investment from initial EPA grant money. She pointed out, however, that the most successful brownfields pilot projects recognized that the crucial element in resolving environmental justice concerns was the partnership between the community and the businesses whose activities affect that community. Continuing, she stated that one of the reasons for the success of the brownfields initiative was that it engaged, at the onset, local business at individual sites, supported ongoing communication between business and community, and then engaged real estate developers through their trade and professional associations to agree upon the model.

Ms. Briggum then suggested that the IWG's projects should take that same course, offering two recommendations: that each IWG demonstration project actively engage all affected businesses and that, once local businesses have been contacted, a larger infrastructure for positive contributions by business be created by engaging major trade associations in the project. Ms. Briggum suggested that the trade associations that represent affected businesses, along with representatives of major citizen advocacy groups, should be engaged in reviewing the demonstration projects and assisting the Federal government in the ongoing evaluation of the success of the projects.

In closing, Ms. Briggum stated that, by engaging citizens and business groups together to make the projects work, the Federal government, along with state and local governments, can foster a powerful coalition for future bipartisan initiatives to address environmental justice concerns.

3.5.3 Local Government Perspective

Mr. Jesus Nava, Deputy City Manager, City of San Jose, California, provided the perspective of municipalities on integrated interagency strategies, and offered suggestions for effectively engaging municipalities in those strategies. He first stated that local elected officials are the closest link to the people of the community and that those officials have much influence on consensus-building in a community. City council members know the “major players” in their town or district, he noted,

adding that Federal officials should recognize city council members as leaders of the local community and as potential advocates and partners in causes that require the building of consensus in those communities. Continuing, Mr. Nava stated that direct contact is an extremely valuable tool of which Federal agencies can take advantage if they work through the “proper channels.”

The autonomy of the local community should be respected as well, said Mr. Nava. He explained that most cities develop their own legislation and that most have comprehensive land use plans. Federal agencies seeking the collaboration of communities should consider that those plans most likely are the result of an extremely long citizen participation process, he pointed out. Mr. Nava urged that Federal agencies become familiar with the zoning and land use regulations established by local communities.

Another influence in effectively engaging municipalities in integrated interagency strategies is the availability of funding resources and access to Federal scientists and technical consultants, continued Mr. Nava. He explained that many cities are not fortunate enough to have the necessary revenue streams to take on the needed cleanups or environmental projects, nor do they have the funds to hire technical experts.

Continuing, Mr. Nava stated that, if Federal agencies are to form effective partnerships with communities, they must be willing to share information. He also suggested that Federal agencies keep the interagency partnership process and language simple. Finally, Mr. Nava stated that he concurred with the concept of assigning a Federal coordinating agency responsibility for initiating a project, noting that Federal agencies too often place too much of that responsibility on communities that often possess only limited resources.

3.5.4 Tribal Perspective

Mr. Terry Williams, Commissioner of Natural Resources and Fisheries, The Tulalip Tribes, provided comments on integrated interagency strategies from a tribal perspective. Specifically, Mr. Williams stated that his presentation would focus on implementation of the strategic planning process.

To communicate the unique tribal perception of environmental justice, Mr. Williams began his presentation by explaining that tribal environmental

culture is sustained to a great extent by the use of fish, wildlife, vegetation, herbs, and berries. He pointed out that those resources are the backbone of not only the tribal culture, but also the health and economy of the tribe. As an example, Mr. Williams, described the Tulalip Tribe’s historical perspective of its natural landscape, which once was home to old growth forests, an abundance of fish, and trade routes. The health of the members of the tribe was generally good because of the abundance of food sources. The landscape was healthy, he added. Today, he continued, a significant percentage of the natural landscape has been altered, and the resources that once supported the tribe are no longer available. As a result, he explained, the dynamics of the tribe’s social communication and practice have changed, and the health of its members has declined as well because of the loss of their traditional food sources. Mr. Williams stated that although his people had not fared well, they have learned to work with the Federal government to develop plans and goals, determine how to conduct assessments that encompass both science and traditional knowledge, and evaluate ways to establish accountability and enforceability.

However, Mr. Williams pointed out, the decisionmaking process is “where the action is” in addressing environmental injustice. He explained that, even if a tribe suffers the erosion of its tribal culture, a tribe can at least understand the breadth of the issues and make good decisions if it is involved early in the decisionmaking process. Mr. Williams added that, even if a tribe is unhappy with the decisions that must be made, it will make the decisions and therefore “can live with them,” unlike having to accept decisions that are forced upon them.

Turning his attention to the unique contribution that tribes can make to the interagency process, Mr. Williams stated that Federal agencies must listen to tribes and take advantage of their traditional knowledge and wisdom. As an example, he stated that he recently had been approached by the National Aeronautic and Space Administration (NASA), which wished to take advantage of the traditional knowledge of his tribe in conducting a national air study. He explained further that because records of the natural landscape in which his tribe lives are relatively limited, NASA believes the Indian people could share their traditional knowledge of how the natural landscape had looked originally. Mr. Williams then stated his belief that the integrated interagency strategies provide an opportunity for Federal agencies not only to take advantage of the traditional knowledge of tribes, but also to succeed in restoring and sustaining tribal cultures.

3.5.5 Academic Research Perspective

Mr. Richard Gragg, Director, Center for Environmental Equity and Justice (CEEJ) Florida A&M University, discussed the viability of the integrated Federal Interagency Environmental Justice Action Agenda in Florida. Mr. Gragg first explained that, in 1998, the Florida legislature established and funded CEEJ, giving it a mission of environmental justice research, training, education, community outreach, and policy development. The expertise of the center currently lies in environmental modeling, sampling, risk assessment and communication, environmental toxicology and human health, and environmental law and policy, he said. In 1999, CEEJ held its first meeting, a strategic planning session for stakeholders, including representatives of state agencies, grassroots organizations, and industry, he continued. In 2000, CEEJ, working in conjunction with the International City/County Management Association (ICMA), the University of South Florida Brownfields Resource Center, the Clearwater Office of Economic Development, and the Greenhood Neighborhood Associations, produced the Clearwater Brownfields Area Environmental Justice Action Agenda, he said. In the same year, he added, CEEJ held its second annual conference, during which the Florida Environmental Justice Action Agenda was established.

In its role as the environmental justice resource center for the state of Florida, said Mr. Gragg, CEEJ is promulgating the principle that the community should be the focus of environmental justice and that communities recognize environmental stressors and certain socioeconomic or cultural issues; that communities should organize and gather facts; and that communities should provide education, training, outreach, and identification and implementation of solutions to those problems. CEEJ is communicating that message to state agencies and local governments responsible for environmental justice in Florida, continued Mr. Gragg. He then stated that CEEJ also had identified and was communicating the various factors involved in the issue of environmental justice, adding that CEEJ works with ATSDR; the Institute of Public Health (its counterpart at Florida A&M); and the Florida Department of Health to address such issues.

Continuing, Mr. Gragg stated that CEEJ currently was involved in the Comprehensive Everglades Restoration Plan (CERP) and was also working with the U.S. Army Corps of Engineers (USACE)

and the South Florida Water Management District to develop a socioeconomic environmental justice management plan. Mr. Gragg explained that the 50-year project, for which the estimated cost is \$8 billion, was to be funded by the Federal government, along with the state of Florida and other non-Federal entities.

Noting the rigor of the program that Mr. Gragg outlined, Ms. Shepard asked him about the quality and breadth of the community involvement in the development of the CERP. Mr. Gragg acknowledged that the level of community involvement had been one of the shortcomings of the plan, stating that the project had included neither early nor extensive involvement of the affected communities. The communities of south Florida had raised issues related to the need for the CERP, and the principal objective of the state had been to improve water quality, he continued. The effect of the plan on the inhabitants of the area had been ignored "somewhat," he acknowledged. Continuing, he said that only recently had an effort been initiated to investigate some of the specific effects on communities that will be affected directly by the project. Ms. Shepard then asked about the quality of academic outreach to those communities. Mr. Gragg responded that CEEJ serves as the technical resource center.

4.0 REPORTS AND PRESENTATIONS

4.1 Update on Mossville, Calcasieu Parish, Louisiana

Mr. Damu Smith, GreenPeace International, provided an update on activities related to the investigation of dioxin exposures in Mossville, Calcasieu Parish, Louisiana that had been carried out since the May 2000 meeting of the NEJAC in Atlanta, Georgia. At that meeting, the Health and Research Subcommittee and the Waste and Facility Siting Subcommittee of the NEJAC met in a joint session to discuss ATSDR's exposure investigation, Mr. Smith reported. He said the stakeholders who had participated in the joint session included representatives of Mossville Environmental Action Now (M.E.A.N.), GreenPeace International, the Louisiana Department of Health and Hospitals (LDHH), the Louisiana Department of Environmental Quality (LDEQ), the Louisiana Chemical Association (LCA), EPA Region 6, and ATSDR. Exhibit 1-10 presents background information about the Calcasieu Parish Initiative.

Exhibit 1-10

CALCASIEU PARISH INITIATIVE

U.S. Environmental Protection Agency (EPA) Region 6 has established the following initiatives related to environmental conditions in Calcasieu Parish, Louisiana:

- Made a commitment to meet with the Calcasieu League for Environmental Action Now (CLEAN) and other citizens of Calcasieu Parish at least four times during 2001. The Louisiana Department of Environmental Quality (LDEQ) has agreed to participate in the meetings.
- Entered into negotiations with key industries in Calcasieu Parish to develop a Superfund remedial investigation and feasibility study (RI/FS) of the Calcasieu Estuary. Other agencies involved in the negotiations include the National Oceanic and Atmospheric Administration, the U.S. Department of Commerce; the U.S. Fish and Wildlife Service (FWS), the U.S. Department of the Interior (DOI); LDEQ; the Louisiana Department of Wildlife and Forestry; and the Louisiana Department of Natural Resources. The RI/FS will be conducted to determine the scope and extent of the contamination of the estuary, as well as to identify possible remedies.
- Established at EPA Region 6 an internal Calcasieu Team that will be responsible to further evaluate and monitor activities in the Calcasieu area and actively address concerns of the citizens.
- Established an environmental compliance initiative in the Calcasieu Basin area in 1998.

Mr. Smith reminded the members that there exists an "extraordinary health and contamination crisis" in the Mossville community. ATSDR has conducted blood tests of local residents and found dioxin levels to be three times the national average, he explained.

Mr. Smith stated that the May 2000 session had been important because it had provided an opportunity for constructive dialogue about a range of issues and policy matters that are important not only to the case of Mossville, but also to other communities that face similar circumstances. He said that one of the principal issues discussed during the joint session was the response of the various Federal and state agencies and industry to the problems in Mossville. He explained that the

communities of Mossville had believed that the agencies lacked respect for community organizations and had failed to respond to the organizations' numerous requests and recommendations about how best to respond to the situation in Mossville. Mr. Smith stated that the discussions held during and immediately after the joint session helped bring about an atmosphere conducive to constructive dialogue. He stressed that those constructive discussions had led to some very positive results.

Between May and September 2000, Mr. Smith explained, a number of other meetings had been held in the community among representatives of the communities; staff of OEJ, including Mr. Barry E. Hill; EPA Region 6; and ATSDR. He said that the residents of Mossville long had been requesting a meeting of representatives of the community and experts in pertinent scientific, technical, and legal matters. He explained further that the community had wanted to meet face to face with government agencies to establish "an equal footing" between the agencies involved and the community. The community hoped that such a meeting would provide an opportunity for the community's experts to review recommendations and progress reports on the investigation submitted by the agencies.

Mr. Smith then reported that, on October 24 and 25, 2000, representatives of EPA had visited Mossville to meet with the community and its experts. He commented that EPA staff had been well prepared and was responsive; the community had been able to obtain answers to many questions that previously had gone unanswered, he said. Mr. Smith then stated that, on November 15 and 16, 2000, a similar meeting of representatives of the community, ATSDR, LDEQ, and LDHH had been held in Mossville.

Continuing, Mr. Smith stated that very constructive recommendations had been developed during the meetings. "We are still a long way from where we need to be, but we are certainly a long way from where we were in May, when there was so much contention among all the parties and we weren't getting anywhere," he said. Mr. Smith emphasized that the meetings would not have taken place if there had not been a change of attitude on the part of the government agencies at the highest levels, he said. He then expressed his thanks to the NEJAC, the staff of OEJ, Mr. Jerry Clifford, EPA Region 6, and Dr. Henry Falk, ATSDR, for playing crucial roles in making the meetings possible and constructive.

Mr. Smith stated that the community of Mossville was committed to continuing to work with EPA and other Federal agencies to address the problems in Mossville and other communities. However, he continued, the Mossville community would be remiss if it did not continue to keep pressure on the EPA and the other agencies. He cited as an example a November 21, 2000 letter representatives of Mossville had written to the Attorney General of the United States to request an investigation of the enforcement practices of LDEQ and EPA Region 6.

Concluding his remarks, Mr. Smith expressed his pleasure that the agencies are “moving in the right direction.” He then expressed his belief that the state agencies had been “dragged into the process, kicking and screaming,” but that the representatives of Mossville will keep pressure on them. Nevertheless, progress had been made, he said in concluding his presentation.

Mr. Clifford agreed that the work in the Mossville and greater Lake Charles community serve as a model for ways in which, despite tremendous resistance, communities and agencies can work through issues together. He commented that he believed that the May 2000 meeting of the NEJAC had provided the opportunity for EPA, ATSDR, and the community to take a “step back and start afresh and anew” in an effort to regain respect for one another so that they could begin to solve the problem together. Mr. Clifford then agreed with Mr. Smith’s observation that much remains to be done so that they could begin, but stated that he anticipated that work in that community would be expanded significantly.

Mr. Clifford explained that the next step will allow EPA to identify the source of the dioxin and to determine whether ongoing exposure is occurring or the dioxin detected in individuals during the investigation is the result of past exposures. He stressed that this effort would be extensive and expensive.

Concluding his remarks, Mr. Clifford stated his hope that all stakeholders are on a very good path right now and that it was EPA’s hope that they all will be able to “keep pushing the ball in that same direction.”

Mr. Smith added that staff of ATSDR had conducted dioxin training for medical personnel at the Bayou Comprehensive Health Clinic. During the November meeting with ATSDR, he stated, the representatives of the community clinic had discussed what services the clinic could provide,

offering concrete recommendations and commitments to provide additional services needed by the community, he said. The people of Mossville now would be able to obtain health services at the clinic, he said. Further, he added, it is possible that a new health clinic will be established in the community of Mossville. Therefore, ATSDR had helped to facilitate an effort to make real the promise of health services to the residents of Mossville, he stressed.

Ms. Miller-Travis asked Mr. Clifford how EPA would keep the initiative on track after the change in administration. Mr. Clifford responded that it will take leadership, persistence, and accountability to do so. He explained that, although the leadership is changing, several components of the process will remain. For example, he pointed out, he will remain in his position at EPA, as will other agency officials. Further, individuals, the community, and government officials will remain committed, and a work plan for the dioxin reassessment is intact, he stressed. EPA was working with ATSDR to resolve the problem of bridging the gap between access to health care and knowledge about environmental health issues, he said, adding that all parties intend to follow up on a regular basis to evaluate the progress they are making.

Ms. Ramos asked about the state’s contribution to the effort to find solutions to the problems in Mossville. Mr. Clifford responded that LDHH recently had participated in a meeting with EPA Region 6, HRSA, and ASTDR, to discuss the issue of health care and access to health care. Continuing, he reported that at that meeting, Dr. Dale Gidry, LDHH, had provided an informed, responsive presentation about the dioxin issues and the findings of a health survey that LDHH recently had conducted in the community. Mr. Clifford commented that the case of Mossville had been educational for state agencies, adding that officials at the highest levels in the state government are now grasping that there is a particular problem in Mossville and that there are similar problems in other parts of the state, as well.

Mr. Smith added that the representatives of the community of Mossville had been pleased that representatives of the state agencies had attended the meetings, but he emphasized that the state agencies had not participated in the meetings in the way that the community would have liked.

Ms. Jane Stahl, State of Connecticut, Department of Environmental Protection and member of the Health and Research Subcommittee, commented that recent activities related to the Mossville case

represent a move away from attempts to define cause and effect and a move toward the collaborative effort of various Federal and state agencies to address and mitigate an environmental health and environmental justice issue.

4.2 Update on the National Environmental Justice Policy Guidance

Mr. Barry E. Hill, Director, EPA OEJ, made a presentation on EPA's draft national environmental justice policy guidance document titled "A Guide to Assessing and Addressing Allegations of Environmental Injustice." Mr. Hill began his presentation by identifying the purposes of the document. The first purpose of the guidance document, he said, is to provide a conceptual framework for explaining environmental justice as both a civil rights and an environmental issue, and consequently, to develop sound policy in the area. The document is intended to provide guidance for EPA's environmental justice coordinators and EPA staff in program offices at EPA headquarters in developing a systematic approach for addressing the particular issues and concerns of a community, he said.

Second, he continued, the document is intended to provide a substantive framework for explaining EPA's environmental justice program, based on existing environmental laws and regulations. Mr. Hill stated that the EPA's environmental justice program is more than a community relations or training program, nor is it a preferential treatment program or an affirmative action program.

Mr. Hill stated that a third purpose of the guidance document is to provide a realistic framework for assessing the validity of an allegation of environmental injustice. He explained that the document includes a model for evaluating various social, economic, environmental, and health indicators in an effort to support or refute a possible issue of environmental injustice. The model also incorporates public participation and access to information in the decisionmaking process.

A fourth purpose of the document, Mr. Hill continued, is to provide a "road map" for developing and implementing a holistic approach for addressing a case of environmental injustice. He pointed out that the framework focuses on bringing together local, state, and Federal agencies and other resources, such as industry resources, to address the concerns of the community. Mr. Hill noted that the IWG and its

Action Agenda concentrate on (1) providing better coordination among stakeholders; (2) improving the accessibility and responsiveness of government; and (3) ensuring the integration of the principles of environmental justice into the policies, programs, and activities of Federal agencies. He explained that the national environmental justice policy guidance document provides a framework and model for accomplishing these goals.

Mr. Hill stressed that the objective of the guidance document is not to investigate an allegation of environmental injustice and arrive at a conclusion; rather, the objective is to promote the engagement of constructive and collaborative problem-solving to address claims of environmental injustice.

Mr. Hill then stated that OEJ had received comment on the draft guidance document from EPA headquarters and from the EPA regional offices and had incorporated changes into the present draft version of the document in response to those comments. He said that OEJ next would submit the document for public review and review by the NEJAC. He added that he hoped that the draft guidance document would be published in the Federal Register by the end of 2000.

Continuing, Mr. Hill explained that training modules on conducting environmental justice assessments were to be developed in three main areas – the CAA, the Clean Water Act (CWA), and solid waste and emergency response. In addition, standard protocols for conducting environmental justice assessments also would be developed, he said.

Ms. Shepard asked for clarification whether the draft guidance requires that every EPA region and state agency follow the guidance in response to every allegation of environmental injustice. Mr. Hill responded that every EPA region and state should develop a systematic approach for making a determination about the validity of an allegation.

Referring to the focus of the national environmental justice policy guidance, Mr. Saldamando stated that the guidance seems to require a certain standard of proof before a complaint by a community is deemed credible. Mr. Hill responded that no standard of proof is required and that no reasonable doubt must be disproved; rather, he emphasized, the guidance outlines a method of assessing information to support a response.

Ms. Miller-Travis asked who was involved in developing the draft environmental justice policy guidance document. Mr. Hill answered that the

environmental justice coordinators at EPA headquarters and at the EPA regional offices, EPA's deputy regional administrators, EPA's deputy assistant administrators, EPA's assistant administrators, and the Office of General Counsel were involved in developing and commenting on the document.

Several members of the NEJAC expressed concern and frustration that EPA OEJ had failed to request comment on the draft policy guidance document from the members of the NEJAC.

Mr. Hill responded that the members of the NEJAC, as well as the public, would have 90 days to review the draft document. He added that the document is a dynamic one that can be revised periodically, adding that EPA welcomes comments from the public at any time and would consider comments when making revisions in the future.

Mr. Saldamando pointed out that the NEJAC seems to be playing the limited role of listening to communities and putting them in contact with the appropriate EPA official, rather than being allowed to play the role intended for the NEJAC – that is, making policy recommendations to EPA. Ms. Ramos commented that inviting communities to comment at the end of the development process does not constitute real public participation.

Echoing the comments of other NEJAC members, Mr. Cole explained that the central complaint of communities grappling with environmental justice issues always has been that industry and government make decisions “behind closed doors,” inviting the public to participate only after those decisions have been made. He stated his belief that the NEJAC had been somewhat effective in educating industry and state and Federal decisionmakers that such a process does not constitute true public participation. He noted that the NEJAC had prepared guidelines for public participation that call for early, effective participation of stakeholders, who, he pointed out, are to be involved before decisions are made and definitions are developed. Mr. Cole then asked, “If the members of the NEJAC are not the [persons] helping [EPA] define what should be in an environmental justice policy document, why are we here?”

Mr. Cole stressed that the key issue is that EPA framed the issues and defined the concepts on which the draft was based without consulting the members of the NEJAC. He said that EPA does not take the NEJAC seriously as a body charged with making policy recommendations if EPA does not involve the members of the NEJAC in the drafting of an environmental justice document.

Mr. Hill responded that early, effective public participation in the environmental decisionmaking process is crucial but he pointed out that the draft guidance document does not represent an environmental justice decision. He then repeated that the document is in the draft phase and that revisions would be incorporated in response to the comments and suggestions of the NEJAC and the public.

Ms. Stahl stated that she believed that the members of the NEJAC had played an indirect role in framing the draft policy guidance. She also agreed with Mr. Hill that there is enough flexibility in the drafting and completing a Federal document to allow the NEJAC the opportunity to review and comment on the draft document. Ms. Stahl then stated that, if the document succeeds in providing environmental justice communities with a vehicle for actually resolving cases of environmental injustice, the members of the NEJAC should at least be grateful that the environmental justice movement is moving toward problem-solving because the movement thereby is moving forward.

Mr. Turrentine stated that it is difficult for communities and the members of the NEJAC to believe that industry and regulators are listening to the recommendations provided by the public through the NEJAC when the members of the NEJAC had no involvement in the development and refining of a national environmental justice policy document.

4.3 Update on the Environmental Justice Training Collaborative

Mr. Lee stressed the significance of the Environmental Justice Training Collaborative (EJTC), describing such training as an important link between the concepts of environmental justice and government policies and program development and implementation. EJTC is a national network of EPA staff working in partnership with stakeholders to develop environmental justice education tools, meet crucial information needs, and facilitate dialogue to advance environmental justice through training workshops, he said. Mr. Lee explained that the EJTC initiative had brought together experts from all 10 EPA regional offices, as well as OEJ and other stakeholder groups, such as states and community organizations, that recognize the importance of training in environmental justice. Exhibit 1-11 provides additional information on the EJTC.

ENVIRONMENTAL JUSTICE TRAINING COLLABORATIVE

The Environmental Justice Training Collaborative (EJTC) is a national network of U.S. Environmental Protection Agency (EPA) regional and headquarters staff who work together to develop environmental justice education tools to enhance the abilities of staff to meet crucial needs for information and dialogue to advance environmental justice. The EJTC also is intended to encourage, develop, and maintain alliances and partnerships with diverse stakeholders, particularly with the Federal agencies that are members of the Interagency Working Group on Environmental Justice (IWG).

As part of this effort, EJTC members have developed a workshop on the fundamentals of environmental justice; the establishment of an environmental justice training and resources web site; the development of a methodology and materials for training environmental justice trainers; establishment of a national environmental justice training team; and an annual environmental justice training institute. The EJTC plans a series of nationwide pilot workshops from March through May 2001 to obtain more comment on the draft Environmental Justice Fundamentals Workshop.

EJTC held its first planning workshop in Boston, Massachusetts in October 2000 at which the participants began to formulate EPA's collaborative training curriculum. Planned training modules include (1) environmental justice and public participation; (2) environmental justice, natural resources, and NEPA; (3) environmental justice and cultural resources; and (4) environmental justice in Indian country. Approximately 45 persons attended the workshop, representing EPA, other Federal agencies, state agencies, community groups, and academia. EJTC also seeks the views of other key groups, such as tribal governments, tribal community groups, and industry.

Mr. Jack McGraw, Deputy Regional Administrator, EPA Region 8, provided an overview of the activities of EJTC. During the Summer of 2000, representatives of EJTC briefed the EPA regional administrators on the training collaborative and requested that the regional administrators support and participate in the initiative, he said. The representatives of EJTC explained to the EPA regional administrators that the goal of EJTC was to provide a fundamental course on environmental justice that would be pilot-tested with a wide range of stakeholders and EJTC planned to develop a national training team, he said. The national training team will consist of about 30 trainers, of whom at least four will represent entities outside the agency, he added.

Within EPA, Mr. McGraw explained, the environmental justice training effort focuses on integrating the principles of environmental justice into EPA programs and the activities of EPA program offices. He said the objective of the internal training at EPA is to enrich the dialogue about environmental justice issues by educating program directors about Executive Order 12898 and increasing their awareness of community concern and the need for valid input from communities when making day-to-day operating decisions.

Continuing, Mr. McGraw stated that EJTC was requesting that the members of the NEJAC

provide their comment and lend their support as EJTC develops the collaborative curriculum. He invited the members of the NEJAC to participate in the EJTC planning workshops and to assist the development of modules currently in the planning stage.

Providing a community perspective on the first EJTC workshop, Mr. José Bravo, Southwest Network for Environmental and Economic Justice (SNEEJ), said that he believed the workshop was an excellent start for the training collaborative. He stated that the workshop activities helped to answer for him the long-standing question, "When are we going to stop teaching and when are people going to know the subject?"

Mr. Bravo stated that the workshop had been important because representatives of numerous Federal agencies had attended it. He commented that Federal agencies are "behind" in understanding and implementing the principles of environmental justice in their policies, programs, and activities.

Continuing, Mr. Bravo suggested that future workshops include a segment on the history of environmental justice, noting that the first workshop had lacked such a section. He then called for grassroots organizations and community groups to support the EJTC.

Ms. Veronica Eady, Executive Office of Environmental Affairs, Commonwealth of Massachusetts, offering a state perspective, stated that her reaction to the EJTC workshop had been “wholeheartedly positive.” She congratulated Ms. Deldi Reyes, EPA Region 8; Mr. Running Grass, EPA Region 9; and Mr. Nicholas Targ, OEJ, on that success, stating that she had sensed those individuals had been the “driving force behind the training.”

Ms. Eady stated that the tone of the workshop had been open and receptive. For example, activities and discussion included in the training had not placed blame on state and Federal regulators for issues related to facility siting and permitting. Rather, she continued, the focus of the workshop had been on learning to understand how a person or group might react and respond to a certain issue or controversial statement related to environmental justice.

Ms. Eady expressed her pleasure that EPA had invited the state of Massachusetts and other states, to join in the EJTC effort. She stated that the training modules that the representatives of state agencies who participate in EJTC would research and develop are: (1) how environmental justice applies to the states and (2) what Title VI means to the states. In closing, Ms. Eady stated that she sees much potential in EJTC and declared that she was excited about participating in the initiative. Ms. Eady added that she would like to see a module developed on how environmental justice applies to the relationship between states and Indian tribes, commenting that many states do not have a clear understanding of their trust responsibilities.

Ms. Stahl commented that the EJTC represents a vehicle for broadening the reach of environmental justice by familiarizing more people with the concepts of environmental justice, its vocabulary, and the purposes and goals of environmental justice. She then pointed out that the states are not enemies. She suggested that, rather than discussing environmental justice and the states, the questions “How does environmental justice *apply* to the states? How does Title VI *apply* to the states?” should be restated as “How can environmental justice *be implemented through* the states? How can Title VI *be implemented through* the states?” Many State officials seek the opportunity to become partners in endeavors such as the one EJTC had undertaken, she said, adding that NEJAC should be sensitive to such issues as subtleties in language that, she pointed out “can in fact make a big difference.”

Mr. Goldtooth stated that he fully supported the EJTC initiative. He commented that EJTC should educate Federal agencies about environmental justice in Indian country. He added that representatives of tribal governments included in the training should reflect on the environmental justice needs of tribal governments and coalitions, explaining that tribal environmental infrastructures that are stabilizing and developing.

Continuing, Mr. Goldtooth stated that there is a need to educate Federal agencies about environmental justice concerns from the perspective of tribal community members or tribal grassroots organizations. He stated that environmental justice in Indian Country is a very complicated issue because the tribes support the government-to-government relationship between their tribal government and Federal and state governments, but often face environmental issues that are not mitigated by remedies applied at the tribal community level. Mr. Goldtooth provided as an example a situation in Squaw Valley, Utah. The Tribal Council has a partnership with the nuclear waste industry to use tribal lands as a nuclear waste dump, but tribal community members and grassroots organizations are opposed to such use, he said. Mr. Goldtooth stated that such issues are challenging to agency staff, as well as tribal leaders. He suggested that EJTC trainers representing tribal governments discuss such situations and the diversity of issues in Indian country.

Ms. Wood stated that she would be happy to volunteer either herself or some of the Georgia-Pacific Corporation trainers, stating that, when developing its own training program, the Georgia-Pacific Corporation had experienced a similar learning curve of developing an understanding of what different things mean to different people.

Mr. Lee concluded the discussion by pointing out that the EJTC is a developing program and that, over time, EJTC will develop many modules that examine specific applications of many environmental statutes, such as the CAA, the Resource Conservation and Recovery Act (RCRA), and the CWA.

4.4 Overview of the Legal Memorandum on Statutory and Regulatory Authorities

Mr. Anthony Guadagno, Office of General Counsel (OGC), EPA, presented a legal memorandum titled “EPA Statutory and Regulatory Authorities Under Which Environmental Justice Issues May Be Addressed in Permitting” that OGC had distributed

to the NEJAC on December 1, 2000. Mr. Guadagno explained that the memorandum identifies opportunities to promote environmental justice under EPA permitting programs, specifically under the CWA, the CAA, RCRA, the Safe Drinking Water Act (SDWA), and Title I of the Marine Protection, Research, and Sanctuaries Act (commonly referred to as the Ocean Dumping Act). He said that the memorandum includes a brief description of each of the various permitting programs, as well as the legal opportunities identified within each of those programs for promoting environmental justice. OGC, he added, was looking forward to working with the EPA media program offices to further explore the legal dimensions of taking advantage of the opportunities identified in the memorandum.

Commenting on the apparent length of the document, Mr. Cole stated that the memorandum appeared to have greatly reduced from the length of the original draft version he and others had reviewed several years earlier. He commented that a significant amount of information included in the original draft must have been lost. Mr. Guadagno responded that the memorandum had been written concisely but is comprehensive, adding that the memorandum addresses a significant number of opportunities under the various statutory and regulatory authorities.

Ms. Jana Walker, Law Offices of Jana L. Walker and member of the Indigenous Peoples Subcommittee, commented that the memorandum did not appear to include any mention of tribes or tribal governments and tribal authority. Mr. Guadagno stated in response that the principal focus of the legal memorandum is EPA actions with respect to permitting, which would be applicable in Indian country. Ms. Walker informed him that some tribal governments have permitting authority.

Ms. Miller-Travis asked Mr. Guadagno to comment on the purpose of language included in the introductory paragraph of the memorandum, which reads, "...Although the memorandum presents interpretations of EPA's statutory authority and regulations that we believe are legally permissible, it does not suggest that such actions would be uniformly practical or feasible given policy or resource considerations or that there are not important considerations of legal risk that would need to be evaluated." Mr. Guadagno replied that the language is designed to maintain the context of the document as a legal memorandum issued by OGC to its internal agency "clients," rather than as a definitive legal risk analysis. He added that it

would be largely up to the EPA program office to identify which of the authorities identified in the memorandum it wished to pursue.

Mr. Yang stated that, under Executive Order 12898, Federal agencies, including EPA, are required to implement the order in a manner consistent with and to the extent permitted by existing law. He asked whether OGC had determined the extent to which those authorities permit EPA to take certain actions – that is, how EPA will be required to take those actions under those statutory authorities. Mr. Guadagno stated that the focus of the memorandum is the amount of discretionary authority that EPA may possess to take some actions to promote environmental justice. He added that the managers of EPA's media program offices most likely would address that question as they review the memorandum and decide which opportunities they would like to pursue.

Mr. Yang also questioned why the authorities under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) were not included in the scope of the memorandum. He stated that the International Subcommittee had spent an entire morning session discussing adverse health effects on farm workers and the effects of pesticides. Mr. Guadagno responded by repeating that the discussions included in the memorandum did represent a definitive statement on every conceivable opportunity.

4.5 Update on the NEJAC Federal Facilities Working Group

Ms. Augustine, Chair of the Federal Facilities Working Group introduced Mr. Brandon Carter, Federal Facilities Restoration and Reuse Office, EPA OSWER, and DFO of the NEJAC Federal Facilities Working Group, who provided an update on the activities of the working group.

Mr. Carter explained that Federal facilities include land and property that either was owned, formerly owned, managed, or operated by the Federal government, such as military bases, research lands, and bombing ranges. The Federal Facilities Working Group had been chartered by the Executive Council of the NEJAC in May 2000, in response to public comments and requests, he said. The task of the working group, he continued, was to identify and evaluate key issues of concern to environmental justice communities related to the activities and operations of Federal facilities. The objectives of the working group, he reported, are to: (1) formulate national policy recommendations

to address such concerns; (2) provide a forum for the conduct of dialogue with communities; (3) compile a list of available resources to communities and stakeholders; (4) increase public participation; and (5) produce a written report that summarizes findings and recommendations.

Continuing, Mr. Carter stated that the members of the working group had been identified and that a MOU had been signed to formalize the Federal partnership with the working group. He informed the members of the NEJAC that the working group is made up of three community representatives, two representatives of nongovernmental organizations (NGO), two representatives of tribal governments, one representative of state government, one representative of local government, and one representative of industry. Federal partners include DoD, DOE, and DOI, he added.

Mr. Carter stated that the working group was to operate over a period of 18 months, from January 1, 2001, to July 1, 2002. He explained that the term of the working group would be divided in three six-month periods and that the working group would conclude activities and report to the NEJAC at the end of each six-month interval during the biannual meetings of the NEJAC. Recent activities of the working group, continued Mr. Carter, had included: (1) compilation of public comment related to Federal facilities that had been offered during earlier meetings of the NEJAC; (2) the development of an issues statement; and (3) the conduct of two meetings by conference call. The working group was to convene its first face-to-face meeting in late January or early February 2001, he said.

Mr. Carter stated that communities and the public would have significant opportunity to participate in the activities of the working group. He informed all present that the working group was accepting requests for proposals for potential case studies for the review by the working group. The working group was to begin reviewing case studies on January 17, 2001, he explained, adding that interested parties could contact him to obtain information or to submit a proposal. The working group would host open meetings at which the public would be invited to present testimony related to environmental justice and Federal facilities, he said. The dates and times of such meetings would be announced when available, he added.

In response to criticism of the working group and related comments levied during the public comment period held December 11, 2000 (see

Section 2.0 in Chapter 2 of this report), Mr. Carter made several additional comments in defense of the process adopted and activities conducted by the working group. Responding to criticism of EPA for embracing its Federal partners, Mr. Carter explained that EPA had done so as required under Executive Order 12580, which establishes requirements applicable to the cleanup of Federal facilities. Executive Order 12580 states that a Federal agency must act as lead agency in the cleanup of its own facilities, he explained. He also pointed out that EPA does not have the authority to enforce cleanups at Federal facilities; therefore, he stated, EPA must work cooperatively with its Federal partners to ensure that cleanups are safe, efficient, and timely.

Mr. Carter then responded to comments that charged that the scope of the work plan of the working group is limited. He commented that concerns about Federal facilities are broad and varied, citing the enormous number of properties owned by Federal agencies that are subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), RCRA, and other environmental laws. Mr. Carter also pointed out that the working group had not wished to duplicate the earlier efforts of other federal advisory committees formed in the past to address issues related to Federal facilities and stakeholder involvement.

Responding to comments made and criticism levied about the size of the working group and of the stakeholders groups represented on it, Mr. Carter explained that the selection process followed when establishing the NEJAC and its subcommittees had been used in determining the makeup of the working group. He explained that EPA staff has nominated candidates and reviewed those candidates according to a number of criteria, including whether they represented the constituencies of the NEJAC, geographic distribution, and relevant background or experience.

Mr. Kent Benjamin, Environmental Justice Coordinator, Outreach and Special Projects Staff (OSPS), OSWER and DFO of the Waste and Facilities Siting Subcommittee of the NEJAC, added that the NEJAC Federal Facilities Working Group had been formed using the same model that had been used in forming the Waste Transfer Stations Work Group. Referring to comments from Council members about not knowing the status of the working group, he acknowledged that EPA could have communicated more effectively with the members of the NEJAC during the six

months since the May 2000 meeting of the NEJAC. However, he pointed out that EPA had been working on a fast track because of the sensitive nature of the issues involved and the level of concern expressed at the May meeting.

Dr. Marinelle Payton, Jackson State University and chair of the Health and Research Subcommittee, asked Mr. Carter to elaborate on the review of case studies to be conducted by the working group. Mr. Carter responded that the working group was to evaluate a number of specific cases related to specific Federal facilities or national policy issues. He stated again that the working group was accepting requests for cases to be included in that effort. The proposal process would be informal, he stated. Interested parties could contact him for information or send him a request by letter or electronic mail that describes the facility or policy issue and the associated environmental justice concern, he said. He then explained that, during the review, the members of the working group would identify factors contributing to success and failure and would provide recommendations to the facility about the cleanup process that facility is undergoing.

Mr. Aragon recommended that the members of the working group collaborate with the Tribal Solid Waste (TSW) Task Group, which, he noted, is based in Washington, D.C.

Mr. Cole asked about the involvement of the Federal partners in the working group. Mr. Benjamin explained that, because the working group is a Federal advisory committee, subject to the provisions of the Federal Advisory Committee Act (FACA), representatives of Federal agencies cannot serve as members of it; however, added Mr. Benjamin, representatives of Federal agencies can be designated to work with the working group to share information and provide resources.

Mr. Cole commented that the working group was intended to provide a forum that would allow members of communities in the vicinity of Federal facilities to work with the members of the NEJAC so that their ideas could be refined and communicated to EPA by the NEJAC. He expressed his concern that only 3 of the 10 members of the working group are residents of such communities. Referring to Mr. Benjamin's earlier comments about the difficult logistics of managing a large working group, Mr. Cole commented that representatives of communities are highly motivated and dedicated. He also commented that, because those representatives most often are volunteers and may be unable to

participate in all the activities of the working group, it is even more important that a large number of them be included as members of the working group. Mr. Cole then proposed that the working group add at least three or four more community representatives.

Mr. Lee asked Mr. Cole to incorporate his comments and his proposal into an e-mail to Mr. Carter and himself, so that those comments and the related proposal could be considered further.

Ms. Augustine commented that she would like to invite representatives of DOJ to participate in the working group. Ms. Shepard recommended that the working group contact community members who, she pointed out, had been lobbying the NEJAC for years about environmental justice issues related to Federal facilities to let them know about the review of case studies the working group was to undertake.

4.6 Presentation on Missed Opportunities in Environmental Law

Ms. Barbara Arnwine, Executive Director, Lawyer's Committee for Civil Rights Under Law (Lawyer's Committee), provided a retrospective view of missed opportunities for advancing environmental justice through environmental litigation. Ms. Arnwine began her presentation by explaining that the Lawyers Committee had initiated an environmental justice project under which the committee used the "rule of law" to challenge environmentally discriminatory behaviors and decisions. Ultimately, she continued, the committee seeks justice for people of color who are fighting to clean up contamination on the land where they live or who are trying to halt environmentally harmful activities in their neighborhoods. Reflecting on the current state of environmental justice, Ms. Arnwine discussed the challenges the committee had addressed through litigation, and the successes and failures all parties involved in the environmental justice movement had experienced in their efforts to advance this issue.

Ms. Arnwine pointed out that although the concept of environmental law is a broad one, only a relatively small number of lawyers specialize in environmental justice law. However, she added, when called upon, lawyers have worked closely in partnership with communities to formulate the most effective strategies possible. Often, she continued, this has resulted in extremely innovative strategies that use creative and sound legal theories to best advocate on behalf of these

communities. For example, she explained, the most successful environmental justice legal cases have used historical patterns of segregation to argue that certain decisions that exacerbate environmental inequities perpetuate the preexisting segregation, in violation of the equal protection clause of the U.S. Constitution, Title VI, and the Fair Housing Act. Lawyers also had used environmental laws and Executive Order 12898 to argue that environmental justice concerns must be addressed, both in the permitting process and in the selection of sites for facilities that present environmental hazard, she added.

Ms. Arnwine then stated that the courts had not been very receptive of environmental justice cases. While environmental justice communities can agree that environmental and civil rights laws have been used in innovative ways to address environmental justice concerns, in most cases, she pointed out, decisionmaking at the Federal level reflects the reluctance of Federal agencies to use enforcement and civil rights laws as effectively as possible. More recently, Federal agencies had been more willing to recognize environmental justice concerns, but they generally had not used such concerns as a reason for altering the course of decisionmaking, she continued. Because of such hesitancy, environmental justice communities have had to lead the way, she continued, and to seize opportunities to use existing laws to advocate the development of that area of environmental law. Unfortunately, she said, review of case law indicates that there has been only limited success in the Federal courts, which, she noted, often are unreceptive to newly-stated legal theories, even though such theories are based on existing Federal laws.

Continuing, Ms. Arnwine discussed 13 legal cases that had been adjudicated within the past two years:

- Three cases in which communities had used the Executive order to enforce their rights had been unsuccessful: *Acorn vs. U.S. Army Corps of Engineers*, *Morongo Band of Mission Indians vs. the Federal Aviation Authority (FAA)*, and *Citizens Concerned Against Jet Noise vs. Dalton*.
- Six cases that involved the use of NEPA and the Executive order proved unsuccessful: *Atlantic States Legal Foundation vs. Browner*, *Young vs. General Services Administration*, *Acorn vs. U.S. Army Corps of Engineers*,

Goshan Road Environmental Action Team vs. USDA, *New York City Environmental Justice Alliance vs. Giuliani*, and *South Bronx Coalition for Clean Air vs. Conroy*.

- One case that involved the use of the CAA and the Executive order had been unsuccessful: *Sur Contra Contaminacion vs. EPA*.
- Two cases that involved the use of housing law represented real victories by environmental justice communities: *Jersey Heights Neighborhood Association vs. Glendening and Elliott vs. Chicago Housing Authority*.
- Two cases that focused on constitutional challenges and CERCLA had been unsuccessful: *Washington Park Lead Community, et al. vs. EPA*, and *West Dallas Coalition for Environmental Justice vs. EPA*.

Ms. Arnwine then stated that, lacking a change of strategy in using the rule of law to challenge environmentally discriminatory behaviors and decisions, environmental justice communities face “a long road ahead.” She said that lawyers representing environmental justice communities should be more strategic in fashioning legal theories that use existing environmental, civil rights, and constitutional law and in choosing the cases through which to test the theories.

Ms. Arnwine pointed out that, in every case she had mentioned above, a community or community organization was the plaintiff and a Federal or state agency or official was the defendant. She remarked that case law does not show any affirmative advocacy by Federal agencies on behalf of communities. In all the cases reviewed, the community or community group had to find private counsel to sue the government, she said.

Ms. Arnwine commented that the Federal government has an affirmative duty to pursue litigation when ongoing environmentally hazardous activities take place and to work to prevent such activities. If standards of environmental justice are to be integrated effectively with existing standards, stated Ms. Arnwine, specific legislation that addresses environmental justice issues at both the Federal and the state level must be developed. She said that the lack of such a legal framework leaves many communities at risk. In addition, there is a need for a stronger Executive order, and the Executive order should be explicitly applicable and enforceable by community groups, she continued.

Continuing, Ms. Arnwine stated that limited resources are available to support litigation by groups working on environmental justice matters. She added that because of funding limitations, that area of the practice of law had become “constricted,” with fewer organizations currently doing such work than had been doing it eight years ago.

Concluding her remarks, Ms. Arnwine stated that litigation groups and advocates of environmental justice must “reconnect, reconvene and re-strategize” to use the rule of law to challenge environmentally discriminatory behaviors and decisions in future cases. Civil rights organizations, she continued, must give greater priority to environmental justice. For example, she said, the Lawyer’s Committee was to make a recommendation at the Leadership Conference on Civil Rights that its Environmental Justice Task Force be reactivated immediately. Further, she said, environmental justice and civil rights groups should collaborate to persuade EPA and other Federal agencies, as well as members of Congress, the administration, and state and local officials to advance and include a commitment to environmental justice in their policies, programs, and decisionmaking.

Dr. Payton asked how many environmental justice cases in history had used health as a criterion for considering environmental justice issues in decisionmaking. Responding, Ms. Arnwine noted that the majority (about 70) of cases over the past decade had been decided or settled privately or brought administratively; most of the cases did involve some threat to public health. Continuing, she stated that health is a major issue in many cases, but she added that there is “a kind of callousness” in the courts, which fail to recognize and to judge what are fundamentally dangerous health problems and what situations represent permissible risks to the communities.

Ms. Shepard asked what were the common components of the successful cases. Ms. Arnwine responded that most of the successful cases used fair housing legislation in a creative way. Other successful cases involved applications of the 14th Amendment to the United States Constitution and other constitutional challenges, she said, noting that the courts seem to be more receptive to cases that are based on a constitutional challenge than to other arguments. Ms. Arnwine added that the courts seem to be more willing to consider arguments based on equal protection under the law rather than failure to comply with the provisions of NEPA, other environmental laws, and the Executive order.

4.7 Report on the Community-Based Health Research Model

Mr. Martin Halper, Senior Science Advisor, OEJ, presented a report on the NEJAC Community-Based Health Research Model. He began by stating that his presentation would draw on the proceedings of the meeting of the NEJAC in Atlanta, Georgia in May 2000. Exhibit 1-12 provides information about the panel presentations on environmental justice and discussions of the community-based health research model held during that meeting.

Mr. Halper explained that, in responses to issues discussed during that meeting, a 20-member work group comprised of members of the NEJAC and representatives of HHS and EPA, had been formed. The work group met in September 2000 to develop a draft proposal, he said, which it had distributed in October 2000 to the Executive Council of the NEJAC for a 45-day review period. Changes had been incorporated, and a conference call had been held at the end of November 2000, continued Mr. Halper. Members of the Executive Council had received copies of the document on Monday, December 11, 2000; changes in response to discussions held during the current meeting would be incorporated, he noted. Mr. Halper then expressed his hope that the revised document would be distributed to the Executive Council during the week following the current meeting to be considered for adoption.

Mr. Goldtooth requested that the attachment to the document that presents the comments and recommendations of the Indigenous Peoples Subcommittee of the NEJAC about environmental health in Indian Country be presented to the EPA Administrator as a separate document. Mr. Lee assured him that that action would be taken. Mr. Halper then explained that one-third of the document had been taken verbatim from the report of the Indigenous Peoples Subcommittee.

Ms. Payton then identified the recommendations presented in the document: (1) develop a universal definition of community-based health research; (2) devise a way to provide scientific data to fill the current data gaps related to the subject; (3) develop better coordination among agencies; (4) include socio-vulnerability issues in the decisionmaking process; and (5) provide healthcare to communities.

**PANEL PRESENTATIONS ON ENVIRONMENTAL JUSTICE
AND DISCUSSION OF THE COMMUNITY-BASED HEALTH MODEL**

The May 2000 meeting of the National Environmental Justice Advisory Council (NEJAC) focused on Federal efforts to secure disease prevention and health improvement in communities in which there are health disparities that may be the result of, or be exacerbated by, disproportionate effects of environmental pollutants and certain socioeconomic and cultural factors. During the meeting, the members of the NEJAC received comments and information related to environmental justice and public health on the topics identified below.

Panel 1 – Overview: To what extent might an integrated community-based public health model that includes assessment, intervention, and prevention contribute to disease prevention and health improvement in environmental justice communities?

Panel 2 – Lessons from the Field: What strategies and areas of research should be pursued to achieve more effective, integrated community-based health assessment, intervention, and prevention efforts?

Panel 3 – Socioeconomic Vulnerability: How can consideration of socioeconomic status and cultural factors (a) contribute to a better understanding of health disparities and cumulative and disproportionate environmental effects and (b) be incorporated into community health assessments?

Panel 4 – Key Federal Initiatives: What strategies should be developed, implemented, and evaluated so as to insure substantial participation, integration, and collaboration by Federal agencies, in partnership with impacted communities; public health, medical, and environmental professionals; academic institutions; philanthropic organizations; state, tribal, and local governments; and the private sector?

5.0 REPORTS OF THE SUBCOMMITTEES

On December 13, 2000, each subcommittee met for a full day. This section presents summaries of the action items developed during those discussions, as well as updates on the activities of the subcommittees. Chapters three through eight of this report present detailed summaries of the deliberations of each of the subcommittees.

5.1 Air and Water Subcommittee

Ms. Jaramillo reported on the activities of the Air and Water Subcommittee. She announced that the subcommittee had met in New York, New York on October 17 and 18, 2000 to focus on issues related to public utilities. After considerable discussion, she reported, the subcommittee recommended, and EPA agreed to pursue, the actions identified by the subcommittee, with the primary goal of achieving through every practical method, a reduction to 0.5% in fuel sulfur at Puerto Rico Electric Power Authority (PREPA) power plants.

Ms. Jaramillo also reported that the Air and Water Subcommittee had heard presentations on the Agency's asthma initiative and the Agency's guidance for reducing toxic loadings. Ms.

Jaramillo then explained that, after the presentations the members of the subcommittee had separated into four work groups, each considering one of four issues: cumulative permitting, fish consumption, public utilities, and urban air toxics.

Ms. Jaramillo stated that, in the coming year, the Air and Water Subcommittee would focus on (1) developing a concept for a citizens guide that deals with existing or new power plants, (2) working on a resolution that addresses the upcoming off-road vehicle diesel rule, (3) developing comments on EPA's National Air Toxics Assessment national scale assessment, (4) developing recommendations for four proposed legislative bills aimed at further reducing emissions, (5) completing a manual on effective community involvement on environmental issues, and (6) continuing planning on the December 2001 NEJAC meeting that will focus on subsistence consumption.

Ms. Jaramillo also said that Ms. Dana Minerva, Deputy Assistant Administrator, Office of Water (OW), EPA, had offered a list of issues that the Air and Water Subcommittee might expect OW to develop in the future. Those issues include tribal water standards and the rule on concentrated animal feeding operations (CAFO).

Ms. Jaramillo announced that the subcommittee had approved its mission statement and recommended that Ms. Eileen Guana, Southwestern University School of Law, be named vice chair of the subcommittee. The Executive Council approved that nomination.

5.2 Enforcement Subcommittee

Ms. Savi Horne, North Carolina Association of Black Lawyers and vice-chair of the Enforcement Subcommittee, reported on the activities of the Enforcement Subcommittee. She began by stating that the subcommittee had heard a presentation about DOT's implementation of Title VI and requested that a copy of DOT's informal guidance on investigating environmental justice complaints filed under Title VI be distributed to the members of the subcommittee. She also announced that Mr. Cole had requested that staff of EPA who are responsible for SEPs convene a meeting of 8 to 10 community-based organizations that have experience in administering SEPs to identify the problems and obstacles those organizations had encountered. Ms. Horne then reported that Mr. Cole had requested that Mr. Herman provide a copy of paperwork, including pleadings and complaints, challenging air pollution from CAFOs located in Missouri, North Carolina, and Indiana.

Representatives of DOT, DOJ, and HUD had engaged in extensive discussion about the implementation of Title VI, Ms. Horne continued. She reported that HUD does not maintain a policy of dismissing Title VI complaints because they are untimely; rather it had received 5,000 to 6,000 complaints and had assigned 600 investigators, she continued. In contrast, she said, EPA's Office of Civil Rights had received more than 100 complaints and has assigned only two investigators. None of the complaints filed with EPA had been resolved, she reported, and the investigators had been provided no guidance.

5.3 Health and Research Subcommittee

Dr. Payton first recognized and thanked the subcommittee's new co-DFO, Ms. Aretha Brockett, Office of Prevention, Pesticides, and Toxic Substances (OPPTS), and then reported on the activities of the Health and Research Subcommittee. Dr. Payton explained that members of the subcommittee had heard presentations and reports provided by several representatives of Federal agencies who had been asked to speak about the involvement of their agencies in (1) building healthy communities and (2) working in collaborative partnerships with other

agencies to integrate the principles of environmental justice into their policies, programs, and activities.

Dr. Payton then described for the Executive Council several commitments and suggestions made during the meeting of the subcommittee:

- A commitment by Mr. Harold Zenick, Acting Assistant Administrator, Office of Research and Development (ORD), EPA, to provide to the members of the subcommittee background information on the initiatives he had discussed during his presentation.
- A recommendation that the Executive Council of the NEJAC request the EPA Administrator initiate a program to train middle managers of Federal agencies in ways to incorporate the principles of environmental justice into their day-to-day work.
- A recommendation that the Executive Council recommend that the U.S. Department of Education be included on the IWG.
- A recommendation that DoD create an environmental justice office.

Ms. Shepard announced that the subcommittee had suggested that she attend an upcoming conference on genetics in September 2001 and report to the subcommittee on the conference at the December 2001 meeting.

Mr. Goldtooth suggested that the Health and Research Subcommittee include the Indian Health Service (IHS) in its request to the EPA Administrator for documentation of ways in which Federal agencies can collaborate to provide health-based services to low-income and minority communities.

Dr. Payton then announced that the subcommittee had been invited to participate in the Environmental Justice Summit to be held in April 2001. She also reported that the subcommittee would provide to Ms. Pattey Lovera, Center for Health Environment and Justice, information about the building of schools on contaminated soil.

Dr. Payton concluded her report by providing an update on the Decision Tree Framework that was under development by the subcommittee. She announced that she had made a presentation on the Decision Tree Framework to ORD on the preceding Friday.

5.4 Indigenous Peoples Subcommittee

Mr. Goldtooth reported on the activities of the Indigenous Peoples Subcommittee. He first read a written statement by retiring subcommittee member Mr. Brad Hamilton, State of Kansas Native American Affairs Office. The letter expressed Mr. Hamilton's appreciation for having been able to serve as a member of the Indigenous Peoples Subcommittee. In the letter, Mr. Hamilton stated, "It has been my great honor and privilege to have walked among these leaders of environmental justice."

Mr. Goldtooth explained that the Indigenous Peoples Subcommittee had focused its deliberations on the theme of interagency collaboration and as such had invited representatives of several agencies to discuss how the agencies ensure environmental justice in Indian country. He explained that some of those Federal agencies had policies and guidance in place, while others did not. Mr. Goldtooth stated that the discussions with the representatives of the agencies had been very helpful to the subcommittee when the subcommittee developed its recommendations.

Mr. Goldtooth then listed the recommendations the Indigenous Peoples Subcommittee had developed:

- Agencies should provide financial and technical resources and training for tribes to enhance awareness and understanding of laws, regulations, and policies.
- Each agency should develop a system for tracking environmental justice complaints so that the agency can be held accountable for responding equitably to tribal concerns and needs.
- When the activities of Federal agencies are coordinated, the Advisory Council on Historic Preservation must be included as early as possible in the planning stages.
- Ensure that Federal agencies are fully aware of the Executive order on tribal colleges, as an avenue of enlisting support for those institutions.

Mr. Goldtooth concluded his report by recommending that a meeting of the NEJAC be held in Alaska so that the concerns of indigenous peoples in that area can better be addressed. Mr. Lee reminded Mr. Goldtooth that the December 2001 meeting of the NEJAC was to be held in

Seattle, Washington and that one of the primary purposes of that meeting would be a discussion of tribal issues. Mr. Goldtooth stated that that approach was unsatisfactory because many indigenous people do not have the funds to travel. He also stressed the importance of more extensive involvement of Native Americans in EPA and questioned the criteria used to define who is a Native American. Ms. Shepard then asked for information and the percentages by ethnicity and race among staff of EPA. She also requested information about the locations in which meetings of the NEJAC had been held in the past so it could be determined whether all regions had hosted one or more of those meetings.

Ms. Jaramillo then requested information about the representation of minorities on Federal advisory committees. The response indicated that such information is not available, but information about that representation by stakeholder group is available. Ms. Ramos expressed her concern that many FACA committees are "saturated" with representatives of industry. Mr. Lee stated that the DFOs and those who oversee the charters of such committees had engaged in dialogue about how to increase diversity in their membership, both racially and in representation of stakeholder groups. Mr. Lee stated he would provide information about the issue to the Executive Council. Mr. Turrentine said that the NEJAC should take on the responsibility of identifying appropriate individuals, as well as the appropriate federal advisory committees for them to serve on.

5.5 International Subcommittee

Mr. Saldamando reported on the activities of the International Subcommittee. Mr. Salamando asked that the Executive Council of the NEJAC approve the subcommittee's proposal that it send a letter to the EPA Administrator about the subcommittee's proposed recommendation related to "Plan Colombia." He explained that the subcommittee was requesting a general policy statement on the part of the NEJAC that sets forth the reasons the United States should not provide financing for aerial fumigation of drug crops with chemical herbicides that pose a serious threat to the health of indigenous peoples. The Executive Council approved such a letter on the condition that Mr. Whitehead meet with Mr. Salamando and Ms. Jaramillo to review the document before it is sent.

Mr. Saldamando then discussed the United Nations World Conference Against Racism (WCAR) and the Environment Position Paper. The purpose of the conference scheduled to be held in South Africa in 2001, he said, was to promote all peoples' right to a clean and healthy environment by reducing and eliminating the disproportionate share of adverse environmental burdens placed on certain communities. Mr. Saldamando commented that the definition of the word "stakeholder" set forth in the position paper is not clear. EPA should offer a better definition, he suggested, adding that the American definition of the word may not be appropriate in an international context.

Mr. Saldamando also explained that there had been interest among members of the NEJAC in sending a delegation to the conference, but the attendance of such a delegation would not be possible because the NEJAC is not viewed as a national institution.

Mr. Saldamando then reviewed recommendations and requests made during the meeting of the subcommittee:

- A recommendation by Mr. Alan Hecht, Principle Deputy Assistant Administrator EPA Office of International Activities, that the United States Trade Representative (USTR) acknowledge environmental review as part of the trade agreement decision process.
- A request on the part of the subcommittee that its members participate in follow-up dialogues with the U.S. Department of State and the USTR on issues related to trade and the environment.
- A request that EPA provide to the members of the subcommittee a list of non-government organizations that usually attend various meetings at which proposals for loans to multinational development organizations are reviewed.
- A recommendation that the USTR invite and include all stakeholders in discussions of issues related to trade and the environment.
- A request that EPA explain why the current legal memorandum on statutory authorities to implement environmental justice did not include FIFRA, although earlier drafts had.

5.6 Puerto Rico Subcommittee

Mr. Carlos Padin, The Metropolitan University and chair of the Puerto Rico Subcommittee, submitted a memorandum to the NEJAC that reported on the activities of the subcommittee. The memorandum described the first meeting of the subcommittee held on September 26 and 27, 2000 in Manati, Puerto Rico. During that meeting, Ms. Marva King, OEJ, had presented an orientation to the NEJAC, highlighting background information and the responsibilities of the council, and Ms. Linda Smith, OEJ, had presented an overview of the types of costs associated with the maintenance and activities of the NEJAC.

The memorandum stated that Ms. Jeanne Fox, Regional Administrator, EPA Region 2, had welcomed all participants to the meeting and discussed the history of the formation of the subcommittee. The report described her discussion of the status of the pending waivers in Puerto Rico of requirements under section 301(h) of the CWA and request for the subcommittee's advice on Region 2's interim guidance on environmental justice. Mr. Terry Wesley, Environmental Justice Coordinator, EPA Region 2, had discussed the interim guidance in more detail, and Mr. Carl-Axel Soderberg, Director of the EPA Caribbean Environmental Protection Division (CEPD), had given an overview of environmental conditions in Puerto Rico, continued the report.

On the evening of September 26, the subcommittee had held a public comment period that was attended by more than 40 people, the report continued, noting that comments offered had covered a wide range of issues, including concerns about public participation, solid waste, and the continued bombing at Vieques Island, Puerto Rico.

On Wednesday, September 27, the subcommittee had focused on next steps. The members of the subcommittee had decided to form five work groups to address on the following areas: (1) public participation, (2) water quality, (3) solid waste, (4) air quality, and (5) Vieques Island, said the report. Members also had agreed to discuss the EPA Region 2 interim guidance and strategic plan for environmental justice. Subsequently, during a conference call on October 16, 2000, the members of the subcommittee decided to postpone the formation of the work groups and focus on a review of the public participation process, continued the report.

On November 14, 2000, the report continued, the subcommittee had met with Mr. Wesley and Mr. Jose Font, Deputy Director, CEPD, to discuss the region's interim guidance on environmental justice and the environmental justice analyses conducted to support the evaluation of the NPDES permits and 301(h) waivers.

The report stated in conclusion that the subcommittee had expressed concern about anticipated changes in its membership as a result of the outcome of the election in Puerto Rico. Members expected that four positions on the subcommittee would become vacant in January; the subcommittee therefore was searching for candidates and nominating them to EPA, concluded the report.

5.7 Waste and Facility Siting Subcommittee

Ms. Miller-Travis reported on the activities of the Waste and Facility Siting Subcommittee. She reported that the subcommittee had engaged in an active discussion, in which Mr. Fields and Mr. Steven Luftig, Acting Deputy Assistant Administrator, OSWER, had participated. The subcommittee meeting had included a two-hour review of land use planning issues, an update on the status of EPA's brownfields program, a report on the Responsible Care[®] initiative from a representative of industry, and a report on SEPs. The subcommittee heard presentations by representatives of communities faced with concerns about issues related to exposure to contaminants, including a representative of the Vieques Island community in Puerto Rico and Reverend Dias of Freetown, Massachusetts, said Ms. Miller-Travis.

The subcommittee then heard updates by representatives of EPA Region 4 on the Anniston, Alabama PCB site, EPA Region 6 on delegated authority and enforcement activities, and OSWER on the Agency's policy on relocation under Superfund.

Ms. Miller-Travis stated that the subcommittee had concluded the day's deliberations with a discussion of the Federal environmental justice demonstration projects pertinent to the subcommittee. The three projects reviewed by the subcommittee, she reported, were the Spartanburg, South Carolina project, the East Saint Louis, Illinois program, and the Bridges to Friendship Program in Washington, D.C.

Ms. Travis-Miller then discussed the action items adopted by the Waste and Facility Siting Subcommittee during its meeting. The members of the subcommittee agreed to develop an environmental justice paradigm for land use planning, she reported. To do so, she continued, the subcommittee would: (1) develop a best-practices manual on the environmental justice implications of local land use decisions related to the siting of waste management facilities; (2) identify implementation issues associated with land use and environmental justice; and (3) develop a resource guide on land use planning issues. The subcommittee agreed to develop a work plan for discussions to be conducted during a conference call to be held in January 2001 as a first step in implementing the land use framework, continued Ms. Miller-Travis.

The subcommittee conducted a thorough discussion of the Superfund program, reported Ms. Miller-Travis, but, more important, the subcommittee received an update on actions related to the recommendations set forth in its 1996 report on environmental justice and brownfields redevelopment. She reported that Ms. Linda Garczynski, OSWER, had presented an extensive report on the status of the brownfields program. In her presentation, Ms. Garczynski had stated that the program is a direct example of how the NEJAC has affected the outcome of enforcement issues within the Agency, said Ms. Miller-Travis.

Ms. Miller-Travis reported that the members of the subcommittee also had discussed the Superfund program. Action items resulting from that discussion included:

- A request that OSWER provide to the subcommittee, a copy of the brownfields revitalization legislation currently before the United States Senate and all relevant correspondence about it.
- The recommendation that representatives of the Massachusetts Department of Environmental Protection and members of the Freetown community meet with EPA Region 1, representatives of OSWER, and staff of the Office of the Attorney General of Massachusetts to discuss ways to resolve environmental justice issues affecting the Freetown community.
- The recommendation that, in the case of Vieques, Puerto Rico, the NEJAC Federal Facilities Working Group examine as a case

study the continued bombing of the island; that other Federal agencies, especially DoD and its military components, be asked to join EPA in a further investigation of community concerns; that Region 2 identify its community activities more clearly to the affected community; and that there will be ongoing followup with EPA Region 2, OSWER, and the Waste and Facility Siting Subcommittee on activities related to Vieques.

6.0 MISCELLANEOUS BUSINESS

This section summarizes the discussion on the role of the NEJAC as a provider of advice and acknowledges those members of the NEJAC whose terms have expired.

6.1 Clarification of the Role of the NEJAC as a Provider of Advice to the EPA Administrator

In light of Mr. Hill's presentation on the environmental justice policy memorandum (see Section 4.2 of this chapter), the members of the Executive Council of the NEJAC agreed to deviate from its agenda to focus on clarifying the role of the NEJAC as a provider of advice to the EPA Administrator. The NEJAC requested that either Mr. Barry E. Hill or Mr. Steven Herman return on Thursday to discuss in more detail the role of the NEJAC. Mr. Lee assured the members that the Agency considers the NEJAC an advisory committee, but stated that the definition of a federal advisory committee needs to be clarified and that this discussion should be continued tomorrow. Because of Mr. Hill's illness, Mr. Herman agreed to meet with the NEJAC.

At a special session on December 14, Mr. Turrentine thanked Mr. Herman for returning to meet with the NEJAC, adding that it is important for the NEJAC to have an audience with upper management of EPA who can address concerns such as those expressed by the members of the Executive Council. Mr. Lee explained that Mr. Herman had been engaged actively in the activities of the NEJAC and that he is a "friend to environmental justice."

Mr. Herman first stated that he had not hesitated to attend the meeting because of his respect for the members of the NEJAC and his pride in the work EPA and the NEJAC had completed together. He then stated that he "desperately" wishes to see that work continue; therefore, he said, he was eager to hear and resolve the concerns of the Executive Council. Mr. Herman stated that

disagreements occur, but the one shared value of environmental justice should not be forgotten. He then opened the floor to discussion.

Mr. Herman responded to the questions raised by explaining that the NEJAC is a federal advisory committee (commonly referred to as a FACA committee); therefore, its role is to advise the Agency on all matters about which the Agency requests its views, he said. The Agency, he continued, is not required to ask for advice on every policy, but that fact does not preclude the council from offering its views in other contexts. He explained that the environmental justice policy memorandum had been prepared at the requests of EPA's regional offices. The memorandum was not a final version and had not been reviewed by entities outside the Agency, he continued. Mr. Herman repeatedly assured the NEJAC that it was not the intention of the Agency to exclude stakeholders, including the NEJAC. Ms. Jaramillo supported Mr. Herman, stating that she had spoken with many representatives of industry and that those individuals had not seen the guidance.

In response to the question of why the NEJAC could not examine the environmental justice policy memorandum. Mr. Herman explained that the document was not complete and that he wanted to consult his staff before making the decision to release the document for comment. Continuing, he stated that the document is an "internal road map" of information the regional offices had requested. Mr. Herman stated that, if the members of the NEJAC truly believe they were being treated differently from members of other FACAs, as Dr. Gelobter had stated, that issue would require further examination. Mr. Aragon then stated that, since the document was not complete, the time would be opportune for the NEJAC to provide its comments. Ms. Jaramillo explained that she thought the process by which the guidance had been developed differed from that by which guidances had been developed in the past. She explained that, usually, the guidance would have been posted to a web site by its current stage of development. It would be better to seek advice while the document is in draft form, rather than risking the kind of "firestorm" the Title VI guidance had engendered, she observed.

Ms. Augustine expressed her opinion that, after seven years, EPA still does not understand the concept of environmental justice. She stated that she believed that the Executive Council had "lost the NEJAC to EPA." She explained that it was her desire to hear from communities, adding the suggestion that the public comment period held by

the NEJAC during its meetings should be made more “user-friendly” to accommodate the public. Mr. Herman responded that the public currently had more direct access to EPA and to EPA’s approach to policy than had been the case in the past.

Mr. Herman agreed to take the issue under advisement, meet with his staff, and get back to the NEJAC within two weeks with a decision on how to proceed. Mr. Lee announced that a copy of the slides used in Mr. Hill’s presentation would be distributed to the NEJAC and that a conference call would be arranged to discuss this “very important issue.”

(Note: Subsequent to the meeting, a special meeting of the Executive Council was convened to meet with EPA and discuss the NEJAC’s role as a federal advisory committee, and how best to make recommendations to the Agency on this issue.)

6.2 Acknowledgments

Mr. Lee announced that OEJ would recognize and honor members of the NEJAC whose terms were expiring on December 31, 2000. He also expressed his appreciation to Mr. Turrentine for managing the deliberations of the Executive Council of the NEJAC. Mr. Turrentine then thanked the chairs of the subcommittees for their hard work. He stated that his experience as chair of the Executive Council had been an “incredible experience.” He then asked the NEJAC to continue its hard work for its constituents. He also expressed his respect for Ms. Shepard, for her support as vice-chair of the Executive Council. Exhibit 1-13 presents the names of the retiring members of the NEJAC.

Mr. Lee presented, on behalf of OEJ, a plaque to Timothy Fields, Jr., the Assistant Administrator for Solid Waste and Emergency Response, for his commitment and leadership in the area of environmental justice. Noting that he first met Mr. Fields in 1988, Mr. Lee commented that they have worked on many different projects. The plaque read:

"For Outstanding Leadership and Tireless Dedication to the Pursuit of Environmental Justice For All."

Mr. Lee also recognized the following individuals:

- Ms. Mindy Lubber, Regional Administrator, EPA Region 1

Exhibit 1-13

RETIRING MEMBERS OF THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL



Retiring members of the National Environmental Justice Advisory Council

Mr. Don Aragon
 Dr. Bunyan Bryant
 Mr. Luke Cole
 Ms. Claudia Cuykendall
 Mr. Delbert DuBois
 Mr. Tom Goldtooth
 Ms. Beth Hailstock
 Mr. Brad Hamilton
 Mr. Michael Holmes
 Mr. Charles Miller
 Ms. Lillian Mood
 Dr. Marinelle Payton
 Ms. Rosa Hilda Ramos
 Ms. Brenda Lee Richardson
 Mr. Gerald Torres
 Mr. Haywood Turrentine
 Mr. Damon Whitehead

- Ms. Jeanne Fox, Regional Administrator, EPA Region 2
- Mr. William Muszynski, Deputy Regional Administrator, EPA Region 2
- Mr. Francis Lyons, Regional Administrator, EPA Region 5
- Ms. Gail Ginsburg, General Counsel, EPA Region 5
- Mr. Gregg Cooke, Regional Administrator, EPA Region 6
- Mr. Jerry Clifford, Deputy Regional Administrator, EPA Region 6
- Mr. William Yellowtail, Regional Administrator, EPA Region 8

- Mr. Jack McGraw, Deputy Regional Administrator, EPA Region 8
- Ms. Felicia Marcus, Regional Administrator, EPA Region 9
- Mr. William Sanders, Director, Office of Pesticides and Toxic Substances, EPA OPPTS
- Ms. Linda Garczynski, Director, Office of Outreach and Special Projects, EPA OSWER
- Ms. Clarice Gaylord, the former Director of the Office of Environmental Justice

Mr. Hill then presented an award to Mr. Lee. The plaque read,

"The United States Environmental Protection Agency, the Office of Environmental Justice, recognizes Charles Lee for his visionary work in pursuing environmental justice for all Americans regardless of race, ethnicity, or economic status. Presented at the National Environmental Justice Advisory Council Meeting December 11, 2000."

Calling Mr. Lee a genius, Mr. Hill explained that Mr. Lee is a "true visionary because his genius allowed him to perceive things in an 'unhabitual' way." Mr. Lee has had a unique role in why we are all gathered here today, he continued. Pointing to the 1987 United Church of Christ report "Toxic Waste and Race in the United States," authored by Mr. Lee, Mr. Hill called attention to three recommendations made in that report he said demonstrated the "genius" of Mr. Lee.

- Calling upon the President to issue an Executive Order mandating that all Executive Branch Agencies access and consider the impact of their current policies and regulations on racial and ethnic communities and to take such considerations into account when establishing new policies and promulgating new regulations. Executive Order 12898, which also established the Interagency Working Group, was issued on February 11, 1994.

- Calling for EPA to immediately establish an Office of Hazardous Waste and Racial and Ethnic Affairs to address the problems in those communities by monitoring the cleanup of uncontrolled sites, as well as the siting of new hazardous waste facilities to ensure that adequate consideration is given to the racial and socioeconomic characteristics of these potential host communities. In 1991, EPA established the Office of Environmental Equity, the predecessor to OEJ.
- Calling for EPA to establish a national advisory council on racial and ethnic concerns to be comprised of recommendation from African-American, Hispanic-American, Asian-American, Pacific Islander, and American Indian communities. The purpose of this council was to provide ongoing advice to EPA on crucial environment issues and to facilitate the dissemination of information on these issues to those communities. The NEJAC was established in 1993.

Mr. Lee also recognized several senior EPA managers who were in attendance at the meeting. Stating that their very attendance at the meeting demonstrated the commitment of senior EPA managers to the issue of environmental justice and to the importance in which they hold NEJAC, he noted that such a commitment is critical toward making sure that the collaboration with stakeholders becomes a reality.