

**MEETING SUMMARY**

**of the**

**HEALTH AND RESEARCH SUBCOMMITTEE**

**of the**

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**

**December 13, 2000  
Arlington, Virginia**

**Meeting Summary Accepted By:**



**Brenda Washington  
Office of Research and Development  
U.S. Environmental Protection Agency**



**Co-Designated Federal Official  
Aretha Brockett  
Office of Prevention, Pesticides,  
and Toxic Substances  
U.S. Environmental Protection Agency  
Co-Designated Federal Official**

**Rose Augustine  
Acting Chair**

## **CHAPTER FIVE MEETING OF THE HEALTH AND RESEARCH SUBCOMMITTEE**

### **1.0 INTRODUCTION**

The Health and Research Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Wednesday, December 13, 2000, during a four-day meeting of the NEJAC in Arlington, Virginia. Dr. Marinelle Payton, Department of Public Health, School of Allied Health Sciences, Jackson State University, continues to serve as chair of the subcommittee. Ms. Rose Augustine, Tucsonans for a Clean Environment, serves as co-chair of the subcommittee. Ms. Brenda Washington, Office of Research and Development (ORD), U.S. Environmental Protection Agency (EPA), and Ms. Aretha Brockett, Office of Prevention, Pesticides, and Toxic Substances (OPPTS), EPA, serve as the Co-Designated Federal Officials (DFO) for the subcommittee. Exhibit 5-1 presents a list of the members who attended the meeting and identifies those members who were unable to attend.

This chapter, which provides a summary of the deliberations of the Health and Research Subcommittee, is organized in five sections, including this *Introduction*. Section 2.0, *Activities of the Subcommittee*, summarizes the discussions about the activities of the subcommittee, including the status of development of the Decision Tree Framework for Community-Directed Environmental Health Assessment (decision tree). Section 3.0, *Presentations and Reports*, presents an overview of presentations and reports provided to members of the subcommittee by representatives of various Federal agencies, as well as a summary of questions asked and comments offered by members of the subcommittee. Section 4.0, *Summary of Public Dialogue*, summarizes remarks offered during the public dialogue period provided by the subcommittee. Section 5.0, *Action Items*, summarizes the action items adopted by the subcommittee.

### **2.0 ACTIVITIES OF THE SUBCOMMITTEE**

This section summarizes the activities of the subcommittee that were discussed during the meeting, including a discussion of the continuing development of the decision tree. In addition to discussing the decision tree, members of the subcommittee participated in a working session to define the goals and objectives the subcommittee

Exhibit 5-1

#### **HEALTH AND RESEARCH SUBCOMMITTEE**

##### **Members Who Attended the Meeting December 13, 2000**

Dr. Marinelle Payton, **Chair**  
Ms. Rose Augustine, **Vice Chair**  
Ms. Brenda Washington, **Co-DFO**  
Ms. Aretha Brockett, **Co-DFO**

Mr. Don Aragon  
Mr. Lawrence Dark  
Mr. Philip Lewis  
Mr. Carlos Porras  
Ms. Peggy Shepard  
Ms. Jane Stahl

##### **Members Who Were Unable To Attend**

Mr. Michael DiBartolomeis  
Mr. Jess Womack

would pursue in response to the information presented by the representatives of various Federal agencies. See Section 3.0 of this chapter for a summary of those presentations.

### **2.1 Status of the Decision Tree Framework for Community-Directed Environmental Health Assessment**

Dr. Payton began the discussion of the Decision Tree Framework for Community-Directed Environmental Health Assessment by stating that EPA had organized an adhoc group of individuals to discuss and assess the framework. Dr. Payton explained that the group had been formed in response to a recommendation made by the subcommittee to the Executive Council of the NEJAC in May 2000 and the Executive Council's subsequent request to EPA that the agency make the decision tree one of its priority research projects and provide resources for further development of the decision tree framework. Having provided that background information, Dr. Payton asked Ms. Washington to explain to the members of the subcommittee how the group was formed and to provide an update of the group's activities. Exhibit 5-2 provides a description of the

### THE NEJAC DECISION TREE FRAMEWORK FOR COMMUNITY-DIRECTED ENVIRONMENTAL HEALTH ASSESSMENT

The National Environmental Justice Advisory Council (NEJAC) Health and Research Subcommittee Work Group on Community Environmental Health Assessment has been working on development of the Decision Tree Framework for Community-Directed Environmental Health Assessment (decision tree). The purpose of the decision tree is to provide a framework that communities can use to identify, prevent, and solve direct and indirect environmental problems. The decision tree consists of a series of steps. At each step, the user is prompted to assess information and set priorities among items and to evaluate possible options and actions. In addition, at each step, the user is referred to a repository of various tools, models, and data that can assist in the formulation of problems and the assessment of strategies.

The decision tree currently is under development. Planned developmental steps include:

- Identifying community and government resources
- Identifying potential links with local, state, federal, tribal, and regional resources, including universities and health agencies
- Promoting the product to community users
- Providing technical assistance to communities that will be using the product
- Arranging for evaluation by users and the collecting and analyzing the comments of users and developing a mechanism to provide ongoing comment to government agencies about research and data gaps, information and resource needs, and establishment of priorities among issues in light of comments offered by users

Throughout the development process, a conscious effort is being made to ensure that the content and language is appropriate for a broad, lay audience. That point is especially important because the subcommittee intends that the decision tree be used by a variety of people, including community members who may not have technical or scientific backgrounds.

The NEJAC Health and Research Subcommittee also has identified the following desired outcomes of the decision tree project:

- Empower communities for effective leadership.
- Strengthen links between environmental and public health agencies and affected communities.
- Identify deficiencies in the existing repository.
- Guide subsequent research and related work.

decision tree framework currently under development by the subcommittee's Work Group on Community Environmental Health Assessment.

Ms. Washington explained that staff of ORD, as well as other individuals, including a representative of the International City/County Management Association (ICMA), participated in an all-day session on December 8, 2000 to discuss the decision tree. Continuing, Ms. Washington stated that she had invited Dr. Payton to participate by telephone to present the perspective of the NEJAC on the decision tree. At the time the meeting was held, the group had not yet been made aware of "the NEJAC perspective," Ms. Washington added.

Pointing out that some confusion existed with respect to the activities of the group and the reason members of the subcommittee had not been made aware sooner of the existence of the group, Dr. Payton clarified a few historical facts. She explained that, after the December 1999 and May 2000 meetings of the subcommittee, Mr. Lawrence Martin, EPA ORD and former co-DFO of the subcommittee, had provided several presentations on the decision tree to various groups. The presentations were provided, Dr. Payton explained, despite the fact that the subcommittee had agreed that the decision tree was not yet ready for public comment. Dr. Payton stated that, after Mr. Martin's term as co-DFO of the subcommittee had ended, Mr. Martin had

initiated a cooperative agreement with ICMA under which ICMA was to provide assistance in the further development of the framework.

Of primary importance, Dr. Payton pointed out, was the fact that she had not been aware of the presentations Mr. Martin had provided, nor had she been aware of the cooperative agreement Mr. Martin had established with ICMA, until November 2000. At that time, Dr. Payton continued, Ms. Washington had asked Dr. Payton to participate in the conference call scheduled for December 8. Dr. Payton stated that she had been “shocked” to discover during the conference call that Mr. Martin was working with ICMA on the decision tree. She added that ORD and the Office of Pollution Prevention and Toxics (OPPT), EPA previously had provided resources to the subcommittee to be used in the development of the decision tree. The funding, Dr. Payton said, had helped to cover the costs of several meetings, including a meeting of the subcommittee and its Work Group on Community Environmental Health Assessment held in Chicago in September 1999. Turning her attention to the current status of the development of the decision tree, Dr. Payton requested that Ms. Pat Elliott, ICMA, explain to members of the subcommittee the nature of ICMA’s involvement in the project.

Ms. Elliott explained that she was relatively new to the project and that she had begun working on it in late May 2000. She explained that Mr. Martin had provided a presentation to ICMA’s Risk Work Group, which includes officials who represent local governments and universities. After Mr. Martin’s presentation, Ms. Elliott explained, members of the ICMA Risk Work Group commented that, as presented, the decision tree framework was “not usable by anyone below the Ph.D. level.” She explained that ICMA had been serving primarily as a “sounding board” on the usability of the framework, as well as on issues related to community involvement during both development and use of the framework.

Dr. Payton explained that no one currently was working on developing the framework, adding that the subcommittee’s Work Group on Community Environmental Health Assessment had been instrumental in contributing to the design of the framework and would continue to work on it. “The plan,” she said, “is to identify the appropriate people to work on the decision tree.”

Several members of the subcommittee expressed concern, stating that they were confused about the series of events that Dr. Payton and Ms. Elliott had

described. Of particular concern, they noted, was the amount of effort that members of the subcommittee had put into the development of the framework and the possibility that the project was being taken over by others. Ms. Augustine expressed her dismay, saying, “I feel like I’ve been had, like I’ve been used.” She pointed out that she had taken time off work without pay to volunteer her time to the project. Mr. Lawrence Dark, Columbia Willamette Area Health Education Center, expressed similar concern. He commented that “the subcommittee thought it was working on something with [EPA]; then an [EPA] employee took it and sold it to somebody else.”

Ms. Washington informed the members of the subcommittee that Mr. Martin was on a sabbatical leave from EPA for one year and that he was not working on the decision tree. She also reported that EPA intended to identify an office in ORD, as well as a senior scientist, to work with the NEJAC on the development of the framework. Ms. Washington stated further that, “as far as ORD is concerned, the decision tree is a NEJAC action item.” She stated that ORD’s goal was to work with the NEJAC.

Ms. Brockett added that OPPTS also supported development of the decision tree. She added that she also had been “shocked to find that [a staff member of] ORD had someone else working on the project.” As a co-sponsor of the project, OPPTS had not been aware of the arrangement between Mr. Martin and ICMA, Ms. Brockett said.

The participants in the meeting then engaged in a lengthy discussion of the events that led to the arrangement between Mr. Martin and ICMA and whether individuals outside the subcommittee were attempting to become involved in the development of the framework without the subcommittee’s knowledge. After the discussion, Ms. Jane Stahl, Assistant Commissioner, Connecticut Department of Environmental Protection, suggested, and members of the subcommittee agreed, that the subcommittee should forward to the Executive Council of the NEJAC a letter requesting that EPA (1) explain its agreement with ICMA related to the decision tree, (2) explain who authorized the agreement, (3) provide the subcommittee with a report of activities conducted under the agreement, and (4) submit copies of all reports developed under the agreement. In addition, the members of the subcommittee agreed that the letter should request that EPA provide assurances to the NEJAC that, in the future, ideas and products developed by members of the NEJAC and its subcommittees will not be plagiarized.

## 2.2 Subcommittee Working Session

After hearing from representatives of various Federal agencies (see Section 3.0 of this chapter for a summary of those presentations), the members of the subcommittee discussed the necessity of identifying (1) whether environmental justice is incorporated in principle into the missions of each agency and, if not, why; (2) to what extent Federal agencies address issues of environmental justice; and, (3) in cases in which agencies have worked successfully together, the specific factors that contributed to success. In addition, the members of the subcommittee wanted to know, in cases in which no progress had occurred, how Federal agencies were planning to incorporate the principles of environmental justice into their missions and day-to-day activities.

The members of the subcommittee also discussed the lack of focus on and attention to issues of environmental justice throughout all levels in Federal agencies. The members of the subcommittee agreed, therefore, to request through the Executive Council of the NEJAC that a program be initiated to train “middle management” staff of Federal agencies in how to incorporate the principles of environmental justice into their day-to-day work. It was suggested that the program include the provision of such training to staff in the Senior Executive Service to increase their awareness of issues related to environmental justice. The members agreed that such an educational component is needed because, even though senior staff may not be responsible for carrying out day-to-day activities, to effectively facilitate change throughout each agency, they must understand what environmental justice is before they can be expected to view it as a priority.

Another principal topic of discussion was how Federal agencies can collaborate, specifically in the provision of health-based services to low-income and minority communities. Through that discussion, the members of the subcommittee agreed that agencies must look beyond the limitations and restrictions of their mandates and consider ways to share resources so that health problems that should be addressed in communities can be addressed. For example, an agency that does not have in its mandate a clause that specifically allows the direct provision of health care may be able to share funds or other resources with an agency that has as part of its mission the provision of health care.

In addition, the members of the subcommittee agreed that many topics discussed during the December 2000 meeting had been related to topics discussed during the May 2000 meeting of the subcommittee and included in the subcommittee’s subsequent report on health issues. Therefore, the members of the subcommittee agreed, it was important to review that report in light of the December 2000 meeting and determine how it should be amended to incorporate specific topics and suggestions that had arisen during the December 2000 meeting.

## 3.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations made and reports submitted to the Health and Research Subcommittee by representatives of various Federal agencies. Dr. Payton asked each of the agency representatives to discuss specifically the involvement of their agencies in (1) building healthy communities and (2) working in collaborative partnerships with other agencies to integrate environmental justice principles into all programs of Federal agencies.

### 3.1 Activities of the U.S. Department of Transportation

Mr. Marc Brenman, Senior Policy Advisor, Departmental Office of Civil Rights, Office of the Secretary, U.S. Department of Transportation (DOT), and Mr. David Kuehn, Community Planner, Metropolitan Planning Division, Federal Highway Administration, DOT, presented information about the environmental justice activities of DOT. Mr. Brennan stated that the mission of DOT is to regulate “everything that flies moves, and floats in the United States.” From an environmental perspective, he continued, this mission extends to regulating the transportation of hazardous materials, the training of first responders to incidents involving hazardous materials, and monitoring air pollution along major traffic corridors, among other activities. Mr. Brenman explained that DOT regards health as a safety issue, he said.

Mr. Kuehn added that assessing the potential number of lives saved in urban and rural areas in which people use pedestrian traffic networks, such as sidewalks and paths, is one way to view the effect of the physical environment on human health. Mr. Brenman pointed out that, as part of the agency’s environmental justice activities, DOT examines ways to make transportation available for communities of color and low-income communities. He explained that residents of such

communities rely heavily on public transportation to travel from where they live to their jobs and other places.

Ms. Peggy Shepard, West Harlem Environmental Action and vice-chair of the Executive Council of the NEJAC, commented that the creation of healthy communities can be viewed as one that has grown out of the smart growth initiative. Charging that this initiative is leaving out environmental justice communities, Ms. Shepard asked how Federal agencies will develop initiatives around rebuilding such communities while maintaining places to live for people already living in those communities.

Mr. Kuehn responded that DOT also had been conducting research on the interaction between transportation and land use, as well as their effects on communities. He reported that his office focuses on “smart growth” under which it is examining environmental justice issues, community access to services, the location of employment, and the effects of transportation networks on housing costs in low-income and minority communities. His office is trying to provide leadership on DOT’s internal research agenda and, in turn, provide that information to its partners, such as states and other grantees, he continued.

Continuing, Mr. Brenman and Mr. Kuehn provided a brief update on ongoing activities of DOT that are focused on low-income, minority, and tribal communities, including:

- A disadvantaged business enterprise program for minorities and entrepreneurs
- Participation on an interagency children’s health task force to address children’s health issues, such as the increase in cases of asthma among African American and Hispanic children in urban areas
- Participation on a steering committee, led by the U.S. Department of Health and Human Services (DHHS) to eliminate health disparities among various racial and ethnic groups
- Activities designed to benefit native American lands, including a roads program for Indian reservations
- Joint efforts with the National Urban League to examine, among other things, ways to address the higher percentages of disabilities among minorities and low-income residents

- A vehicle-miles-traveled program to monitor and address air pollution
- Collaborative efforts with minority institutions and historically black colleges and universities, including a \$1.2 million internship program
- Conduct of a one-day workshop on the application of environmental justice throughout the planning and decision-making processes of transportation projects (the training was conducted for field personnel and was delivered in 35 states and Puerto Rico)
- Coordination of an environmental justice summit, held during summer 2000, attended by approximately 100 participants representing government and community organizations (Mr. Kuehn pointed out that, since that event, two other agencies had held regional and local summits of a similar nature)

Continuing, Mr. Kuehn stated that DOT is working to apply the principles of environmental justice in three principal areas: research, training and outreach, and program oversight. Mr. Kuehn explained that DOT was conducting an analysis of public perceptions of the effects – and burdens – of transportation on communities and that DOT was concerned in particular about the interests of specific communities, such as those in which low-income and minority residents live.

The Department also has a particular interest in public participation, Mr. Brenman and Mr. Kuehn said, and would like the NEJAC to exert more pressure on metropolitan planning organizations to more actively encourage and facilitate public participation. Mr. Brenman explained that the regional offices of DOT are responsible for public participation during the development of regional transportation plans. However, improvement is needed in that area, he acknowledged, particularly because the time horizon for a typical transportation project averages 20 years. Mr. Brenman added that DOT certifies planning organizations every three years. He then stated that, in future years, the certification process would include examination of issues specific to environmental justice. “Part of the problem,” he said, “is almost no one knows how to do an equity analysis” to determine the benefits and burdens on communities of planning and transportation projects.

After the presentation, Ms. Pam Kingfisher, Executive Director, Indigenous Women’s Network, commented that she was “scared” by such issues

as the transportation of high-level radioactive waste. In particular, she asserted that “corporate contamination of highways” occurs when “waste dribbles out” while being transported by trucks. Ms. Kingfisher also said that compliance with waste-hauling and permitting regulations is poor, partly because of inadequate inspections. She asked why sovereign nations, such as Indian tribes, can not stop the transportation of such wastes across their lands.

Ms. Augustine expressed concern that highways often transect communities of color and low-income communities. She explained that population growth and the expansion of highway systems reduce the amount of land available to such communities. The issue is one that DOT must address, Ms. Augustine urged, as are other issues related to noise, dust, and the spraying of pesticides near communities. Continuing, Ms. Augustine said that she did not understand why DOT did not “look at all of these issues in a holistic manner,” particularly when all those issues affect only “certain” communities.

In response to Ms. Augustine’s comments about the need to address issues holistically, Mr. Kuehn stated that it is important to view issues as matters to be addressed by all agencies involved, rather than to place responsibility on a single agency.

Mr. Don Aragon, Wind River Environmental Quality Commission, Shoshone and Northern Arapaho Tribes, commented that agency officials and department heads often sign documents such as memoranda of understanding; however, “there is no trickle-down effect to regions and field offices” in terms of implementation and follow-through. He stated further that some of the worst roads in the country are located on Indian reservations, many of which are two-lane highways with heavy truck traffic. This is a major disparity, he continued, stating that “super highways are built to do away with environmental justice communities.” Mr. Aragon asked how and when can communities participate in decision making.

Responding to concerns expressed by Ms. Augustine and Mr. Aragon about the historical siting of transportation networks, Mr. Kuehn stated that some current problems are the result of damage done 30 or 40 years earlier, when certain highways were constructed. Since that time, he explained, laws and regulations that govern the construction and operation of transportation systems have changed. Mr. Kuehn stated that DOT is attempting to learn lessons by examining historical highway expansion programs. He also

pointed out that the agency is working to develop a “range of techniques” for interacting and communicating with communities, beyond the usual method of inviting residents to attend meetings. Some of the methods that DOT is considering, he continued, include (1) going out into communities and in people’s homes, rather than asking people to travel to DOT meetings, and (2) communicating electronically with local residents.

Mr. Philip Lewis, Rohm and Haas Company, suggested that agencies investigate the possibility of providing funding for public participation, specifically for such items as travel expenses, to allow residents to participate fully and collaboratively when issues are being discussed. Citing the success of the U.S. Department of Defense (DoD) in promoting the participation of individuals to attend meetings as a “matter of public duty”, Ms. Stahl commented that commonly used terminology should be replaced by terminology that more accurately reflects the nature of the effort needed. She suggested, for example, that the phrase “community collaboration” be used instead of “community participation.”

### **3.2 Activities of the U.S. Department of Housing and Urban Development**

Mr. Robert McAlpine, Special Assistant to the Assistant Secretary, and Ms. Antoinette Sebastian, Senior Environmental Policy Analyst, provided an update on the efforts of the U.S. Department of Housing and Urban Development (HUD) to improve the health of low-income and minority populations. Both pointed out that, although HUD’s mission does not include explicitly stated principles of environmental justice, HUD is involved actively in addressing issues related to lead-based paint, building healthy communities, and other initiatives to improve conditions in low-income and minority communities.

Mr. McAlpine informed members of the subcommittee that he was a member of a coalition that had lobbied members of Congress to pass legislation on environmental justice. He explained that after attempts to persuade Congress to enact such legislation proved unsuccessful, the coalition negotiated with the Clinton administration to develop an Executive order “to do what the intent of the proposed legislation would have accomplished.” Continuing, Mr. McAlpine explained that although an Executive order on environmental justice had been issued, funding never had been provided to allow Federal

agencies to “undertake a serious effort to build capacity at a headquarters level and throughout the regions” to carry out the intent of the order. Mr. McAlpine added that a number of crucial questions must be discussed, including:

- Whose responsibility is it to meet the provisions of the Executive order?
- How can Federal agencies build the capacity to ensure that the Executive order “has teeth?”
- What steps can be taken to ensure that environmental justice is a high priority issue in all Federal agencies?
- What are the intents of Federal agencies in terms of carrying out the Executive order, and what limitations and barriers exist that might prevent agencies from accomplishing that end?

Mr. McAlpine stated further that Federal agencies had been experiencing a period of devolution and had been returning responsibilities to the states. Responsibilities cannot be assigned to Federal agencies, he said, unless corresponding appropriations are provided to meet those responsibilities. Mr. McAlpine explained that the “Federal government does not have a mandate from Congress for public participation.” However, HUD requires grantees under the Community Development Block Grant Program to conduct public participation activities, he continued. Mr. McAlpine then explained that, because Congress “will not be prescriptive and will not tell local governments what to do,” citizens often have little leverage in efforts to persuade the Federal government to be responsive to their concerns. He cautioned members of the subcommittee to be careful when making comments about the perceived amount of latitude that Federal agencies have in the area of public participation. Federal agencies in fact are limited in terms of their ability to “hold others accountable” for public participation, he pointed out.

Adding to Mr. McAlpine’s remarks, Ms. Sebastian explained that, although HUD’s mission statement does not include an express statement about environmental justice, HUD had developed a strategy on environmental justice that includes the following three basic principles:

- HUD will promote sound environmental considerations in community development and housing policies that simultaneously preserve the affordability of housing and encourage economic growth and private investment.
- HUD will promote the environmental quality of public housing, Federally-assisted rental housing, and home ownership programs to ensure that low-income and minority residents have a safe and healthy start to greater self sufficiency.
- HUD will promote the principles of environmental justice and will “rethink” and “redesign” ways to deliver HUD’s programs and services in a way that will create opportunities for people to take action to improve their own lives.

Ms. Sebastian distributed to the members of the subcommittee a handout that provided a summary of steps that HUD had taken to incorporate environmental justice into its programs, policies, and activities. Among the items listed were (1) a draft guide HUD developed for investigating complaints related to environmental justice, (2) the conduct of four environmental justice training sessions for approximately 160 HUD compliance investigators who are responsible for enforcing Title VI of the Civil Rights Act of 1964, (3) the incorporation of environmental justice into the Notice of Funding Availability under HUD’s Brownfields economic development initiative, and (4) a regulation promulgated in September 2000 that governs the control of lead-based paint hazards in housing occupied by residents who receive federal assistance and in federally-owned housing that is being sold. Ms. Sebastian emphasized that lead remains one of the greatest environmental threats to the health of the nation’s children.

Turning her attention to HUD’s role in building healthy communities, Ms. Sebastian outlined a number of activities in which HUD is involved, including activities conducted in partnership with other agencies. Those activities include:

- Water and sewer infrastructure projects designed to provide housing that meets established standards throughout *colonias*, rural communities and neighborhoods located within 150 miles of the U.S.-Mexico border that lack adequate infrastructure and, frequently, also lack other basic services



- Empowerment zone and enterprise community initiatives intended to improve economic and living conditions in low-income areas
- Efforts to fight and eliminate lead-based paint poisoning and related health threats to children
- Guidance for choosing “environmentally safe sites” for development of housing
- A joint project of HUD and EPA that involves the creation of “E-Maps,” and an electronic geographic information system that contains spatial data

Ms. Sebastian urged the members of the subcommittee to remember that decisions about land use are made at the local level. It is at that level, she asserted, “where citizen input has the greatest impact.” Explaining that “city governments exist because states allow them to,” she explained that there are important differences between the type of citizen involvement that occurs when local decisions are being made and the type of citizen involvement that occurs in decisions made at the Federal state level. Ms. Sebastian pointed out that citizen involvement is much more effective at the local level and that Federal agencies typically are much more responsive to Congress than to local citizens. Ms. Sebastian suggested that members of the subcommittee visit HUD’s web site at: [www.hud.gov](http://www.hud.gov) to obtain more information about HUD’s initiatives.

Ms. Augustine expressed concern about the authority that Federal agencies have delegated to states because, she explained, historically there has been “a lack of follow-through.” She added that communities are not involved during the development of consent decrees and that such decrees often include legal language that members of communities do not understand. Turning her attention to a specific example, Ms. Augustine mentioned a case in Tucson, Arizona in which a consent decree allegedly was violated. The local community complained and notified the administrator of EPA Region 9, but received no response from EPA, she explained. Ms. Augustine suggested that grants be made available to communities for hiring consultants to assist communities in understanding the terms and conditions of consent decrees.

When asked what progress HUD had achieved in developing a plan of action to provide health care to communities, Ms. Sebastian described several ways communities can bring their plight to the attention of the agency. One way, she explained,

is for communities to file a lawsuit to force political appointees and staff to reexamine issues in a way they would not otherwise. Under that kind of pressure, agencies often will begin to examine problems they had not earlier viewed as problematic, she continued.

In response to other comments about the lack of participation by states in efforts to achieve environmental justice, Ms. Sebastian noted that the private sector also should be included in efforts to achieve environmental justice. She said that many corporations, such as General Motors Corporation and Microsoft Corporation, “really want to be good corporate citizens;” they often have charitable foundations that may be able to provide assistance. She added that academic institutions also should be included in efforts to collaborate to achieve environmental justice.

### 3.3 Activities of the U.S. Department of Justice

Mr. Quentin Pair, Trial Attorney, Environment and Natural Resources Division, provided an update on the activities of the U.S. Department of Justice (DOJ). Mr. Pair began his remarks by pointing out that the Federal Interagency Working Group on Environmental Justice (IWG) had compiled a directory of environmental justice points of contact that, he said, was the beginning of an attempt to identify individuals within Federal agencies so that communities could determine whom to call when questions or issues arise. Mr. Pair also described several general programs, including a lead-based paint initiative implemented jointly by DOJ, HUD, and EPA; DOJ’s Weed and Seed Program designed to improve conditions in low-income and minority areas; and a demonstration project in South Carolina under which HUD is working with the United States Attorneys’ Offices (USAO) to augment services being provided under the project. Mr. Pair referred the members of the subcommittee to the DOJ web site, [www.usdoj.gov](http://www.usdoj.gov), for more information about DOJ’s environmental justice activities.

Commenting that he frequently hears from Federal agencies that they do not have a “pot of money to address environmental justice,” Mr. Pair explained to the members of the subcommittee that funding for agencies is not the issue. Rather, leadership and training are the issues that must be addressed, he said. Mr. Pair stated that, when the IWG was formed, a “flurry of activities” took place; however, he pointed out, the level of activity later slowed. He also commented that an Executive order on environmental justice “may be better than legislation” because it offers flexibility. Continuing,

Mr. Pair explained that agencies can and should explore creative ways to assist each other with funding. Restrictions and “boundaries” do exist, he said, with respect to how agencies allocate and use funds; however, the IWG is examining steps agencies can take to use their funding creatively. Mr. Pair noted that “progress [in achieving environmental justice] is being made, but it takes time.”

Mr. Pair commented that for those individuals who have been involved for some time in the “struggle for environmental justice,” it is important to recognize that some employees within Federal agencies experience similar frustrations. While the perception may be that Federal agencies may not “be doing much” for environmental justice, there are individuals within those agencies who are making an effort, he said.

Mr. Pair commended Mr. Charles Lee, Associate Director, Policy and Interagency Liaison, Office of Environmental Justice, EPA, and others who had worked on the Integrated Federal Interagency Environmental Justice Action Agenda, recently signed by senior executives of various Federal agencies. The President’s Management Council also has accepted the agenda, Mr. Pair said. Continuing, Mr. Pair stated that the Executive order on environmental justice requires that Federal agencies develop environmental justice strategies and prepare reports on their progress in implementing those strategies. Mr. Pair urged the members of the subcommittee to use the Federal interagency directory of points of contact to request copies of the environmental justice strategies of the various agencies, as well as copies of their reports on the status of implementation efforts.

Ms. Stahl commented that the subcommittee could “argue about resources all day long.” She suggested, however, that instead of discussing the budgets of Federal agencies or the lack thereof, the members of the subcommittee would be better served by hearing about and discussing (1) how the agencies are integrating the concept of environmental justice into their activities, with or without resources, and (2) how agencies are addressing health effects arising from environmental hazards. Ms. Stahl pointed out that such a focus was necessary if the subcommittee was to be able to make recommendations.

Expressing his frustration that much of the emphasis of the discussion was being placed on issues related to funding and the missions of Federal agencies, Mr. Carlos Porras, Communities

for a Better Environment, commented that such questions as “how to get justice out of DOJ and equity out of HUD” should be addressed. Mr. Porras stated further that, if agencies “truly were fulfilling their responsibilities,” there would be no environmental justice issues. Continuing, Mr. Porras remarked that agencies must begin to conduct business in ways that are equitable to communities, as, he pointed out, they are supposed to do. That issue, he declared, should be the focal point of the discussion, rather than quibbling about sources of funding. Mr. Porras then expressed his frustration that for years Federal agencies have pledged to resolve inequity issues; but when he returns to the community, these same agencies remain “part of the problem, not the solution,” he said. To now hear Federal agencies claiming that funds are insufficient is especially frustration, he emphasized.

### **3.4 Activities of the EPA Offices of Pollution Prevention and Toxics and Research and Development**

Dr. William Sanders, Director, OPPT, and Dr. Harold Zenick, Acting Deputy Assistant Administrator for Science, ORD, provided an update of the activities carried out by OPPT and ORD.

Dr. Sanders explained that various efforts were underway in OPPT, including:

- Ongoing efforts to translate various OPPT announcements and documents into Spanish and to make those materials available to non-English-speaking populations
- Development of a standard rule on lead to address lead contamination in soil, paint, and dust
- An initiative to address specifically biological and toxic chemical contamination

Dr. Sanders pointed out that the lead rule was on schedule for release by December 22, 2000 and that an effort had been made to address comments received from the Executive Council of the NEJAC and members of the health and research subcommittee. Additional efforts, descriptions of which, Dr. Sanders said, were to be posted on EPA’s web site.

Joking that if cloning technology was available today, he would clone Mr. Pair because of his understanding of issues related to environmental justice, Dr. Sanders described the difficulties

Federal agencies have encountered in developing among their staffs an understanding of environmental justice issues. He explained that the problem exists because “not everyone understands what his or her job is and not everyone understands the issues.” In addition, Dr. Sanders said, Federal agencies should increase their outreach to state and local agencies in an effort to better engage those agencies in issues of environmental justice. He pointed out that “there are still people who don’t think that environmental justice is real . . . there are scientific types who don’t see environmental justice as part of their jobs.” Dr. Sanders suggested that a great effort should be done to educate executive-level staff of the various agencies about environmental justice issues. He suggested that a two-pronged approach was necessary to (1) educate senior-level agency executives and raise their awareness of environmental justice issues and (2) teach those responsible for implementing programs and policies how to incorporate the principles of environmental justice into their day-to-day work.

Dr. Zenick began his remarks by expressing disappointment that no representatives of the Centers for Disease Control and Prevention (CDCP) or the National Institute for Environmental Health Sciences (NIEHS) were present. He then outlined various activities that feature interagency components that had been initiated primarily during 2000:

- Establishment of a National Health Tracking System, under a program that had been developed for implementation by States to increase the capability of states to monitor health crises
- Preparation of a Government Accounting Office report entitled “Toxic Chemicals: Long-term Coordinated Strategy Needed to Measure Exposure in Humans,” which recommends the integration of the activities of various Federal agencies to address human health issues; EPA and NIEHS are to form a task force on the issue and develop a human exposure “report card” designed to provide data on the effects of 25 chemicals on human health
- Establishment of a Council for State and Territorial Epidemiologists, including several work groups to address issues related to human health

- Establishment of CDCP’s Environmental Public Health Indicators Project, which was inspired by the efforts of one work group and which focuses on indicators that provide information about the status of certain health conditions
- A focused federal effort to develop guidance on the conduct of environmental health assessments and to expand the integration of environmental health into health-care education and medical practice
- A protocol, developed by the National Association of City/County Health Organizations, for assessing community excellence in environmental health

During the discussion that followed Dr. Sanders’ comments, members of the subcommittee agreed to request that the Executive Council of the NEJAC recommend that a program be initiated to train “middle management” staff of Federal agencies in how to incorporate the principles of environmental justice into their day-to-day work. The members of the subcommittee also agreed that the program should include a component for educating staff in the Senior Executive Service because those key staff must understand what environmental justice is, even though they may not be responsible for carrying out day-to-day program activities. The members of the subcommittee agreed that, to effectively facilitate change throughout each agency, senior managers in Federal agencies must view environmental justice as a priority.

### **3.5 Activities of the Health Resources and Services Administration**

Mr. Hubert Avent, Director, Urban Health, Health Resources Services Administration (HRSA), provided an update on the activities of the agency. Mr. Avent informed members of the subcommittee that progress had been made in the area of environmental health, although he characterized that progress as slow. He also identified a need for a strategy for integrating environmental requirements and community development with primary health care.

Mr. Avent informed the members of the subcommittee that, in 1998, HRSA and the Agency for Toxic Substances and Disease Registry (ATSDR) had entered into an agreement to discuss ways to “build capacity to support environmental health medicine” in HRSA agencies, including methods of training medical clinicians, such as nurses. Mr. Avent added that two training

sessions recently had been held and that the agreement between HRSA and ATSDR is being used as an opportunity for the agencies to discuss general issues related to environmental health.

In addition to working with ATSDR, Mr. Avent explained, HRSA is working with HUD to integrate environmental health into HUD's empowerment zone and enterprise community initiatives. He added that HRSA intends to begin working with academic health centers that provide training for health professionals to explore ways to achieve positive results in improving health in affected communities.

Mr. Avent pointed out that "the challenge is to look at the assets, not just the needs, that exist within communities." He explained that HRSA is beginning to look at the existing infrastructure in communities, such as primary care facilities. Continuing, Mr. Avent stated that HRSA is exploring ways to encourage existing primary care facilities to include components addressing environmental health medicine into their policies.

Concluding his remarks, Mr. Avent stated his willingness to work with the members of the subcommittee, and he agreed to provide the subcommittee with information about the ongoing efforts of HRSA.

### **3.6 Activities of the Indian Health Services Agency**

Mr. Eric Broderick, Deputy Director, Office of Public Health, Indian Health Services, DHHS, provided an update of the activities of that agency. Mr. Broderick explained that the mission of IHS is to "raise the health status of Native Americans and tribes." He pointed out that the reason the health needs of Native Americans and tribes are served by the IHS is "rooted" in the treaties made with Indian tribes over the past 150 years. Mr. Broderick explained that IHS had been created under the former U.S. Department of War to protect soldiers from infectious disease. The mission of the agency has evolved and today, the agency currently provides health care to more than 500 tribes living in geographically remote and isolated areas, he said.

Continuing, Mr. Broderick explained that the delivery of potable water and the disposal of wastewater are two primary concerns of his agency. Pointing to the seriousness of those issues to Native Americans and tribes, Mr. Broderick stated that deaths caused by gastrointestinal and infectious diseases are a

major concern. He added that while one percent or less of homes in the United States do not have safe drinking water, a significantly higher percentage of homes in Indian country lack safe drinking water. In addition, Mr. Broderick said, deaths among people between the ages of 1 and 44 are "a big problem" among Native Americans and tribes.

As an example of interagency efforts to address problems specific to Native Americans and tribes, Mr. Broderick continued, IHS has entered into an agreement with HUD to deliver safe drinking water on Indian reservations on which Superfund sites are located. He added that HHS is required to involve tribes in decision-making processes. Mr. Broderick pointed out that, lacking "proper" involvement of communities in decision-making processes, it is difficult to "get past the mere discussion and acknowledgment of problems and complaints." He added that IHS acknowledges that with such communities, consultation must be conducted during the planning stages of programs and projects to achieve effective outcomes that are acceptable to communities.

### **3.7 Activities of the U.S. Department of Education**

Mr. Thomas Mela, U.S. Department of Education, Office of Civil Rights, provided an update on the activities of that department. Mr. Mela informed members of the subcommittee that the Department of Education initially had not been listed in the Executive Order on environmental justice, noting that he did not know the reason for the department's omission. He then provided an overview of the activities related to civil rights and disabilities issues that the department conducts.

Mr. Mela remarked that two of the three laws for which it is responsible to enforce provisions have a direct bearing on environmental justice. He informed the members of the subcommittee that under Title VI of the Civil Rights Act of 1964, the department has jurisdiction over schools and colleges that receive federal funds. He pointed out that, as a condition of the receipt of such funds, those institutions cannot discriminate on the basis of race or national origin. In addition, Mr. Mela continued, Section 504 of the Rehabilitation Act of 1973 requires that educational institutions that receive federal funds must not discriminate against individuals who are disabled. He noted that issues related to disabilities can be linked to environmental justice because such chronic illnesses as asthma, which occurs at disproportionate rates among minority and low-

income populations, can be classified as disabilities. In addition, Mr. Mela explained that, such circumstances as the need to renovate school buildings and the occurrence of indoor air pollution, can affect the health of students in a way that can be classified as an “environmental disability.” Mr. Mela then stated that school districts have an obligation to both students and employees who are disabled.

Turning his attention to specific types of complaints to which his office responds to, Mr. Mela informed members of the subcommittee that, before the Clinton administration had taken office, his office had responded almost exclusively to complaints related to disabilities, which were lodged almost exclusively by residents of suburban areas. He then stated that during the Clinton administration, staff of the department’s Office of Civil Rights had expended almost half of their time on matters he described as “proactive.” Clarifying the importance of that approach to the environmental justice movement, Mr. Mela explained that his office receives few complaints from parents of children who attend inner-city schools. Therefore, he said, the extent to which environmental justice issues are addressed by the department may become an increasingly significant issue after President Clinton has left office, particularly because, he suggested, the department’s Office of Civil Rights then may return to the “reactive mode” of simply responding to complaints.

Continuing, Mr. Mela stated that he was unsure whether the department’s Office of Civil Rights had legal authority to address issues related to the siting of schools on contaminated federal property. He also informed the members of the subcommittee that he was not aware of any formally coordinated efforts by his office to address issues of environmental justice with other Federal agencies. Mr. Mela pointed out, however, that he personally has developed contacts with his counterparts at EPA.

Members of the subcommittee asked whether the U.S. Department of Education would be added to the list of Federal agencies identified in Executive Order 12898 on Environmental Justice. Mr. Mela responded that he was unsure whether the agency “officially” would be added to the list. He noted, however, he had been made aware that other agencies had volunteered to be included on the list.

### 3.8 Activities of the U.S. Department of Energy

Ms. Heather Stockwell, Director for Science, Office of Health Studies, U.S. Department of Energy (DOE), provided and briefly reviewed a handout that summarized an agenda for conducting, in partnership with HHS, public health activities at DOE sites. DOE developed the agenda in partnership with HHS, ATSDR, CDCP, the National Center for Environmental Health, and the National Institute for Occupational Safety and Health, she explained, adding that the agenda had been released for public comment and that DOE had received approximately 40 to 50 comments to it. Ms. Stockwell reported that the agenda included a plan outlining public health activities to address contamination at various sites and the resultant health effects on nearby residents. She noted that those sites include:

- Brookhaven National Laboratory Site, Upton, New York
- Santa Susana Field Laboratory Energy Technology Engineering Center, Simi Valley, California
- Fernald Environmental Management Project, Fernald, Ohio
- Lawrence Livermore National Laboratory, Livermore, California
- Los Alamos National Laboratory, Los Alamos, New Mexico
- Monticello Mill Tailings Site, Monticello, Utah
- Nevada Test Site, Nye County, Nevada
- Oak Ridge Reservation, Oak Ridge, Tennessee
- Paducah Gaseous Diffusion Plant, Paducah, Kentucky
- Rocky Flats Plant, Golden, Colorado
- Salmon Test Site, Lamar County, Mississippi
- Savannah River Site, Aiken, South Carolina

Ms. Stockwell acknowledged that, although DOE had established an office of environmental justice and some progress had been made toward achieving environmental justice, more remains to be done. She also urged the members of the subcommittee to visit DOE’s web site <[www.doe.gov](http://www.doe.gov)> to obtain additional information about DOE’s activities.

Ms. Stahl asked at what point DOE solicits the involvement of ATSDR or CDCP at a particular site. In response, Ms. Stockwell stated that involving ATSDR or CDCP in activities at a site was a routine part of the process of addressing contamination, rather than a step reserved for sites about which complaints have been filed. She added that ATSDR and CDCP are involved at all

DOE facilities, from “start to close.” Ms. Stockwell then stated that, although ATSDR and CDCP conduct assessments of conditions at each DOE facility, health studies are not necessarily conducted for each facility because those agencies sometimes decide that a study is not warranted.

Mr. Aragon asked about the effects on tribes of projects under which uranium mill tailings are being cleaned up. He cited the case of one site for which DOE had signed a cooperative agreement, but the tribal attorneys were having difficulty deciphering the agreement. Ms. Stockwell replied that she did not know the specifics of the case to which Mr. Aragon had referred and suggested that he write a letter to the Secretary of Energy. Ms. Stockwell also suggested that Mr. Aragon contact ATSDR, noting that the agency conducts assessments if so requested by citizens.

### **3.9 Activities of the U.S. Department of Defense**

Ms. Patricia Reyes, Director, Outreach, U.S. Department of Defense (DoD), explained that although DoD does not have an office of environmental justice, it has assigned and authorized one person to spend about 25 percent of his time on environmental justice issues. In addition, individual DoD staff around the country are “doing the right thing,” Ms. Reyes stated. She also informed the members of the subcommittee that DoD had conducted activities “indirectly” to assist in improving the health of communities located near DoD facilities. She cited the contribution of resources for use in health clinics as an example of such indirect activities.

Ms. Reyes explained that DoD and other agencies often may react to situations from the perspective that the matter is not within the jurisdiction of the agency; however, she suggested, if agencies can look beyond that perspective, they often can be of assistance to communities. As an example, Ms. Reyes explained that DoD recently had been asked to build a health clinic in Memphis, Tennessee. The agency’s initial response, she continued, was that building health clinics was not a part of DoD’s mission. She said that DoD instead was working to assist others in building the health clinic, by providing trailers and office equipment and offering other support. She explained that after construction the trailers are to be converted into small clinics.

Continuing, Ms. Reyes informed the members of the subcommittee that ATSDR conducts all of

DoD’s health studies. She pointed out, however, that DoD was “having problems” with ATSDR and was working to improve its relationship with ATSDR or to devise a better approach to the conduct of health studies.

In addition, Ms. Reyes stated, DoD had asked Mr. Timothy Fields, Jr., Assistant Administrator, EPA Office of Solid Waste and Emergency Response, to assign two EPA staff to assist DoD in implementing environmental justice. She explained that field staff of DoD projects lack training in the area of environmental justice.

After Ms. Reyes concluded her remarks, the members of the subcommittee and the representatives of the agencies discussed the need for coordination among agencies to address infrastructure issues, as well as to actually provide health care. Ms. Reyes responded that DoD had been able to provide infrastructure assistance, although the agency does not provide direct health care. Dr. Zenick stated that, unless HRSA and other agencies are involved, there is no means of actually providing the health care, even when the infrastructure exists. Ms. Kingfisher noted that the Indigenous Women’s Network had trained many doctors and that community groups could conduct internship programs to provide opportunities for medical interns to learn while providing assistance at clinics.

Mr. Philip Lewis, thanked Ms. Reyes for her candor and suggested that DoD examine creative ways, such as training or recruitment initiatives, to provide assistance to communities. Mr. Lewis added that EPA should request that DoD revise its mission statement to include the provision of assistance to communities through such training and recruitment initiatives. That is, he explained, DoD would not necessarily directly provide health care at clinics, but the agency could provide to clinic workers training on such topics as environmental health effects, and the agency could put forth an effort to recruit staff skilled in such areas.

### **4.0 SUMMARY OF PUBLIC DIALOGUE**

Dr. Payton, chair of the subcommittee, opened the floor to public dialogue. Three members of communities made presentations.

#### 4.1 Ms. Charlotte Keys, Jesus People Against Pollution

Ms. Keys informed the members of the subcommittee about an environmental justice summit meeting scheduled for April 2001. She invited the members of the subcommittee to attend the event.

#### 4.2 Ms. Patty Lovera, Center for Health, Environment, and Justice

Ms. Lovera spoke about schools located on contaminated property, particularly contaminated property owned by Federal agencies. She explained that, when schools are located on contaminated property, children who attend those schools are exposed to health risks. The problem, said Ms. Lovera, is particularly prevalent in low-income communities and communities of color.

#### 4.3 Ms. Yvonne McSwain Powell, People Effective Against Chemical Eugenics Organization

Ms. Powell expressed concern about the health risks posed by contaminated drinking water. She specifically expressed concern about contaminated drinking water in Richton, Mississippi and the negative health effects that contamination has had on local residents.

Executive Order 12898 on Environmental Justice and as a step toward achieving the intent of the order.

- ✓ Members of the subcommittee agreed to review the subcommittee's report on health issues that was developed after the May 2000 meeting of the subcommittee and identify areas in the report that are linked directly to discussions held during the December 2000 meeting. The subcommittee then will prepare an addendum to the report that highlights the issues discussed during the December 2000 meeting.
- ✓ Forward a recommendation to the Executive Council of the NEJAC to request that the EPA Administrator solicit documentation of how Federal agencies can collaborate in providing health services to low-income and minority communities. The documentation should highlight success stories.
- ✓ Members of the subcommittee agreed that they should obtain copies of the strategic plans, goals, and objectives of Federal agencies and review them to determine whether those documents include environmental justice and, specifically, whether they include any language about the provision of health care to communities. Subsequently, the subcommittee should identify agencies that do not include such provisions in their plans and request that the Executive Council of the NEJAC recommend that the IWG request that those agencies take action to incorporate environmental justice and provision of health care communities into their strategic plans.
- ✓ Forward a recommendation to the Executive Council of the NEJAC to request that Federal agencies establish "collaborative funds" to address the health needs of communities. (Collaborative funds were deemed especially important in the context of the reality that funds are "earmarked" and the lack of flexibility in how agencies can spend funds.)
- ✓ Forward to the Executive Council of the NEJAC a recommendation to request that the U.S. Department of Education be added to the IWG.

### 5.0 ACTION ITEMS

This section summarizes the action items adopted by the subcommittee.

- ✓ Recommend that the Executive Council of the NEJAC request that the EPA Administrator initiate a program to train "middle management" staff of Federal agencies in how to incorporate the principles of environmental justice into their day-to-day work. "Middle management" is defined as those responsible for carrying out policies and programs that have an effect on communities. Also suggested that the recommendation include a component for educating staff of the Senior Executive Service to increase their level of awareness of environmental justice issues.
- ✓ Forward a recommendation to the Executive Council of the NEJAC to request that the EPA Administrator request that DoD make a commitment to establishing an environmental justice office, as an indication of DoD's commitment to fulfilling the requirements of

- ✓ Members of the subcommittee agreed to (1) identify agencies such as the U.S. Department of Education, the Nuclear Regulatory Commission, and U.S. Department of State that are not included among agencies listed in Executive Order 12898 on Environmental Justice and (2) forward a recommendation to the Executive Council of the NEJAC to request that EPA urge Federal agencies that are not listed to subscribe voluntarily to the intent of the order.
- ✓ Recommended that the subcommittee write and forward to the Executive Council of the NEJAC, a letter requesting that EPA (1) discuss its agreement with the International City/County Management Association pertaining to the decision tree framework for community health assessment; (2) reference who approved the agreement; (3) provide the subcommittee with a report of activities conducted under the agreement; and (4) provide copies of all reports developed under the agreement.