

MEETING SUMMARY

of the

INTERNATIONAL SUBCOMMITTEE

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**December 11, 2002
Baltimore, Maryland**

**Wendy Graham
Designated Federal Official**

**Tseming Yang
Chair**

**CHAPTER SEVEN
MEETING OF THE
INTERNATIONAL SUBCOMMITTEE**

1.0 INTRODUCTION

The International Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Wednesday, December 11, 2002, during a four-day meeting of the NEJAC in Baltimore, Maryland. Mr. Tseming Yang, Vermont Law School, continues to serve as chair of the subcommittee. Ms. Wendy Graham, U.S. Environmental Protection Agency (EPA) Office of International Activities (OIA), continues to serve as the Designated Federal Official (DFO) for the subcommittee. Mr. Jose Bravo, Just Transition Alliance, a former member of the International Subcommittee, attended the meeting as proxy for Mr. Cesar Luna, Border Environmental Justice Campaign, who was unable to attend. Exhibit 7-1 identifies the subcommittee members who attended the meeting and the members who were unable to attend.

This chapter, which summarizes the deliberations of the International Subcommittee, is organized in five sections, including this *Introduction*. Section 2.0, 5.0, *Activities of the Subcommittee*, presents items identified by the members to facilitate a beneficial relationship between the subcommittee and EPA OIA. Section 3.0, *Discussion of Corporate Responsibility*, summarizes the discussion about the corporate responsibility of United States-based multinational corporations to comply with the health, safety, and environmental laws and regulations of the foreign countries. Section 4.0, *Presentations and Reports*, presents an overview of presentations and reports about topics other than corporate responsibility and includes a summary of relevant questions and comments from the subcommittee members. Section 5.0, *Significant Action Items*, summarizes the significant action items adopted by the subcommittee.

2.0 ACTIVITIES OF THE SUBCOMMITTEE

Mr. Yang described the subcommittee's accomplishments during the past year, including:

- Its work with the Amazon Alliance on Plan Columbia, a group examining at the effects of eradication of coca crops in Colombia
- Its completion of the Draft Report on the

International Roundtable on Environmental Justice on the United States-Mexico Border, August 1999, National City, California, which had been submitted to the Executive Council for review and approval

- The work of Mr. Philip L. Hillman, Polaroid Corporation and member of the subcommittee, in preparation for the discussion about international corporate responsibility. See Section 3.0 of this chapter for a summary of that discussion.

Mr. Yang stated that although the next complete meeting of the NEJAC is not scheduled to occur until April 2004, the subcommittee should attempt to meet prior to that date. He suggested that the subcommittee meeting be convened in a city such as San Diego, California, or El Paso, Texas that is located near the United States-Mexico border.

Mr. Yang pointed out that the items to be discussed during the current meeting of the subcommittee reflect the priorities outlined in the International Subcommittee Strategic Plan that recently had been revised. Pointing to Goal 6 of the Strategic Plan, Mr. Yang suggested that the relationship between environmental justice and the work of the various international agencies is important and should be actively engaged by EPA. Exhibit 7-2 presents the text of that goal.

Exhibit 7-1

<p>INTERNATIONAL SUBCOMMITTEE</p> <p>Members Who Attended the Meeting December 11, 2002</p> <p>Mr. Tseming Yang, Chair Ms. Wendy Graham, DFO</p> <p>Mr. Jose Bravo, <i>proxy for Mr. Cesar Luna</i> Mr. Larry Charles Ms. Carmen Gonzalez Ms. Dianne Wilkins</p> <p>Members Who Were Unable To Attend</p> <p>Mr. Philip L. Hillman Mr. Cesar Luna Mr. Jose Matus</p>

Exhibit 7-2

INTERNATIONAL SUBCOMMITTEE
STRATEGIC PLAN

Goal 6

Engage in further discussion with OIA about the subcommittees's work on the accountability of:

- The Commission for Environmental Cooperation (CEC), the Border Environmental Cooperation Commission (BECC), the North American Development (NAD) Bank, and the International Boundaries and Waters Commission
- International environmental institutions such as the United Nations Environmental Program and other treaty organizations
- Foreign policy-oriented federal agencies and entities

Mr. Jerry Clifford, Deputy Assistant Administrator, EPA OIA responded that the Commission for Environmental Cooperation (CEC) is overseen by an advisory committee; adding that he did not think it would be helpful for the International subcommittee to assist with that advisory committee's processes. However, he stated, the Border Environmental Cooperation Commission (BECC) and the North American Development (NAD) Bank do not have effective advisory committees. Reporting that there is a plan to restructure the BECC and the NAD Bank to work under the same advisory board, Mr. Clifford stated he would like to see a citizen advisory position added to that new board. Mr. Clifford suggested that he would like to use the existing Good Neighbor Board in that capacity.

Commenting about the subcommittee's continuing concerns about U.S. international trade policies and the U.S. Department of State, Mr. Clifford recommended the subcommittee provide advice about environmental justice through the Trade and Environment Policy Advisory Committee (TEPAC), a federal advisory committee jointly administered by EPA and the United States Trade Representative (USTR). Mr. Clifford stated that through its role as an advisory body to OIA, the NEJAC could provide recommendations about how OIA could challenge TEPAC to engage in environmental justice issues.

The subcommittee members agreed to meet with TEPAC via a teleconference call to provide recommendations about environmental justice as it relates to international trade. Ms. Carmen Gonzalez, Seattle University School of Law and member of the subcommittee, pointed out that the NEJAC is unique

among advisory councils in that it also serves as a conduit between environmental justice grassroots organizations and EPA. Mr. Clifford encouraged the subcommittee to continue to bring such issues as the aerial eradication of coca crops in Colombia to the attention of EPA.

3.0 DISCUSSION ABOUT INTERNATIONAL CORPORATE RESPONSIBILITY – THE MORAL DILEMMA

This section summarizes the subcommittee's discussion about how to encourage the responsibility of United States-based multinational corporations to comply with the health, safety, and environmental laws and regulations of the foreign countries in which they operate. The discussion also examined whether such corporations were required to maintain the standards they employ to operate their facilities located in the United States. Various perspectives were offered by representatives of an advocacy organization, a corporation, and the EPA.

Mr. Yang introduced the discussion by stating that there is a perceived disconnect between economic and financial policy and environmental responsibility in developing countries. He noted that United States-based multinational corporations have moved their production operations to foreign countries, typically developing countries, where there are weak environmental regulations or poor enforcement of the health, safety, and environmental standards that must be met in the United States. The subcommittee is concerned about international environmental responsibility, he explained, particularly as it relates to transboundary issues in the United States-Mexico border area and shipments of hazardous waste from the United States to South Africa. Mr. Yang summarized his remarks by reading the following statement prepared by Mr. Hillman:

"The goal of the International Subcommittee is to develop best practices and identify strategies that can be used by government and non-government organizations to challenge and influence United States multinational corporate behavior. We want to develop a method that would encourage companies to take the 'high road' and become better global citizens."

Drawing a connection between international corporate environmental responsibility and pollution prevention (the policy issue being discussed during the current meeting of the NEJAC), Ms. Dianne Wilkins, Bullock Memorial Association and member of the subcommittee, stated her belief that in the

United States many corporations consider pollution prevention to be a voluntary effort. For the many United States-based multinational corporations operating in locations outside the United States, that perception is “more than voluntary,” she asserted; explaining that those corporations operate as if they do not have to be proactive about pollution prevention. She emphasized the importance of international pollution prevention efforts because “pollution does not know boundaries.”

The presentations are described below, as well as a summary of the relevant questions and comments of the subcommittee.

3.1 Coalition for Environmentally Responsible Economies

Ms. Debra Hall, Coalition for Environmentally Responsible Economies (CERES), opened her presentation about international corporate responsibility by stating that the discussion would examine the complexities of corporate responsibility, address moral dilemmas and management challenges, and link pollution prevention to sustainability and a “systems approach” by highlighting corporate best practices. For companies, she stated, there are values for “doing the right thing,” and a company’s values must be consistent with its management approach.

Ms. Hall then provided background information about CERES. She described CERES as a coalition of more than 80 environmental, religious, labor, and public interest groups as well as investors representing more than \$300 billion in invested capital. The coalition was established in response to the 1989 Exxon oil spill in Alaska. Its members include a network of more than 65 corporate endorsers representing diverse industries and businesses, she said. Ms. Hall explained that the members of CERES advocate an innovative, practical approach to advancing corporate accountability through public reporting and stakeholder engagement. She reported that the coalition had developed the CERES Principles, a 10-point code of environmental conduct that its members have endorsed:

- Protection of the biosphere
- Sustainable use of natural resources
- Reduction and [safe and responsible] disposal of wastes
- Energy conservation
- Risk reduction
- Safe products and services
- Environmental restoration
- Informing the public

- Management commitment
- Audits and reports

CERES has promoted standardized environmental reporting since its formation in 1989, Ms. Hall continued, noting that CERES has helped turn corporate environmental disclosure into a routine part of business behavior. In 1997, she said, CERES launched the Global Reporting Initiative (GRI), an international effort to create a common framework for reporting the economic, environmental, and social impacts of corporate activity. Ms. Hall noted that the GRI Sustainability Reporting Guidelines are a widely accepted standard for corporate sustainability reporting worldwide. Companies that have endorsed the CERES Principles are obliged to report annually on their environmental performance, she said. In 2002, GRI became an independent institution whose mission is to develop and disseminate globally applicable sustainability reporting guidelines, she said.

Mr. Bravo then asked about CERES’ position on environmental justice and whether environmental justice is integrated into the coalition’s work. Ms. Hall replied that CERES is an environmentally focused coalition that is concerned about sustainability and social responsibility issues but that it does not specifically spell out environmental justice as part of its principles.

3.2 DuPont Company

Mr. Ed Mongan, DuPont Company (DuPont), described DuPont as a multinational chemical company in which corporate responsibility is part of the culture. He then presented an overview of DuPont’s commitment to corporate responsibility. In the 1980s, he said, when it became apparent that environmental issues such as ozone depletion and global warming were “not just local but global in scope,” DuPont began making changes involving environmental corporate responsibility. DuPont now has an environmental policy board that focuses on the broader issues of global impacts, including those related to environmental impacts, worker safety, and product stewardship.

Mr. Mongan then shared his personal experience involving pollution prevention and DuPont’s supply chain relationship with the automobile industry. He began by explaining that DuPont Canada’s Performance Coatings had initiated a partnership with Ford Motor Company’s Oakville, Ontario, automotive assembly plant. The resulting financial contract was based on the number of cars painted rather than the historical metric of gallons of paint used, he said. DuPont applied its extensive know-

how in paint application technology to Ford's painting operations, he continued, noting that as a result, paint application efficiency improved greatly; less paint was used; volatile organic emissions from the plant were lowered by 50 percent over a four year period; and Ford Motor Company's costs related to painting operations dropped by almost 35 percent. The improved efficiency also created significant value for DuPont, more than offsetting the reduction in gallons of paint sold, he said.

Mr. Mongan mentioned that DuPont interacts with its competitors, including the Dow Chemical Company, to discuss the process for benchmarking pollution prevention and "sustainable systems" performance across a company or industry and to share best practices. He added that among the industry, there is a fair level of comfort with the sharing of environmental information.

Mr. Mongan continued by describing DuPont's experience with stakeholder engagement and involvement. He stated that DuPont has established a community advisory panel or similar interaction process for almost every DuPont facility around the world. Such stakeholder engagement has increased corporate transparency and communication between a facility and the local communities and, in most cases, has helped to forge a relationship of trust and mutual respect, he said. Mr. Mongan added that in foreign countries, stakeholder involvement has proven to be more challenging, in part because governments in those countries often discourage interaction between the company and stakeholders. DuPont does not track stakeholder involvement in its environmental database, Mr. Mongan explained, noting that stakeholder engagement has led DuPont to develop the following corporate statement on sustainable growth: "to increase the value of goods and products to society while decreasing their environmental footprint." Ms. Wilkins suggested that DuPont share its experience in stakeholder involvement with other companies.

Ms. Gonzalez asked whether any government regulations, such as limits to chlorofluorocarbons, had pushed DuPont into developing environmental policies. Mr. Mongan replied that they had and that DuPont felt it was better to cooperate with the limits than to oppose them. Ms. Wilkins added that the development of the Toxic Release Inventory (TRI), an EPA database containing information available to the public about toxic chemical releases and other waste management activities, spurred many companies to begin revising their environmental policies and practices. Mr. Mongan replied that DuPont once topped the TRI listing of toxic chemical releases, mostly because of its deep well injection of

hazardous waste.

Mr. Mongan explained that in the late 1980s, when public opinion polls had ranked DuPont low, DuPont's Chief Executive Officer (CEO) had challenged the company to push corporate environmental policy as a company priority. He said that the CEO had set company goals for emission reductions, pollution prevention, and a reduction in the use of deep well injection of hazardous waste. Those goals, Mr. Mongan continued, led to the development of a corporate environmental plan that includes a database through which DuPont facilities can track their wastes, emissions and consumption of energy and water. DuPont began to report internally on the progress corporate environmental goals, which drove the individual facilities and associated business units to improve their performance, he continued. Those reports identified where cost savings had occurred as a result of pollution prevention and reductions in emissions and waste, as well as where deficiencies were occurring.

Mr. Bravo asked whether the information contained in the reports is available to the public or EPA. Mr. Mongan replied that the information is not available to parties outside the company.

Ms. Wilkins stated that there must be a commitment from top management in a company for pollution prevention to be successful. Lower-level employees need the direction and commitment of management to implement pollution prevention, she stated. She added that pollution prevention can create cost savings for companies but that in her experience, there are often problems with quantifying savings and conducting accurate benefit analyses. Ms. Wilkins stated many companies can experience cost-savings from implementing low-cost or no-cost pollution prevention projects. Mr. Mongan added that a company also can pursue "the low-hanging fruit" (those pollution prevention objectives that are easiest to meet) and the associated cost savings can be used to fund future projects.

Mr. Larry Charles, ONE/CHANE, Inc. and a member of the subcommittee, added that corporate environmental responsibility contributes to corporate competitiveness because such responsibility becomes part of the performance appraisal for business sectors. Mr. Mongan agreed and said that DuPont is determined not to be the number one polluter among chemical companies. DuPont has a companywide standard that each division within the company has a goal of zero waste generation and zero emissions, he said, adding that each division is expected to implement the best technology available, giving priority to technologies that limit

potential risk to human health or the environment.

Mr. Bravo asked whether DuPont had considered whether the transportation of goods could be conducted in a "sustainable manner." Mr. Mongan replied that although DuPont manufactures many products in large volumes to be used locally rather than shipped, he suspects that DuPont may ship some products between the United States and Mexico.

Mr. Bravo also asked whether DuPont looks at violations of human rights in foreign countries where it does business. Mr. Mongan replied that this subject is outside of his environmental expertise and that he could not provide an accurate answer. Mr. Bravo added that the members of the subcommittee do not separate human rights issues from environmental issues.

Mr. Charles asked whether Mr. Mongan had suggestions for encouraging other companies to use recommended best practices and tools for environmental . Mr. Mongan stated that engaging the companies is a challenge but that management changes are effective. Mr. Charles also asked whether DuPont has a statement of principles about environmental stewardship. Mr. Mongan answered that DuPont does have a commitment to safety, health, and the environment, explaining that although DuPont is not an endorsing member of CERES, it does evaluate itself against the performance of other firms that participate in that organization. Mr. Mongan then provided DuPont's web site address, <<http://www.dupont.com>>, which contains additional information about its environmental program.

With regard to motivating multinational companies to be environmentally responsible, Mr. Yang asked Mr. Mongan what motivated DuPont to pursue internal environmental standards. Mr. Mongan stated that the founder of the company had been an advocate of worker safety who recognized that efforts to improve safety resulted in improved environmental performance.

Mr. Charles asked whether Mr. Mongan believed if DuPont's view of corporate responsibility is being embraced by other companies. Mr. Mongan replied that he did believe that others were embracing that philosophy.

3.3 Recent Efforts by EPA OIA

Ms. Suzanne Giannini Spohn, EPA OIA, Office of Technology Cooperation and Assistance, began by describing OIA's efforts to promote internationally, standards for pollution prevention and environmental

sustainability. She stated that the mission of OIA is to cultivate capacity-building (the development of an organization's core skills and capabilities, such as leadership, management, financial, programming, and evaluation, to build that organization's effectiveness and sustainability) for environmental protection. OIA works with governments and companies to foster such capacity-building, she said. She then provided brief examples of projects conducted in Thailand and China with United States-based companies that have operations in those countries.

Ms. Giannini Spohn stated that many international locales need investments from private resources because the public sector cannot fund investments that address environmental quality. She noted that as United States-based companies adapt domestic environmental standards to the foreign countries in which they operate, foreign governments are able to see improvements to local environments and how such standards can be applied within the context of local laws. She stated that it is not realistic to expect a company to compete in an economic environment where it is seen as a bad corporate citizen. She pointed out that countries often have environmental laws and regulations in place but there is a lack of or poor enforcement of such laws. The reasons for this situation, she said, includes limited resources and the dilemma created when workers are displaced when enforcement actions result in plant shutdowns.

Mr. Charles asserted that for many United States-based corporations, profit is the only motive and companies must see a competitive advantage to achieve corporate environmental responsibility. Ms. Giannini Spohn replied that environmental costs often are not factored into the cost model for the development of products and that when operations are shut down for irresponsible environmental activity, often the workers bear the burden in the form of layoffs or termination. Many international companies do not see it as cost-effective to use natural resources efficiently; some firms actually receive government subsidies for resource extraction and water and energy usage, she explained. Such companies would rather increase sales and decrease costs than implement environmentally responsible practices, she noted. Ms. Wilkins stated that corporations need to consider pollution prevention and environmental justice jointly, not as separate issues.

Mr. Bravo stated that one problem with promoting environmental justice has been the dilemma posed when communities are made to choose between remaining silent about concerns about pollution caused by their employer and jeopardizing their jobs

when calling for employers to address polluting the environment in which residents live and work. Communities must choose between jobs or the environment, he said. He stated that he does not support sacrificing public health for employment, nor does he consider the choice of jobs over the environment as an “either/or” dilemma. Mr. Bravo added that existing zoning policies add to this dilemma when polluters operate in residential areas but whose activities are tolerated because the firms provide jobs for local residents. He pointed to the worker displacement that had led to the development of the maquiladora industry along the United States-Mexico border as an example of what can happen if the problem is not addressed.

Mr. Chris Herman, EPA OIA, stated that trade agreements should be designed to “level the environmental playing field” for multinational companies of all sizes. He stated that the failure to promote environmental stewardship often does not lie with the inability of small- or medium-sized companies to comply with environmental regulations but rather the problem lies with the those governments that perceive changes in market competition as barriers to trade. Mr. Herman added that one way to protect a society’s ability to change corporate behavior and promote innovate corporate mechanisms is to develop appropriate trade rules and that this is a process that already should have begun.

3.4 Tools for Change in Corporate Responsibility

Ms. Hall described the following tools for change in corporate responsibility:

- Stakeholder dialogue
- Reporting
- Investor activism
- Partnerships
- Technical assistance
- Funding

She also explained that GRI, an independent global institution, is developing a “generally accepted framework” for sustainability reporting. Ms. Hall stated that GRI has created Sustainability Reporting Guidelines that are available at <http://www.globareporting.org>. The goal of the Sustainability Reporting Guidelines, she continued, is to enable companies and other organizations to prepare comparable reports about economic, environmental, and social indicators. The guidelines also describe reporting principles that detail how to address the life cycle of products, she added, noting that GRI also plans to begin development of facility reporting guidelines.

As an action item for the subcommittee, Mr. Charles suggested the development of a set of principles for United States-based multinational corporations to use as tools to address what he termed “the corporate environmental responsibility dilemma.” He said he envisioned the proposed principles as a product that could positively influence “people’s lives in areas are impacted negatively by United States-based multinational corporations.” He further suggested that the subcommittee obtain the support of the NEJAC for the development of the principles.

Ms. Hall then introduced Ms. Leslie G. Fields, Friends of the Earth and member of the NEJAC Waste and Facility Siting Subcommittee. Ms. Fields described the efforts of her organization to promote international right-to-know standards. Noting that United States companies operating abroad are not required to disclose information about their international operations that they are required to disclose about its domestic operations, she stated that this lack of disclosure has resulted in environmental, labor, and human rights abuses. Such abuses have given rise to public distrust of the United States among communities around the world, she said.

Ms. Gonzalez raised a concern that multinational corporations learn to work with local communities when addressing environmental, health, and safety issues. She added that when discussing trade rules and funding options, corporations also should consider the concerns and needs of local communities affected by their operations.

Mr. Yang mentioned that in addition to enforcement actions and associated legal penalties, social norms play a significant role in influencing the behavior of multinational companies. He added that the problem with achieving corporate responsibility across various countries is that trade markets are influenced largely by economic incentives, not environmental incentives.

4.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations made and reports submitted to the International Subcommittee that involved issues other than corporate responsibility.

4.1 Update on United States-Mexico Activities

Mr. Gregg Cooke, Regional Administrator, EPA Region 6, opened his presentation with an update about the development of the Draft Border 2012 Plan – United States-Mexico Environmental Program, a 10-year program that is designed to protect public

health and the environment along the United States-Mexico border. He stated that to develop the draft plan, EPA had worked with local, state, and tribal governments along the border to achieve a "community-based level of participation." As part of that effort, EPA had hosted 11 public meetings to discuss the development of the draft plan, he added, noting that many of the meetings were well attended by citizens of Mexico. Mr. Cooke added that copies of the Draft Border Plan had been distributed to obtain public comments and that the public comment period had ended on November 22, 2002. Mr. Cooke encouraged the members of the subcommittee to submit comments to the report.

Mr. Bravo asked why site-specific cleanup plans are not addressed in the draft border plan. Mr. Cooke replied that the draft plan divides the United States-Mexico border area among four regional committees centered in "sister cities," those cities located directly across from another city situated on the Mexico side of the border. These committees have been asked to focus on environmental and environmentally-related public health issues specific to each region, he said, which should address site-specific cleanup efforts.

Ms. Laura Yoshii, Deputy Regional Administrator, EPA Region 9, began by stating that the draft border plan reflects the International Subcommittee's desire to take a community-based, "bottoms up" approach to environmental issues in the border area. She added that the plan focuses on EPA's obtaining positive environmental results, not just conducting meetings about environmental issues. Ms. Yoshii said that in addition to developing the draft border plan, EPA is continuing to promote progress on water infrastructure development and tribal land, solid and hazardous waste, and air quality monitoring issues. She emphasized that EPA wants to build the capacity of communities located along the border to address local environmental issues and that the EPA border offices in San Diego, California and El Paso, Texas, remain available as resources for this effort.

Mr. Charles asked what environmental standards would be applied to projects or activities along the border. Ms. Yoshii replied that the standards would be specific to the country in which a site is located.

Mr. Jerry Clifford, Deputy Assistant Administrator, EPA OIA, stated that the initiation of an environmental program, such as that outlined in the Draft Border Plan, is not a revolutionary idea for the United States but is entirely revolutionary for Mexico. In the past, he explained, efforts to address environmental issues along the border had not

involved Mexican citizens because there had not been a mechanism through which to engage individual citizens. Mr. Clifford added that public participation is new to many citizens of Mexico. Until the development of the Draft Border 2012 Plan, he explained, representatives of EPA and Mexico's Secretariat for Environment and Natural Resources (SEMARNAT), the environmental authority for Mexico, had been working together on a government-to-government basis but that such efforts had not involved the citizens of Mexico in any local capacity.

Mr. Bravo stated that although binational partnerships had been formed to address environmental issues along the United States-Mexico border, efforts to ensure environmental justice in that region had not had an impact. He also stated that despite the fact that commissions, such as the BECC and the NAD Bank, they do not focus on environmental justice issues in the border region. Citing the recent completion of the subcommittee's report about the International Roundtable on Environmental Justice on the United States-Mexico Border, Mr. Bravo stated that there is a need for a regular avenue for community input into decisions about environmental issues. He recommended the creation of an additional community-based advisory committee to provide input to EPA about border environmental justice issues. He asserted that people living in communities located along the United States-Mexico border are not interested solely in attending meetings; rather, he said, they would prefer to see results in the form of site cleanups.

Ms. Yoshii addressed Mr. Bravo's comment by stating that under the Draft Border 2012 Plan, tangible results should be obtainable. Mr. Enrique Manzaniilla, EPA Region 9, added that site cleanups are an issue throughout Mexico, not solely at sites along the United States-Mexico border. Mr. Cooke stated that the formation of an additional advisory committee to address environmental justice in the border region would not be effective. In addition, he stated, site-specific environmental justice issues are better approached on a local or regional level. Mr. Clifford added that the Draft Border 2012 Plan is not designed to have "government bureaucrats sitting around the table" but rather to have local community representatives living on both sides of the border working together to address priorities.

Mr. Bravo stated that the existing commissions addressing border issues focus primarily on water pollution issues. Many other issues need to be addressed, he asserted. Mr. Clifford responded that the BECC and the NAD Bank were designed to

address water and water infrastructure issues. The top three priorities for SEMARNAT are “water, water, and water,” acknowledged Mr. Cooke.

4.2 Update about Persistent Organic Pollutants

Ms. Angela Bandemehr, EPA OIA, presented information about the progress of the Stockholm Convention on Persistent Organic Pollutants (POP), a global treaty adopted in May 22, 2001 to protect human health and the environment from POPs. She reported that the United States, along with 150 other countries, have signed the treaty; only 23 countries have ratified it, she said. Ms. Christine Whitman, EPA Administrator, signed the treaty in May 2001, Ms. Bandemehr noted; adding that the legislative package for the treaty is under Congressional review for ratification. Voluntary implementation of the Stockholm Convention begins prior to its entry into force, which will occur after 50 countries have ratified the treaty, she said.

Ms. Bandemehr then provided a description of POPs, explaining that they are organic compounds from natural or manmade sources that remain intact in the environment for long periods of time, become widely distributed geographically, accumulate in the fatty tissue of living organisms, and are toxic to humans and wildlife. There are two different types of POPs, she continued, commenting that POPs either are substances produced intentionally (such as pesticides and industrial chemicals which include chlordane, DDT, endrin, heptachlor, mirex, and man-made polychlorinated biphenyls (PCB)), or unintentionally (such as dioxins, furans, and naturally-occurring PCBs). Ms. Bandemehr explained that exposure to POPs can occur through during their production and use, and in the consumption of food contaminated with POPs. Populations with a potentially higher risk of exposure to POPs are those exposed through use and those who rely on a subsistence diet of foods contaminated with POPs, she said.

Ms. Bandemehr explained that the key provisions of the Stockholm Convention require parties to:

- Prohibit most of the production and use of nine pesticides and industrial chemicals
- Restrict the production and use of DDT
- Prohibit the production of new PCBs, and plan the phase-out of the use of PCBs by 2025
- Take measures to reduce or eliminate releases of POPs generated as the by-product of other processes
- Manage wastes containing POPs in an environmentally sound manner

The treaty also contains a provision for the addition of new POPs to the list of chemicals subject to the terms of the treaty. Each of the ratifying parties is required to develop an implementation plan, an action plan, and a national focal point for the exchange of information, she said. She noted that the Global Environmental Facility is the principal organization tasked with providing interim financial assistance to countries. Provisions for technical assistance for participating countries currently is being developed, she reported.

Ms. Bandemehr reported that the United States has taken a series of actions to address POPs:

- Pesticides
 - All uses canceled under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
 - All food tolerances revoked
 - No production, import, or export
- PCBs
 - Manufacture and new uses prohibited in 1978 under the Toxic Substances Control Act (TSCA)
 - Regulated as a hazardous air pollutant under the Clean Air Act (CAA)
 - Regulated as a priority toxic pollutant under the Clean Water Act (CWA)
- Dioxins and Furans
 - Regulated as hazardous air pollutants under the CAA
 - Regulated as priority toxic pollutants under the CWA

Ms. Bandemehr also presented the subcommittee with copies of resources about POPs and the Stockholm Convention through which to find outreach materials and information about points of contact.

4.3 Update on the Aerial Eradication of Coca Crops in Colombia

Ms. Betsy Marsh, Amazon Alliance, a non-government organization, provided an update about Plan Colombia, a program to eradicate coca crops in Colombia that is funded by the U.S. Department of State (State Department). She commented that the issues associated with the program first had been brought to the attention of the NEJAC more than two years ago, who had in turn had asked EPA to become involved in monitoring Plan Colombia. She then praised the subcommittee for its opposition to Plan Colombia.

Ms. Marsh reported that since the plan's inception, more than \$1 billion in support had been provided by the State Department for the counter-narcotics program that has as its primary component the aerial spraying of herbicides that are intended to destroy illegal coca crops in Columbia. The program initially covered 235,000 acres in 2001 which was increased to 300,000 acres in 2002, she explained. She stated that the program is considered by many to be ineffective.

Ms. Marsh stated that her organization had been working with EPA to encourage the U.S. Congress to require the State Department to conduct the aerial spraying of herbicides in accordance with all label requirements and to conduct an adequate assessment of the human health risks associated with the program. She said that in response to the State Department's *Report on Aerial Spraying in Columbia*, EPA had prepared a report which highlighted its uncertainty about the human health risks and the lack of data about the effects of the 20-year program. Ms. Marsh added that a letter written by EPA to Congress refrained from drawing attention to such concerns and that the State Department had downplayed the concerns and stated that it would switch to a less toxic mixture of pesticides. Currently, the State Department is supporting a \$440 million foreign aid bill to continue the aerial spraying program in Columbia, but the legislation has not yet been approved, she stated. The bill includes the conditions that the herbicide application must be carried out in accordance with label requirements and that the risk to human health must be evaluated, she said.

Ms. Kim Stanton, Washington Office on Latin America, first commented that her organization focuses on the "human rights side" of the aerial spraying program. She then explained that the legislation, first proposed by the U.S. Senate and which includes provisions for effective monitoring and enforcement, had not been voted on by either members of the Senate or the U.S. House of Representatives. She noted that in addition to the President signing the final legislation, the Secretary of State will be required to certify the bill. She added that the fate of the bill would be known in January or February 2003.

Ms. Cameryl Hill-Macon, EPA OIA, explained that EPA had insufficient information to perform an adequate analysis of the aerial spraying program. The actual chemical make-up of the herbicides used had not been communicated to EPA.

4.4 Update on Farmworker Health and Worker Protection Programs

Ms. Allie Fields, EPA Office of Prevention, Pesticides, and Toxic Substances (OPPTS), began by introducing that office's recent work on pesticide worker safety programs. She noted that the programs currently include an applicator certification and training program, an agricultural worker protection program, outreach and education programs, and the development of national strategies to encourage health care providers to provide coverage for agricultural workers.

Ms. Fields stated that the applicator certification and training program includes national standards for purchasing and applying restricted-use pesticides. She reported that the program had been reviewed by EPA in 1998 and 1999, which had identified several recommendations for revisions to the program. Those recommendations were presented in a Draft Program Proposal as follows: update competency standards for applicators, establish a core competency exam for applicators, establish a minimum age standard for applicators, and integrate the program with other worker safety programs, such as those handled by the Occupational Safety and Health Administration.

Ms. Fields stated that EPA's agricultural worker protection program is designed to reduce risks of illness or injury resulting from occupational exposure to pesticides by agricultural workers and pesticide handlers. The program requires basic safety training, informational posters, notification to workers about pesticides, the central posting of labels, and site information, she said. Ms. Fields then described the milestones achieved by the program from 1983 through 2002. She explained that the program assessment facilitated development of a national enforcement program element review, national program assessment workshops, and workgroup projects. Ms. Fields also described the outreach and education programs, whose elements include training, Hispanic radio network programs, videos, manuals, and curricula.

Dr. Artensie Flowers, EPA Office of Prevention, Pesticides, and Toxic Substances, presented information about an initiative of the National Environmental Education and Training Foundation (NEETF) and the EPA Office of Pesticides Program working in collaboration with the U.S. Department of Health and Human Services (DHHS), the U.S. Department of Agriculture (USDA), and the U.S. Department of Labor (DOL). The objective of the initiative, she reported, is to improve the recognition, management, and prevention of health effects from exposure pesticides and to integrate environmental health and safety concerns at all levels of education for the target audiences, primary health care

providers.

Continuing, Dr. Flowers noted that the initiative includes a three-pronged strategy for implementation within educational and practice settings, and resources and tools. She reported that specific accomplishments include development of an Implementation Plan in March 2002, as well as development of National Pesticide Competency Guidelines for Medical and Nursing Education, National Pesticide Practice Skills Guidelines for Medical and Nursing Education, and a Pediatric Health Care Providers Pilot Study. Dr. Flowers then stated that a national forum is planned for 2003 to launch the initiative, build a national consensus about the goals and objectives of the initiative, and establish a nationwide network of health care providers committed to incorporating environmental health into educational and practice settings. Dr. Flowers added that a children's health network is developing a national registry to track immunizations of the children of farmworkers.

Ms. Marva King, EPA Office of Environmental Justice, recommended that Dr. Flowers and Ms. Fields contact Dr. Dorothy Powell, Howard University and member of the Health and Research Subcommittee, to discuss common issues.

Asserting that there is an enforcement problem associated with farmworker health and worker protection, Mr. Yang stated that despite the fact that the USDA is responsible for inspection of farmworker conditions it is inclined to promote the best interests of the farm owners rather than the farmworkers. Mr. Yang added that EPA is helping USDA improve its enforcement of farmworker protection.

Mr. Clifford asked why the International Subcommittee addresses farmwork health issues that arise domestically and indicated that they might be better addressed in another subcommittee. Mr. Bravo replied that Mr. Fernando Cuevas, Sr., a former member of the International Subcommittee who works with farmworker health organizations, initially had brought the issues to the attention of the subcommittee. Mr. Bravo added that concerns about the health of migrant farmworkers in the United States had evolved from concerns associated with the exportation of pesticides to Mexico from the United States, as well as concerns about produce treated with pesticides that is imported to the United States. Mr. Bravo suggested that outreach and education about pesticides and their effect on farmworker health should be provided to migrant farmworkers when they initially arrive to begin work in the United States.

5.0 SIGNIFICANT ACTION ITEMS

This section summarizes the significant action items adopted by the International Subcommittee.

- ✓ Create a set of principles for United States-based multinational corporations to use as tools to address the corporate responsibility dilemma, and obtain the support of the NEJAC for the development of the set of principles
- ✓ Meet with TEPAC via a conference call to provide recommendations on environmental justice in international trade.