

MEETING SUMMARY

of the

INTERNATIONAL SUBCOMMITTEE

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**April 15, 2004
New Orleans, Louisiana**

Meeting Summary Accepted By:

**Wendy Graham
Designated Federal Official**

**Phillip Hillman
Acting 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 Thursday, April 15, 2004, during a four-day meeting of the NEJAC in New Orleans, Louisiana. Mr. Philip Hillman, Poloroid Corporation, serves as the acting chair of the subcommittee. Ms. Wendy Graham, U.S. Environmental Protection Agency (EPA) Office of International Affairs (OIA), continues to serve as the Designated Federal Official (DFO) for the subcommittee. Exhibit 7-1 presents a list of the members who attended the meeting and identifies the member who was unable to attend.

This chapter, which provides a summary of the deliberations of the International Subcommittee, is organized in five sections, including this *Introduction*. Section 2.0, *Remarks*, provides a summary of the opening remarks of the acting chair. Section 3.0, *Update on Environmental Justice Activities of EPA's OIA*, provides a summary of activities EPA's OIA currently is conducting related to environmental justice. Section 4.0, *Reports on U.S.-Mexico Border Activities*, summarizes the updates provided by representatives of EPA regions 6 and 9 on activities related to the U.S.-Mexico border area and environmental justice. Section 5.0, *Significant Action Items*, summarizes the significant action items adopted by the subcommittee.

2.0 REMARKS

Mr. Hillman, acting chair of the International Subcommittee, opened the meeting of the subcommittee by welcoming the members the present, Ms. Graham, and presenters. The subcommittee members and presenters introduced themselves to the group.

Mr. Hillman described the collaborative relationship between the members of the subcommittee and OIA. Mr. Hillman expressed his desire for OIA to seek the advice and counsel of members of the subcommittee on specific issues and also have OIA provide feedback to the subcommittee on issues that the subcommittee addresses.

Mr. Hillman expressed concern about the slow progress of appointing members to the subcommittee, particularly the vacancy of a community representative on the subcommittee. He added that he believes the slow approval process results in a diminished capacity of the subcommittee.

3.0 UPDATE ON ENVIRONMENTAL JUSTICE ACTIVITIES OF EPA'S OIA

This section provides a summary of the activities of EPA's OIA related to environmental justice.

3.1 Environmental Justice Training for OIA Staff

Acting on a previous subcommittee recommendation, Mr. Jerry Clifford, Deputy Assistant Administrator EPA OIA, announced that OIA currently is coordinating and hosting several environmental justice training forums for staff of OIA. OIA has invited Mr. Barry Hill, Director, EPA's Office of Environmental Justice (OEJ), to provide lectures to staff at an all-hands meeting of OIA in May 2004. The lecture, Mr. Clifford states, will focus on the importance of integrating environmental justice principles into OIA's international work. Ms. Graham also stated that OEJ is conducting training on environmental justice issues to other program staff throughout the Agency, specific to the type of work each office addresses. Further, Ms. Graham announced that OIA has developed a "Speaker Series" to lecture staff on various issues related to environmental justice within an international context.

Exhibit 7-1

INTERNATIONAL SUBCOMMITTEE
Members Who Attended the Meeting April 15, 2004
Mr. Philip Hillman, Chair Ms. Wendy Graham, DFO
Ms. Carmen Gonzalez
Members Who Were Unable To Attend
Ms. Leslie Fields

Mr. Clifford then discussed other proposed training programs that OIA is attempting to implement in developing countries that include: environmental enforcement, review, impact, and assessment training. He indicated that he was uncertain of the extent that environmental justice practices are applied within the training programs in other countries.

Ms. Dianne Wilkins, Oklahoma Department of Environmental Quality, encouraged Mr. Clifford to integrate environmental justice principles into all international training programs. She mentioned that the methods she has used to integrate environmental justice principles into her pollution prevention training, include using many different environmental practices to best meet the needs of developing countries.

Ms. Carmen Gonzalez, Assistant Professor Seattle University School of Law and member of the International Subcommittee, indicated the need for comprehensive and consistent environmental justice training throughout all EPA programs. Ms. Gonzalez explained that she integrates environmental justice principles throughout all the curriculum of her university courses rather than presenting the concept of environmental justice as an add-on topic.

Mr. Clifford emphasized the need for the members of the subcommittee to recommend to the Executive Council of the NEJAC the need to incorporate environmental justice principles into the development of training courses. Members of the subcommittee agreed to contact Mr. Charles Lee, Associate Director, EPA OEJ; Mr. Hill; and Ms. Phyllis Harris, Principal Deputy Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA) about the need to include environmental justice principles into the training curriculum developed by EPA.

3.2 Environmental Justice Principles and Trade Agreements

Mr. Clifford requested that the members of the subcommittee provide advice and counsel to OIA on incorporating environmental justice principles into trade agreements with other countries. Mr. Clifford explained that during trade agreement negotiations, environmental officials usually are not invited to participate. He added that the United States is requiring that environmental and labor issues are addressed in trade agreements and as a result, countries are forced to consider the issues. He also explained that there is a shortage of resources available across the U.S. government to adequately follow-up on commitments made during the negotiation phase of trade agreements. The subcommittee offered to provide guidance in the development of training related to the review of trade agreements to ensure that environmental justice principles are considered.

3.3 Update on North America Free Trade Agreement (NAFTA) Ten-Year Anniversary Assessment

Mr. Clifford then informed the members of the subcommittee that the ten-year anniversary of the signing of NAFTA is approaching. The Joint Public Advisory Committee (JPAC), composed of members from U.S., Mexico, and Canada who provide advice to the Commission of Environmental Cooperation (CEC) on all matters within the scope of the North American Agreement on Environmental Cooperation (NAAEC), is conducting a ten-year assessment of NAFTA. The review will include recommendations for new directions and areas to address in the future related to the environment and trade. Members of the subcommittee offered to provide comments on the ten-year assessment to EPA by the end of May 2004.

Mr. Hillman asked what specific comments should the members of the subcommittee provide about the assessment. Mr. Clifford replied there was a need to ensure the ten-year assessment addresses environmental justice principles and concerns.

Mr. Clifford added that the members of the JPAC would like to address environmental issues related to indigenous people living near the U.S.-Mexico border area. As part of the subcommittee review of the assessment, Mr. Clifford requested that the member of the International Subcommittee work with the members of the Indigenous People Subcommittee on this issue.

3.4 Corporate Responsibility

Continuing to update the members of the subcommittee on OIA's environmental justice activities, Mr. Clifford stated that OIA would like to work with the members of the subcommittee to address issues related to corporate responsibility, such as hazardous waste disposal and "green" supply chains. OIA, he continued,

currently is facilitating initiatives to improve corporate responsibility; however, the office is lacking resources to advance the progress. Mr. Clifford explained that OIA is attempting to develop initiatives related to corporate responsibility and hazardous waste within the context of the CEC.

Former member of the subcommittee, Mr. Jose Bravo, Just Transition Alliance, suggested that principles of corporate responsibility should be incorporated into the ten-year assessment of NAFTA with respect to recommendations and lessons learned.

Mr. Hillman stated that investment groups are placing an emphasis on corporate social responsibility with the use of measures and indexes to rate corporations. He recommended that EPA simply ask corporations about their operating procedures in their U.S. facilities and whether those procedures differ from those used in international facilities and why.

Mr. Hillman then described Polaroid Corporation's standard on green supply chains for production of products, including verifying that suppliers use green supply chains. Mr. Clifford noted that Walmart has set a standard with their green supplier requirements in China.

3.5 EPA OIA's Environmental Justice Action Plan

Mr. Clifford concluded the updates on OIA's activities by stating that OIA has developed an action plan for integrating environmental justice into its practices and programs. The plan, he explained, states that within the mission of OIA, the office will promote environmental justice principles by informing their counterparts of EPA's commitment to be fair and inclusive in all of their work, and by suggesting environmental justice concepts that identify and address disproportionately high and adverse human health or environmental effects of activities that target minority and low income populations. In response, members then discussed comments on OIA's Environmental Justice Action Plan.

4.0 REPORTS ON U.S.-MEXICO BORDER ACTIVITIES

This section provides updates from EPA regions 6 and 9 related to activities underway in the border areas of the United States and Mexico.

4.1 Update by EPA Region 6

Ms. Olivia Balandran, Associate Director for Environmental Justice, EPA Region 6, presented information on the *Final Report on the Border Issues Subcommittee for Environmental Justice Listening Session*. The Environmental Justice Listening Session on Border Issues was comprised of representatives from environmental justice groups from the U.S.-Mexico border area of EPA Region 6. Ms. Balandran reported that the listening sessions were held as a means to address regional border issues in a more timely manner. The report identifies the primary concerns, priorities, and key recommendations for action by EPA that were developed by participants of the border session.

Ms. Balandran then highlighted the primary concerns identified by the participants of the listening session:

- Insufficient follow through on action items identified at the 1999 Environmental Justice Roundtable held in National City, California
- The lack of environmental justice principles included in *Border 2012: U.S.-Mexico Environmental Program* document, which describes the plan for environmental activity along the U.S.-Mexico border area for the next 10 years

Other key recommendations made by the participants of the listening session include:

- The addition of an eleventh EPA region along the entire U.S.-Mexico border from Brownville, Texas to Tijuana, Mexico with its own regional office
- The creation of a binational environmental justice border commission specifically to address issues of concern border residents. The commission would include members of grassroots organizations to ensure "up front" community involvement

- The integration of environmental justice into the *Border 2012* program vision and guiding principles
- The cleanup of three sites El Gato Negro Landfill, Matamoros, Mexico; Candados Presto, Juárez, Mexico; and Metales y Derivados, Tijuana, Mexico

Mr. Bravo stated that the recommendation to include environmental justice principles in the *Border 2012* document had been made prior to the document's completion. He also added his support of the new EPA regional office located along the U.S.-Mexico border, commenting that it is difficult to address issues efficiently that are border-wide through both regions 6 and 9. He expressed his concern that the cleanup issues in the U.S.-Mexico border have not received an appropriate response level within EPA. Such organizations as the BECC and North American Development Bank (NADBank), he explained, focus on water-related issues and not cleanup. He concluded by noting that EPA has made progress in addressing border related problems.

Mr. Clifford asked Mr. Bravo to gather community views and develop a concept paper on what such a commission would entail. Mr. Bravo agreed to provide this paper to Mr. Clifford in the near future.

4.2 Update by EPA Region 9

Ms. Barbara Maco, Environmental Justice Coordinator, EPA Region 9, reported on the new bi-national clean-up pilot project now underway at the Metales y Derivados site located in Tijuana, Mexico. She stated there is an established community advisory group for the site. Mexico and U.S. EPA officials plan to continue to support the community group following the site cleanup.

Other updates from Region 9 include:

- EPA Region 9 is working to include environmental justice considerations as part of the air permitting process for a proposed refinery in Yuma, Arizona
- A listening session is planned in Arizona with the community group, Environmental Justice in Arizona
- EPA Region 9 is planning an environmental justice roundtable prior to September 2004

5.0 SIGNIFICANT ACTION ITEMS

This section summarizes the action items adopted by the subcommittee. The members of the International Subcommittee agreed to adopt the following action items:

- T Review the content of EPA's OEJ environmental justice training for all EPA offices that currently IS underdevelopment
- T Contact Mr. Lee, Mr. Hill, and Ms. Harris about the need to integrate environmental justice principles in all training content developed by EPA
- T Provide recommendations to the members of JPAC related to NAFTA's ten-year anniversary assessment