



**ACTION PLAN TO INTEGRATE
ENVIRONMENTAL JUSTICE**

Office of Prevention, Pesticides, and Toxic Substances

2009 Final

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I. OPPTS Approach to Incorporating Environmental Justice (EJ)

As background, the Office of Prevention, Pesticides, and Toxic Substances' (OPPTS) programs are designed to protect human health and the environment by identifying, assessing, and reducing the risks presented by the thousands of chemicals on which our society and economy have come to depend. These include pesticides used to meet national and global demands for food and the industrial and commercial chemicals found in products and throughout our homes and workplaces. The Office's *core program responsibilities* relate to our EPA Strategic Plan goals to prevent and reduce pesticide and industrial chemical risks to humans, communities and ecosystems.

OPPTS will promote and incorporate environmental justice (EJ) principles and considerations into its *core program responsibilities*. By integrating EJ into our existing set of diverse activities to protect human health and the environment, OPPTS will likely have a greater impact in reducing risk in populations and communities that are disproportionately impacted by environmental health threats.

In general, OPPTS will seek to integrate more fully environmental justice considerations in its programs, policies, and activities, help ensure that its decisions do not adversely affect populations with critical environmental and public health issues; and make measurable environmental and human health improvements in environmentally burdened communities.

II. Organizational and Management Structure

The OPPTS' Environmental Justice Coordinating Council (EJCC) is led by the Deputy Assistant Administrator (DAA) and is comprised of Deputy Office Directors, OPPTS EJ Coordinators and designated staff from across OPPTS. The group provides guidance and recommendations to ensure progress in addressing EJ considerations and issues in programs and policies, review proposed policy documents and strategic plans, and ensure coordination with EPA's Office of Environmental Justice.

An OPPTS EJ Team consists of a lead OPPTS EJ coordinator, who oversees the flow of communication about EJ activities across the Office, and three designated EJ coordinators from each of its program offices (Office of Pesticides Programs, Office of Prevention, Pollution and Toxics, and Office of Science Coordination and Policy). EJ coordinators promote integration of EJ into day-to-day activities by providing EJ guidance, training, and support to managers and staff in their respective offices.

In addition, as a member of EPA's EJ Executive Committee, OPPTS' DAA meets with other DAA's and regional directors on EJ activities and progress. The information

from these meetings is passed on to the EJ Team to ensure that OPPTS' approach to integrating EJ into policies and programs is consistent with Agency policy and direction.

III. Key '09 Focus Areas (Robust, Results-Oriented Activities)

For 2009, OPPTS has selected two focus areas for ensuring integration of EJ, training for pesticide programs staff and lead in paint activities. Both these areas involve core OPPTS program activities in which EJ issues and considerations will be emphasized. The areas also reflect priorities in the EPA Strategic Plan.

A. Incorporation of EJ in Office of Pesticide Programs (OPP) Risk Assessments

The first step in ensuring EJ incorporation into the OPP risk assessment process and thought pattern is deploying a newly developed EJ Training Module for OPP risk assessors. The Office of Pesticide Programs (OPP) has created a new training module as a part of its regular staff training program to ensure that EJ and sensitive population considerations are fully incorporated and more clearly characterized in the pesticide risk assessment process. Representatives from all registering and science divisions in OPP will complete the training assuring widespread attention to EJ. This training program will improve how EJ is incorporated by pesticide risk assessors and managers.

The goal of the training is to provide the tools to better identify potential environmental justice issues. Enhanced risk assessment methodologies will result from a closer and more focused look at the toxicity and exposure patterns specific to each pesticide and pesticide use that could present a disproportionate risk. Areas now considered in pesticide risk assessment (hazard assessment, dietary exposure, occupational and resident exposure, incident data) will be considered through an EJ lens. Changes to pesticide registration and re-registration decisions may result.

These activities meet EPA's Strategic Plan Goal 4: Healthy Communities and Ecosystems, Objective: Protect Human Health from Pesticide Risk.

This module was born out of previous efforts by an AA-ship level team that developed OPPTS-wide EJ training. Two pilots of the OPP EJ Training Module took place in 2007. Training on the EJ in risk assessment module will begin Fall 2008. Staff will use knowledge gained in the EJ training to identify possible EJ concerns and to take appropriate action. Staff will report EJ actions and considerations to the OPP divisional EJ coordinator as a way of tracking progress on applying knowledge acquired from the training module.

In addition, in FY09, OPP will complete development of a risk management training module for the consideration of any EJ issues identified by the risk

assessments. This will complement the risk assessment training that filters our risk assessment process through an EJ lens.

As background, OPP develops and implements EPA's pesticide regulations. Under the Food Quality Protection Act of 1996, EPA must determine that a pesticide poses a "reasonable certainty of no harm" before it can register a pesticide for use on food or animal feed. EPA must also weigh whether sensitive subpopulations, such as children or the economically disadvantaged, face increased susceptibility from exposure to the pesticide.

In FY09, Office of Prevention, Pollution and Toxics (OPPT) will begin to evaluate options for consideration of EJ in its risk assessments. Because OPPT assessments often do not have the demographic exposure data that is available for pesticide assessments it isn't possible to simply adopt the OPP assessment framework for EJ to OPPT. Despite these limitations OPPT will work in FY09 to evaluate options for an approach to giving express consideration to disparate impacts in its risk assessments.

**Performance Measures Matrix
OPP EJ Training Module**

Activities	Output	Applicable Outcome Measure			Point of Contact(s)
		Short-term (awareness)	Intermediate (behavior)	Long-term (condition)	
OPP Office-wide Environmental Justice Training Module (beginning in 2008)	Training model developed to ensure EJ incorporation into the OPP risk assessment process and thought pattern, coordinated through OPP's HED Risk Assessment Training program	Staff will be equipped with the knowledge and tools needed to identify potential EJ concerns throughout the risk assessment process.	<p>10% of OPP pesticide assessments will include EJ considerations. For example, areas considered in risk assessment will be filtered through an "EJ lens" (hazard assessment, dietary exposure, occupational and residential exposure, incident data)</p> <p>Staff will use knowledge gained in the EJ training to identify possible EJ concerns and take appropriate action.</p> <p>Staff will report EJ actions and considerations to the OPP divisional EJ coordinator.</p>	<p>100 % of Human Health risk (HED) assessments will be filtered thru an EJ lens. Risk managers will further integrate EJ by ensuring that 100% of the risk assessments with identifiable EJ concerns are thoroughly investigated and findings are considered in the risk management decision. Integrating EJ into EPA's risk assessments will lead to great environmental and public health benefits by:</p> <ul style="list-style-type: none"> - risk reduction, staff identifying an EJ concern earlier in the process, leaving time for additional research, data request, modeling etc.; -clear characterization of EJ and sensitive subpopulations of concern in the program's risk assessments; 	LaShonia Richardson richardson.lashonia@epa.gov

B. Lead in Paint Activities

The Office of Prevention, Pollution and Toxics (OPPT) is targeting environmental justice and sensitive populations in its lead in paint activities, including (1) grants programs, (2) the Lead-Based Paint Renovation, Repair, and Painting Program, and (3) outreach. Lead is a toxic metal that may cause a range of health effects, from behavioral problems and learning disabilities, to seizures and death. Children six years old and under are most at risk, because their bodies are growing quickly. Exposure to lead usually occurs due to the presence of deteriorating lead-based paint, lead contaminated dust, and lead-contaminated residential soil.

These activities meet EPA's Strategic Plan Goal 4: Healthy Communities and Ecosystems, Objective: Reduction in elevated blood-lead levels

OPPT initiated three grant programs aimed at promoting efforts to prevent or reduce childhood lead poisoning in low-income communities with older housing. The Tribal Lead Grant Program is exclusively for federally-recognized tribes and supports tribes in their effort to conduct educational outreach, data gathering, inspections, risk assessments, training and development of new and innovative approaches to identifying or reducing lead poisoning. The second program, the National Community-Based Lead Outreach and Training Grant Program, enables communities to educate those at risk, provide lead-awareness training, and develop local ordinances aimed at lead prevention. The grant program supports the partnership of national organizations with community-based organizations and local government to improve the environmental health of a community regarding lead poisoning prevention. Grant recipients range from city health departments to universities, community organizations, religious groups, and other non-profit organizations. The third program, the Targeted Lead Grant Program, funds projects in areas with high incidences of children with elevated blood-lead levels in vulnerable populations. These grants are intended to address the immediate needs of the communities in which they are awarded, and also highlight lead poisoning prevention strategies that can be used in similar communities across the country.

To further protect children from exposure to lead-based paint, EPA issued new rules for contractors who renovate or repair housing, child-care facilities or schools built before 1978. Under the new rules, workers must follow lead-safe work practice standards to reduce potential exposure to dangerous levels of lead during renovation and repair activities. The "Lead: Renovation, Repair and Painting Program" rule, which will take effect in April 2010, prohibits work practices creating lead hazards. Requirements under the rule include implementing lead-safe work practices and certification and training for paid contractors and maintenance professionals working in pre-1978 housing, child-care facilities and schools.

To foster adoption of the new measures, EPA will also conduct an extensive education and outreach campaign to promote awareness of these new requirements. The rule covers all rental housing and non-rental homes where children under six and pregnant mothers reside. The new requirements apply to renovation, repair or painting activities where more than six square feet of lead-based paint is disturbed in a room or where 20 square feet of lead-based paint is disturbed on the exterior. The affected contractors include builders, painters, plumbers and electricians. Trained contractors must post warning signs, restrict occupants from work areas, contain work areas to prevent dust and debris from spreading, conduct a thorough cleanup, and verify that cleanup was effective. In general, the program will engage environmental justice communities, in particular, to ensure we build a cadre of and demand for trained renovators in the neediest communities.

**Performance Measures Matrix
OPPT Lead in Paint Activities**

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short Term	Intermediate	Long Term	
OPPT will work with and fund projects in States, localities, Territories, Tribes, and environmental justice communities, and others to reduce the risk of exposure to lead.	Tribal Baseline Assessment and Outreach for Lead – Work in collaboration with Tribes so that they collect lead exposure data and educate parents on lead poisoning.	Increase understanding of lead poisoning problem, if exists, through baseline and general education on potential hazards and best practices. Increase through proposals development and awards. In 2007, 40 proposals were received and 15 were awarded. In early 2008, 15 proposals were received and are currently being evaluated.	Appropriate maintenance, removal and clean-up of lead paint sources by Tribal parents and communities. Testing of children for lead poisoning.	Reduction/elimination of the number of cases of children with elevated blood lead levels.	Name/Org: Darlene Watford Tel: 202-566-0516 E-mail: watford.darlene@epa.gov
	National Community-Based Lead Outreach and Training Grant Program – low-income communities with older housing partner with national organizations to provide lead education and training.	In 2007, 80 proposals were received and 15 were awarded. In early 2008, 57 proposals were received and are currently being processed. '09 Measure: 21of outreach partnerships addressing lead-based paint hazards and exposure reduction.	Demand created for lead-safe work practices to be performed by workers in the community.	Increase in the number of children living in lead-safe housing.	Name/Org: Darlene Watford Tel: 202-566-0516 E-mail: watford.darlene@epa.gov

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short Term	Intermediate	Long Term	
	Targeted Grants to Reduce Childhood Lead Poisoning. The grants were available to a wide range of applicants, including state and local governments, Federally-recognized Indian Tribes and tribal consortia, territories, institutions of higher learning, and nonprofit organizations for the purposes of identifying and reducing lead poisoning in especially vulnerable populations.	In early 2007, 211 proposals were received and 58 were awarded, totaling over \$5 million. This process had focused communities on the need to build partnerships to prevent lead poisoning.	Grants will fund monitoring programs, public education, and grass-roots training efforts so that both public and governmental behavior will change to address ongoing lead contamination and exposure.	Reduction/elimination of the number of cases of children with elevated blood lead levels.	Name/Org: Doreen Cantor Paster Tel: 202-566-0486 E-mail: cantor.doreen@epa.gov
Renovation, Repair, and Paint Rule	Delegable program which requires training, certification, and work practice standards for renovation contractors. The program applies in target housing and child occupied facilities, and is designed to prevent the introduction of lead hazards resulting from renovation.	The rule is not fully effective until April 2010. In the near term, prior to full implementation, EPA will be conducting an extensive outreach campaign to consumers and contractors to increase awareness of the hazards of renovation and of the upcoming requirements. In addition, EPA will encourage and work with States and Tribes seeking authorization to run their own renovation programs.	EPA will begin the process of accrediting training providers in April 2009, in October 2009 the Agency will begin firm certification, and in April 2010 the work practice requirements will be effective. The Agency will work to increase program awareness and reach out to trainers and contractors to educate and encourage participation.	This regulatory program should lead to the reduction of lead hazards following renovation activities. Almost 38 million homes in the United States contain some lead-based paint, and these requirements are key components of a comprehensive effort to eliminate childhood lead poisoning.	Name/Org: Mike Wilson (NPCD) Tel: 202-566-0521 E-mail: ilson.mike@epa.gov

Activities	Output	Applicable Outcome Measure			Point of Contact
		Short Term	Intermediate	Long Term	
Renovation, Repair, and Paint Rule	1. Train and certify individuals to conduct lead-based paint activities; certify firms conducting those activities; and accredit training providers.	'09 Measure: 2 active training providers accredited by the regions.	Quality and appropriate work practices followed when conducting lead-based paint activities.	Children in all communities protected from hazards of improperly conducted lead-based paint activities.	Clarence Lewis (NPCD), 202-566-1243, lewis.clarence@epa.gov
OPPT will work with State, Territories, Tribes and environmental justice communities to reduce the risk of exposure to lead.	2. Widely distribute an educational brochure that specifically addresses the potential risks from renovation, repair, and painting.	Increase awareness of owners and renters of proper practices when conducting renovation and repair projects.	Quality and appropriate work practices followed when conducting lead-based paint activities	Children in all communities protected from hazards of improperly conducted lead-based paint activities.	Dave Topping (NPCD), topping.dave@epa.gov Robert Wright (NPCD), wright.robert@epa.gov
		The publishing of final rule in FY2008, states, tribes, contractors, owners and renters will define set of best practices for renovation and repair work involving lead-based paint activities.	Quality and appropriate work practices followed when conducting lead-based paint activities	Children in all communities protected from lead hazards of improperly conducted renovation, repair & painting activities.	Mike Wilson (NPCD), Wilson.mike@epa.gov

IV. External Outreach

OPPTS will utilize its current communication processes to receive input on EJ issues from external stakeholders. OPPTS staff meets frequently with external stakeholders who may be affected by or who may have a vested interest in the rules and guidance the Office develops. This interaction with external stakeholders may take many forms including meetings, public hearing or public listening session, public comment period required for all rulemaking, parent committees and workgroups formed under the Federal Advisory Council Act (FACA). In addition, OPPTS staff is actively involved with the National Environmental Justice Advisory Council (NEJAC) and receives input on OPPTS policies and programs.

Further, OPPTS will also communicate EJ activities to external stakeholders through its websites, printed materials, brochures, tool kits, and public broadcast announcements. Much of the outreach material, such as lead in paint educational materials, has been translated to Spanish and other languages and is targeted to low-income communities. Recent Agency-wide efforts include the launching of new consolidated Web sites in Vietnamese and Korean as part of its ongoing effort to provide environmental information in Spanish, Chinese, Korean and Vietnamese, in addition to English. These new sites compile EPA multilingual publications and materials in Korean and Vietnamese on a variety of environmental issues such as children's health, indoor air quality in nail salons and dry cleaners, asthma, fish consumption, proper pesticide usage, among others.

OPP instituted the Committee to Advise on Reassessment and Transition (CARAT) and the Pesticide Program Dialogue Committee (PPDC) to more effectively and efficiently gather input from stakeholders. Both groups include representation from farm workers advocacy groups, public health organizations and tribal governments. Pesticides issues and decisions are electronically communicated to interested parties from a centralized mailing list, including those identified by the People of Color Environmental Groups Directory, a compendium of ethnically diverse groups with an interest in the environment and public health.

In addition to the activities listed above, OPPTS works with a wide variety of other public national organizations that have extensive regional and local networks and share mutual goals with the program such as the protection of public health and establishment of local efforts to stimulate public action through media and grassroots efforts. OPPTS supports national organizations with extensive regional and local networks to help establish local environmental justice outreach programs. Some examples of funded activities include the following:

- Hispanic Radio Network - Spanish radio spots on pesticide-related issues
- American Association of Poison Control Centers - Encourage parents and care givers to keep pesticides and household chemicals locked away from children.
- Washington, DC Metro Transit System - Display of pesticide safety information
- National Environmental Education and Training Foundation - Educate health care providers on recognition and management of pesticide health-related conditions.
- Indian Health Service - Participation in reducing mercury use and exposure.
- Americorps - Train farmworkers on pesticide safety.
- ECOS - Environmental Council of States
- National Tribal Environmental Council
- National Pesticide Medical Monitoring Program - provide clinical and basic toxicological pesticide information and services to the public.
- National Pesticide Information Center - provide real time science-based information on pesticides.

Outreach to Tribes

OPPTS is actively involved with the Forum on State and Tribal Toxics Action (FOSTTA) Tribal Affairs Project. This initiative is a mechanism for tribes to provide EPA with valuable program expertise from the tribal perspective. Tribal representation on this project comes from a variety of environmental and health officials. Funding is also provided to tribal entities, such as the Tribal Pesticide Program Council, that focuses attention on pesticide issues and concerns. OPPTS currently has several grant programs exclusively for Native American Tribes, including grant programs for lead assessment and education and grants for targeted, pesticide-related field projects, such as water quality management and endangered species protection.

V. 2009 Environmental Justice Review

OPPTS has selected the Office of Pesticide Programs' (OPP's) revision of the Worker Protection Standard (WPS) as the key area in which to perform a review for environmental justice considerations and integration. The WPS provides protection to farmworkers by requiring safeguards such as protection from pesticide exposure, emergency assistance in the event of pesticide exposure, and training on the recognition of pesticide hazards. As it revises the WPS, OPP will use the EJ Standard-Setting and Rulemaking Protocol to help identify additional opportunities and improvements to involve the affected community (farmworkers) and most effectively identify and address their EJ concerns.

The revision of the WPS to strengthen certain provisions is already underway. More frequent and improved training for farmworkers is being planned. Pilots will help determine the most effective methods and materials for communicating with the affected

community. Stakeholder meetings will solicit the concerns of farmworkers and get input on the revision of the Standard. Separate from the revision of the Standard, OPPTS will continue radio campaigns on pesticide safety targeted to farmworkers. The EJ review and use of the EJ Standard-Setting and Rulemaking Protocol may further identify opportunities for EJ integration in the process.

The schedule for the WPS Revision and the EJ review/use of the Protocol is as follows:

Current: Stakeholder meetings, issue and options papers and option selection informed by EJ Protocol.

Summer 2009: Option Selection, informed by EJ Protocol

Summer 2010: Notice of Proposed Rulemaking, informed by the EJ Protocol. OPP develops final Protocol Report on EJ aspects of changes in the Proposed Rulemaking.

Previously, in 2008, OPPTS led a pilot review of Section 1018 Lead Hazard Disclosure rule to test the applicability of two EJ protocols: the regulatory development protocol and the enforcement and compliance protocol. In addition, OPPTS conducted a pilot review of Section 403 Lead Hazard Standard to test the applicability the regulatory development protocol and the clean up and remediation protocol. These pilots informed and improved the final protocols ensuring environmental justice considerations are incorporated into regulatory development, enforcement and compliance, and clean up and remediation activities