



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

November 16, 2001

VIA FACSIMILE AND REGULAR MAIL

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Ms. Peggy Shepard  
NEJAC Chair  
Executive Director  
West Harlem Environmental Action  
271 West 125<sup>th</sup> Street, Suite 211  
New York, NY 10027

Dear Ms. Shepard:

The purpose of this letter is to advise you that the NEJAC Draft Strategic Plan submitted to the Agency on November 2, 2001, is approved for implementation. Among other things, the Agency is especially pleased to see that the NEJAC will engage in a more deliberative process. This is important since the advice and recommendations on major public policy issues offered by the NEJAC will come about as a result of: (a) deliberative discussion/debate among all stakeholders represented on the advisory committee; and (b) thoughtful deliberation. The Executive Council should be proud of the strides that it has taken under your leadership to produce this document.

Another aspect of the Draft Strategic Plan that the Agency is pleased to see is the statement: "*For the Council to be truly effective, there must be several co-existing collaborative processes, such as those between the OEJ and EPA program offices; EPA and the NEJAC; and among the diverse membership of the NEJAC. The Council will develop a collaborative framework based upon the Charter between the OEJ, other EPA program offices, and the NEJAC.*" The Agency, in general, and the NEJAC, in particular, cannot agree more with that statement.

On behalf of the Agency, I would like to offer special appreciation to you and the Writing Committee members: Annabelle Jaramillo, Wilma Subra, Kenneth Warren, and Veronica Eady. Not only is their collective talent but also their patience and thoughtfulness are reflected in the document.

The Office of the Environmental Justice and the other program offices that support each subcommittee look forward to working with the NEJAC as it implements the approved Strategic Plan.

Sincerely,

A handwritten signature in black ink that reads "Barry E. Hill".

Barry E. Hill, Director  
Office of Environmental Justice

cc: NEJAC Executive Council Members  
Sylvia K. Lowrance, Acting Assistant Administrator  
Charles Lee, NEJAC Designated Federal Officer  
Marva E. King, NEJAC Program Manager

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**National Environmental Justice Advisory Council**

**Strategic Plan**

Approved: \_\_\_\_\_

*Barry E. Hill*  
Barry E. Hill  
Director  
Office of Environmental Justice

Date: \_\_\_\_\_

*11/16/01*

*A Federal Advisory Committee to the U.S. Environmental Protection Agency*

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**Disclaimer**

This document has been reviewed and accepted by EPA as a part of the activities of the National Environmental Justice Advisory Council, a public advisory committee providing external policy information and advice to the Administrator and other officials of the United States Environmental Protection Agency (EPA). The Council is structured to provide balanced, expert assessment of issues related to environmental justice.

**Inside Front Cover**

## TABLE OF CONTENTS

<b>Letter to Peggy Shepard, Chair of the NEJAC.....</b>	<b><i>i</i></b>
<b>NEJAC Strategic Plan .....</b>	<b>1</b>
<b>Attachment A: NEJAC Charter .....</b>	<b>13</b>
<b>Attachment B: Distinguishing Polarized Debate From Dialogue .....</b>	<b>17</b>
<b>Attachment C: NEJAC Policy Advice Development Model .....</b>	<b>18</b>
<b>Attachment D: Incorporating Community Concerns and Issues .....</b>	<b>19</b>

# National Environmental Justice Advisory Council Strategic Plan

## I. Introduction.

The National Environmental Justice Advisory Council (“NEJAC,” “Council,” or “Executive Council”) is a committee formed in accordance with the Federal Advisory Committee Act (“FACA”). The Council is to offer independent advice and recommendations to the Environmental Protection Agency (“EPA”) Administrator on areas relating to environmental justice. In keeping with its Charter (Appendix A), NEJAC provides advice designed to promote the fair treatment of all peoples, including minority, low-income, indigenous, and agricultural worker populations and federally recognized tribes, in EPA decisionmaking.

Because disadvantaged populations often lack the infrastructure and resources to advocate their views, NEJAC, in the past, has allowed its public meetings to serve as a mechanism for the environmental justice community to present site-specific issues concerning environmental regulations and enforcement to the EPA. NEJAC’s concentration on site-specific issues at its meetings detracted from its ability to engage in a deliberative process that results in cogent, timely, relevant and effective advice to the EPA Administrator. In addition, as an advisory body, NEJAC has no authority to directly respond to community needs through government action. Consequently, NEJAC reviewed its role and believes it can best promote environmental justice and fulfill the mission of its Charter by refocusing its processes and products while redirecting site-specific issues to EPA Regional Offices who have the responsibility and authority to address them. Public input on the policy advice issues before the NEJAC will continue to be solicited at the NEJAC meetings.

The 26-member Executive Council met in August 2001 to: redesign the activities of the NEJAC to better fulfill its chartered advisory role; collaborate with the EPA to provide regional and other alternative mechanisms outside of NEJAC meetings for communities to bring site-specific issues to the attention of the EPA; and develop through a deliberative process that involves all stakeholders an effective work product grounded in environmental justice community issues. The issues raised and conclusions reached at the August meeting were used to construct this Draft Strategic Plan to guide the work of the NEJAC through September 27, 2003.

## **II. Mission.**

The NEJAC is a federal advisory committee that provides timely, relevant, cogent and independent advice to the EPA Administrator on matters of environmental justice to ensure the fair treatment of all peoples, including minority, low-income, and indigenous populations and federally recognized tribes, and often overlooked populations such as agricultural workers.

Pursuant to Section 3 of the Charter, the NEJAC has been specifically designated to provide independent advice and recommendations to the EPA Administrator on areas relating to environmental justice that include:

- a. Advice on EPA's framework development for integrating socioeconomic programs into strategic planning, annual planning and management accountability for achieving environmental justice results agency-wide.
- b. Advice on measuring and evaluating EPA's progress, quality, and adequacy in planning, developing, and implementing environmental justice strategies, projects, and programs.
- c. Advice on EPA's existing and future information management systems, technologies, and data collection, and to conduct analyses that support and strengthen environmental justice programs in administrative and scientific areas.
- d. Advice to help develop, facilitate, and conduct reviews of the direction, criteria, scope, and adequacy of the EPA's scientific research and demonstration projects relating to environmental justice.
- e. Advice for improving how the EPA and others participate, cooperate, and communicate within the Agency and between other Federal agencies, State, or local governments, Federally recognized Tribes, environmental justice leaders, interest groups, and the public.
- f. Advice regarding EPA's administration of grant programs relating to environmental justice assistance (not to include the review or recommendations of individual grant proposals or awards).
- g. Advice regarding EPA's awareness, education, training, and other outreach activities involving environmental justice.

In addition, in accordance with Section 5 of the Charter, the NEJAC provides advice and recommendations, and reports to the EPA Administrator through the Office of Environmental Justice ("OEJ"), Office of Enforcement and Compliance Assurance only.

### III. Summary.

The NEJAC Draft Strategic Plan envisions that the NEJAC Executive Council and Subcommittees will perform its mission by pursuing the following goals:

- A. Work Product Goal: Formal and Informal Advice (Section IV).
- B. Deliberative Process Goal (Section IV).
- C. Public Participation and Public Input Goal (Section V).
- D. Organization and Procedure Goal (Section VI).
- E. Communications Goal (Section VII).
- F. Orientation of New Council and Subcommittee Members Goal (Section VIII).

An Executive Council schedule for the period ending September 17, 2003, is set forth in Section X.

To assist the reader's full understanding of the NEJAC Draft Strategic Plan, the existing structure and plans of the NEJAC are summarized.

- A. Meetings. The NEJAC is scheduled to meet twice prior to December 31, 2002. From December 3-6, 2001, the NEJAC will meet in Seattle to address the Fish Consumption issue. From December 9-12, 2002, the NEJAC will meet in Baltimore to address the Pollution Prevention issue.
- B. Members. The Executive Council, currently chaired by Peggy Shepard, consists of 26 members, from seven stakeholder groups.
- C. Subcommittees. The NEJAC Subcommittees ("Subcommittee") presently authorized by the EPA are as follows: Air/Water; Enforcement; Health and Research; Indigenous Peoples; International; Puerto Rico; and Waste and Facility Siting. Each Subcommittee is sponsored by an EPA program office.<sup>1</sup>
- D. Work Groups. The Executive Council presently has two Work Groups formed by the EPA for the development of comprehensive reports requested by the EPA. These are: (1)

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<sup>1</sup> The EPA Program Offices which sponsor NEJAC Subcommittees are:

Air/Water: Office of Air and Radiation, Office of Water

Enforcement: Office of Enforcement and Compliance Assurance

Health and Research: Office of Research and Development, Office of Prevention, Pesticides, and Toxic Substances.

Indigenous Peoples: Office of Environmental Justice, American Indian Environmental Office

International: Office of International Activities

Puerto Rico: Region 2

Waste and Facility Siting: Office of Solid Waste and Emergency Response

Fish Consumption; (2) Interagency Strategies to Integrate Environmental Justice. A Work Group on Pollution Prevention will soon be formed.

- E. Expanded Protocol Committee. The Expanded Protocol Committee conducts the business of the NEJAC when the Executive Council is not in session. Presently, the Expanded Protocol Committee consists of the Chairs and Vice-Chairs of each NEJAC Subcommittee, and members who represent industry, and state and local government, to ensure balance among all stakeholder groups. The Executive Council Chair serves as the Chair of the Expanded Protocol Committee.

#### **IV. Work Products Goal: Formal and Informal Advice:**

To provide advice to the EPA Administrator that is cogent, timely, relevant and effective, the NEJAC has identified several methods to render such advice. Formal advice developed through the deliberative process and set forth in comprehensive reports will be the standard method. However, there may be instances where letters, commentaries, and resolutions may be used. Informal mechanisms will also be used when requested by the EPA Administrator or otherwise deemed appropriate by the Executive Council. Informal mechanisms are important to building a strong collaborative framework between the EPA and the NEJAC.

- A. Reports: Reports are the result of in-depth analysis of broad based public policy advice issues that provide balanced, multi-stakeholder consensus recommendations. Reports include supporting research, cogent analysis and extensive input from a broad array of stakeholders. Reports will be the products of Work Groups formed for that purpose. (Please see Sections V and VII-B for detailed discussion of Work Groups.)
- B. Letters: Letters shall provide advice and recommendations on a limited issue and/or in response to a request needing an immediate response. A letter conveys a set of concerns and/or balanced, multi-stakeholder consensus recommendations.
- C. Commentaries: Commentaries represent a review of existing or proposed EPA regulations, guidance documents, strategies, plans, policies, and procedures.
- D. Resolutions: Resolutions represent a transmittal of concern through a formal expression of the "sense of the body." Resolutions will be reserved for those concerns that the NEJAC deems as extraordinary in nature.
- E. Informal Advice: The Council recognizes that on occasion rendering cogent, timely, relevant and independent advice to the EPA Administrator requires informal communications between individual knowledgeable Executive Council, Subcommittee, Work Group members or experts, and Agency officials. The Council will utilize existing mechanisms to informally share ideas, perspectives and questions among multi-stakeholder groups, and experts, and to provide input to Agency officials.

To carry out this goal in the period ending September 27, 2003, the EPA, in consultation with the NEJAC, has formed two Work Groups charged with developing two comprehensive reports on: (1) the relationship between water quality, fish consumption, and environmental justice; and (2) promoting innovation in pollution prevention to ensure environmental justice. Two meetings which focus on these public policy advice issues will be held. In addition, the NEJAC will complete a report with recommendations on interagency strategies to integrate environmental justice – the focus of the NEJAC’s December 2000 meeting.

## **V. Deliberative Process Goal.**

The Executive Council will develop and implement a deliberative, consultative and collaborative process on which to base its advice to the EPA Administrator. For the Council to be truly effective, there must be several co-existing collaborative processes, such as those between the OEJ and EPA program offices; EPA and the NEJAC; and among the diverse membership of the NEJAC. The Council will develop a collaborative framework based upon the Charter between the OEJ, other EPA program offices, and the NEJAC. To achieve this goal the Council will:

- A. The OEJ provides direction in writing to the NEJAC regarding the public policy advice issue(s) it will request the NEJAC to deliberate upon.
  - 1. The OEJ’s request regarding public policy advice issue(s) will include the statement of the issue, an implementation plan for the NEJAC, and the Subcommittees and Work Groups that may be involved. Direction regarding the public policy advice issues for 2001 and 2002 already have been provided by the OEJ.
  - 2. The OEJ may solicit from the NEJAC input regarding public policy advice issue identification early on in the process, pursuant to Part C below. For example, public policy advice issue “scoping” and identification will be an agenda item for the December 2001 NEJAC meeting. The issue of Cumulative Risk was identified by the OEJ and the Council at the NEJAC Facilitated Dialogue as a possible public policy advice issue for a possible future meeting. Discussion on this issue will be part of the “scoping” discussion on the NEJAC December 2001 Meeting Agenda.
- B. Conduct business through a deliberative process that promotes consensus building among representatives of all stakeholder groups, including impacted communities, so that advice is balanced, effective, cogent, timely and relevant. Three steps will be undertaken by the NEJAC to meet this goal:
  - 1. Beginning in December 2001, the NEJAC meeting will be organized to create the best environment for a deliberative process. For example, the meeting will be conducted in a round table fashion, except for sessions such as the public comment period. Efforts will be made to communicate this change to the public and the rationale behind it. Additionally, the NEJAC will no longer be the venue for many ancillary functions, such as providing the setting for other meetings that are indirectly related to the purpose of the meeting.

2. NEJAC will define a consensus process by June 30, 2002. NEJAC will make this an agenda item for the December 2001 meeting. The Executive Council will use the document entitled, "Distinguishing Polarized Debate From Dialogue," developed by Justice and Sustainability Associates. (Appendix B.)
  3. NEJAC will ensure that the views of all stakeholder groups are part of the public policy advice issue dialogue.
- C. The Executive Council will identify ways by which the NEJAC can best address the issues identified by the OEJ, and/or identify and recommend other issues for Agency consideration.
1. Establish an Ad Hoc Scoping Work Group to dialogue with the OEJ and relevant program offices to identify future public policy advice issues for Agency consideration. The Ad Hoc Scoping Work Group will be chaired by the NEJAC Chair or her (his) designee and will be composed of Council members, and include members who serve on the Expanded Protocol Committee. The Ad Hoc Scoping Work Group will meet via conference call and build on the issue scoping discussion at the December 2001 NEJAC meeting. This Ad Hoc Scoping Work Group will conclude its work by September 30, 2002. The Chair will report periodically to the Executive Council, Protocol Committee, and also formally report to the NEJAC at its December 2002 meeting.
  2. NEJAC members may solicit input from members of impacted communities and members of their stakeholder groups utilizing existing communications mechanisms.
- D. EPA and the NEJAC will specify a mechanism to implement comprehensive reports and recommendations. NEJAC recognizes that work on the proposed NEJAC Policy Advice Development Model presented at the August 2001 Facilitated Dialogue is not finished. (Appendix C.) This model seeks to provide the essential elements of the NEJAC deliberative process, i.e., Issue Formulation (Scoping and Identification), Work Group Establishment, Report and Recommendations Development, NEJAC Decision and Transmittal to EPA Administrator, EPA Implementation and Report Back, and Assessment of Effectiveness by NEJAC. The Model will be on the agenda for the December 2001 meeting and will be finalized by June 30, 2002.

## **VI. Public Participation and Public Input Goal.**

The mission of the NEJAC is to provide independent advice to the EPA Administrator on matters of environmental justice. Obtaining the views of minority, low-income, indigenous and agricultural worker populations and of federally recognized tribes is a critical component of the deliberative process that produces that advice and the NEJAC will actively employ mechanisms to solicit that input.

#### A. Public Participation at NEJAC Council Meetings.

A public comment period will be included as a part of each Executive Council meeting. The public will be encouraged to provide comments relevant to the focused public policy advice issue being deliberated on by the NEJAC. The Executive Council will clearly state its functions and processes for using public information prior to the public comment period.

#### B. Incorporating Community Concerns and Issues into NEJAC Policy Dialogue.

1. The NEJAC will deliberate further on the chart on “Incorporating Community Concerns and Issues in the NEJAC Policy Dialogue” (Appendix D) at the December 2001 meeting. The NEJAC will finalize this by June 30, 2002.
2. Completing this model is important because it discusses incorporating community issues and concerns from both process and substantive standpoints. The model will identify specific ways that the NEJAC can ensure that impacted communities’ issues and concerns are incorporated into the Executive Council deliberative process, reports, and recommendations.

#### C. Public Participation at the Regional Level.

This question has special significance to the NEJAC because many local site-specific issues historically have been brought to the NEJAC’s attention. While recognizing that the NEJAC does not have authority to address these site-specific issues, it also understands that its ability to function effectively in providing advice and recommendations to the EPA Administrator is dependent on the EPA’s ability to find mechanisms which respond effectively to these local issues.

Hence, the OEJ has initiated a process whereby the EPA regional offices have agreed to conduct local listening sessions and other activities to address site-specific issues, many of which have come to the NEJAC’s attention by virtue of its public comment periods. This should be seen as part of the continuing implementation of the OEJ’s goal of integrating environmental justice in all the EPA’s policies, programs, and activities. Because so many of these issues have come to the NEJAC’s attention, it has a special interest in ensuring the implementation of this process. As soon as a strategy for conducting these sessions by the EPA Regions has been formulated, the OEJ, in conjunction with EPA regions, will provide a report to the NEJAC. The NEJAC, in its role as an advisory body, will advise the EPA on the implementation of this strategy and provide a set of recommendations regarding these regional listening sessions.

### **VII. Organization and Procedure Goal.**

The NEJAC requests that the EPA initiate a review of the organizational structure and procedures to enable the NEJAC to more effectively and efficiently develop and render advice to the EPA Administrator. This will involve a reorientation in two fundamental areas: (1) To transform the NEJAC process from one centered around meetings, (often viewed as

“conferences”) to one geared towards developing cogent, effective, timely and relevant recommendations, more focus around the activities of Work Groups and/or Subcommittees charged with developing such recommendations is needed. To accomplish this, the NEJAC will focus on its Policy Advice Development Model and finalize it by June 30, 2002; and (2) Subcommittees will be evaluated on how well they provide advice and recommendations. Five elements have been identified as key to the successful operation of Subcommittees and Work Groups: leadership, Designated Federal Officials (“DFO”), membership, linkage to and support from sponsoring program offices, strategic goals and plan of work.

#### A. Subcommittees.

1. Recognizing that there exists significant differences between NEJAC Subcommittees with respect to the five stated elements of success, the NEJAC will develop, in consultation with the OEJ, a set of procedures by April 30, 2002, to ensure an operational baseline for all Subcommittees and Work Groups. This will include uniform procedures and reporting requirements.
2. NEJAC, in consultation with the OEJ and relevant EPA program offices, will evaluate the effectiveness of the NEJAC Subcommittees. If it is concluded that a Subcommittee is not effective, the NEJAC will recommend to the EPA the Subcommittee’s dissolution.
3. NEJAC recommends that as part of the uniform procedures for Subcommittee operation, Subcommittees should be requested to prepare an annual strategic plan and progress report to be submitted to the OEJ, appropriate EPA program offices, and the Council for review. Such plans shall include the issues and procedures referred to the Subcommittee by the Executive Council, and other issues that the Subcommittee deems appropriate after consultation with its DFO. The NEJAC recommends that each Subcommittee submit a new or revised plan by September 30, 2002.
4. Each Subcommittee shall be chaired by a member of the Executive Council and should include representatives of each stakeholder group. A DFO shall be assigned to each Subcommittee. NEJAC recommends, in recognition of the important roles played by Subcommittee chairs and DFO’s, that their roles be clearly defined with regard to strategic goals of the Subcommittee.
5. NEJAC recommends that each Subcommittee submit a report to the Executive Council at least thirty (30) days before each Council meeting. The report shall detail the Subcommittee's progress on meeting the goals stated in its strategic plan.

#### B. Work Groups.

1. In accordance with Section 11 of the NEJAC Charter, the EPA will form Work Groups to prepare comprehensive draft reports and recommendations to the EPA Administrator. This is part of the Deliberative Process Goal already articulated in Section V. As stated, the procedures require greater attention and refinement and can

be addressed by the NEJAC paying greater attention to the proposed NEJAC Policy Advice Development Model (Appendix C). Furthermore, this will be on the agenda for the December 2001 meeting with the goal of finalizing this model by June 30, 2002.

2. By January 31, 2002, the EPA, in consultation with the NEJAC, will form a Work Group to address the pollution prevention public policy advice issue. The EPA, in consultation with the Executive Council, will assign the Work Group a specific task, set a timeframe for performing the task, and specify the type of work product requested.
3. Each Work Group shall include at least one representative from each stakeholder group who may, but need not, be a member of the Executive Council. Members of Work Groups may be stakeholder representatives not on the NEJAC.
4. As resources permit, Work Groups may seek assistance from EPA employees or experts outside the Agency.
5. Work Groups shall follow the same procedures as Subcommittees regarding submission of work products for Executive Council review and action.
6. Each Work Group shall sunset upon final Executive Council action on its work product.

#### D. NEJAC Council Meetings.

1. Face to Face Meetings.
  - a. Pursuant to Section 8 of the NEJAC Charter, the Executive Council may meet approximately two times a year. Meetings will take place with the approval of the Director of the OEJ. In the period ending December 31, 2002, two meetings have been approved, December 2001 and December 2002. These will be Business/Public Policy Advice Issue Meetings and conducted as described below.
  - b. To facilitate its deliberations, NEJAC will organize its meeting room in a round table fashion. The tables or seating will be moved, as appropriate, during the public comment period.
2. Business/Public Policy Advice Issue Meetings Planned.
  - a. The Executive Council has scheduled its Business/Public Policy Advice Issue Meetings for December 3-6, 2001 (Fish Consumption) and December 9-12, 2002 (Pollution Prevention).

- b. The Business/Public Policy Advice Issue meetings will be divided into two separate segments. The business segment will follow the same format, receive the same substantive reports, and focus on the same subject matters as are set forth above for the business meeting. The policy segment will focus on a public policy program addressed by a Subcommittee or Work Group. The Public Policy Advice Issue Program will involve a broad base of stakeholders involved in the issue. Specific recommendations will be developed in advance of the meeting for consideration by the Council as a result of the Public Policy Advice Issue Program. The agenda for the business/public policy meeting will be after consultation with and final approval of the Council Chair and Expanded Protocol Committee.
- c. Each meeting will include opportunities for public comment that ensure reasonable time for all members of the public to provide comments.
- d. The Executive Council will make every effort to reach consensus (agreement), and, if necessary, by majority vote on the advice to be rendered to the EPA Administrator on the public policy advice issue discussed. When necessary, further work may be requested from a Subcommittee or other group for resubmission to Council.
- e. Decisions of the Executive Council will be made based on appropriate information and after adequate deliberations. The deliberation process occurs in the Subcommittee and Work Group process as well as before the Council.

#### F. Expanded Protocol Committee.

The Expanded Protocol Committee shall conduct the business of the NEJAC when the Executive Council is not in session. The Expanded Protocol Committee shall include at least one representative of each stakeholder group. The Expanded Protocol Committee conference calls will take place at the request and direction of the NEJAC Chair and the NEJAC DFO.

#### G. Conference Calls.

The Executive Council and/or the Expanded Protocol Committee will meet via conference call when face to face meetings are not held. The Expanded Protocol Committee conference calls will take place on a monthly basis. Full Executive Council conference calls will occur on an as needed basis, to be determined by the NEJAC Chair and NEJAC DFO. Special conference calls can also be initiated to consider issues on a rapid response basis.

### **VIII. Communications Goal.**

The Executive Council will develop a communications plan that will include at least the following elements:

- A. Improving information flow from the EPA (headquarters and programs) to the Council will be a focus of the Executive Council. The Executive Council needs to be kept abreast of Agency activities impacting environmental justice situations.
- B. Listservs: Council believes that technology, such as e-mail, provides new procedures and mechanisms that may facilitate Council's consideration of certain matters in a more efficient manner than is possible through formal meetings and conference calls. Council will explore with the OEJ the feasibility of establishing a listserv whose members would consist of all Council members and DFOs. Council members may use the listserv to discuss matters properly before the Council including business and policy matters.

### **IX. Orientation of New Council and Subcommittee Members Goal.**

To integrate new members into the Council, all new members will be provided with materials containing at a minimum the Federal Advisory Committee Act, the NEJAC Charter, operational guidelines, organizational chart, a list of Council members, a description of the functions of the Subcommittees, and a list of Subcommittee members; historical information including past Council membership list and background bibliography notations on environmental justice that include United Church of Christ 1987 document and Professor Robert Bullard's related books; and travel guidelines and EPA ethics training for special employees. The new members will be provided with at least two hours of orientation prior to their first NEJAC meeting, and, at such meeting, a current NEJAC member will be assigned as a mentor.

## **X. NEJAC Council Schedule.**

September 24, 2001	NEJAC Council Submit Strategic Plan to the EPA
November 2001	EPA Approval of the Strategic Plan
December 2001	Council Meeting on Fish Consumption Public Policy Advice Issue
December 2001	Implementation of Strategic Plan: Discussion at Council Meeting
January 2002	Establishment of Pollution Prevention Work Group
March/April 2002	NEJAC Action on Fish Consumption Report and Recommendations
March/April 2002	NEJAC Action on Interagency Environmental Justice Strategies Report and Recommendations
April 2002	OEJ to provide uniform procedures for the operation of Subcommittees
June 2002	Following Items to be completed: Ad Hoc Scoping Work Group recommendations Finalization of NEJAC Policy Advice Development Model Finalization of Incorporating Impacted Community Issues and Concerns into NEJAC Policy Dialogue Develop definition of consensus
September 2002	Subcommittee Strategic Plans Due
October 2002	Subcommittee Progress Reports Due
December 2002	Council Meeting and Pollution Prevention Public Policy Advice Issue

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

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NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

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1. **Committee's Official Designation (Title):**

National Environmental Justice Advisory Council

2. **Authority:**

This charter renews the National Environmental Justice Advisory Council (NEJAC) in accordance with the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 § 9 (c). NEJAC is in the public interest and supports EPA in performing its duties and responsibilities.

3. **Objectives and Scope of Activities:**

NEJAC shall provide independent advice and recommendations to the Administrator on areas relating to environmental justice that may include:

- a. Advice on EPA's framework development for integrating socioeconomic programs into strategic planning, annual planning and management accountability for achieving environmental justice results agency-wide.
- b. Advice on measuring and evaluating EPA's progress, quality, and adequacy in planning, developing, and implementing environmental justice strategies, projects, and programs.
- c. Advice on EPA's existing and future information management systems, technologies, and data collection, and to conduct analyses that support and strengthen environmental justice programs in administrative and scientific areas.
- d. Advice to help develop, facilitate, and conduct reviews of the direction, criteria, scope, and adequacy of the EPA's scientific research and demonstration projects relating to environmental justice.
- e. Provide advice for improving how the EPA and others participate, cooperate, and communicate within the Agency and between other Federal agencies, State, or local governments, Federally recognized Tribes, environmental justice leaders, interest groups, and the public.

- f. Advice regarding EPA's administration of grant programs relating to environmental justice assistance (not to include the review or recommendations of individual grant proposals or awards).
- g. Advice regarding EPA's awareness, education, training, and other outreach activities involving environmental justice.

**4. Description of Committees Duties:**

The duties of the NEJAC are solely advisory in nature.

**5. Official(s) to Whom the Committee Reports:**

The NEJAC will provide advice and recommendations, and report to the EPA Administrator through the Office of Environmental Justice, Office of Enforcement and Compliance Assurance.

**6. Agency Responsible for Providing the Necessary Support:**

EPA will be responsible for financial and administrative support. Within EPA, this support will be provided by the Office of Environmental Justice, Office of Enforcement and Compliance Assurance.

**7. Estimated Annual Operating Costs and Work Years:**

The estimated annual operating cost of NEJAC is \$970,970 which includes 3.8 work-years of support.

**8. Estimated Number and Frequency of Meetings:**

The NEJAC may meet approximately two (2) times a year. Meetings will occur as needed and as approved by the Director of the Office of Environmental Justice who serves as the Designated Federal Officer (DFO) or his/her designee. EPA may pay travel and per diem expenses when determined necessary and appropriate. The DFO or his/her designee will be present at all meetings, and each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so. As required by FACA, NEJAC will hold open meetings unless the Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection (c) of Section 552(b) of Title 5, United States Code and will provide an opportunity for interested persons to file comments before or after such meetings, or to make statements to the extent that time permits.

**9. Duration and Termination:**

\_\_\_\_\_The NEJAC will be examined annually and will exist until the EPA Deputy Administrator determines the Council is no longer needed. This charter will be in effect for two years from the date it is filed with Congress. After this two-year period, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

**10. Member Composition:**

The NEJAC will be composed of approximately 26 members. Most members will serve as representatives of non-Federal interests. Members will be selected from among, but are not limited to, community-based groups; industry and business; academic and educational institutions; State and local governments; Federally recognized Tribes and Indigenous groups; and non-governmental and environmental groups as deemed appropriate.

**11. Subgroups:**

EPA may form NEJAC subcommittees or workgroups for any purpose consistent with this charter. Such subcommittees or workgroups may not work independently of the chartered committee. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered committee nor can they report directly to the Agency.

\_\_\_\_\_ August 14, 2001  
Agency Approval Date

\_\_\_\_\_ August 21, 2001  
GSA Consultation Date

\_\_\_\_\_ September 27, 2001  
Date Filed with Congress

# Justice & Sustainability Associates, LLC

2330 Good Hope Road, Southeast, Suite 1206

Washington, DC 20020-4145

(202) 610-0005 \* (202) 610-4471 fax

[www.justicesustainability.com](http://www.justicesustainability.com)

## Distinguishing Polarized Debate From Dialogue\*

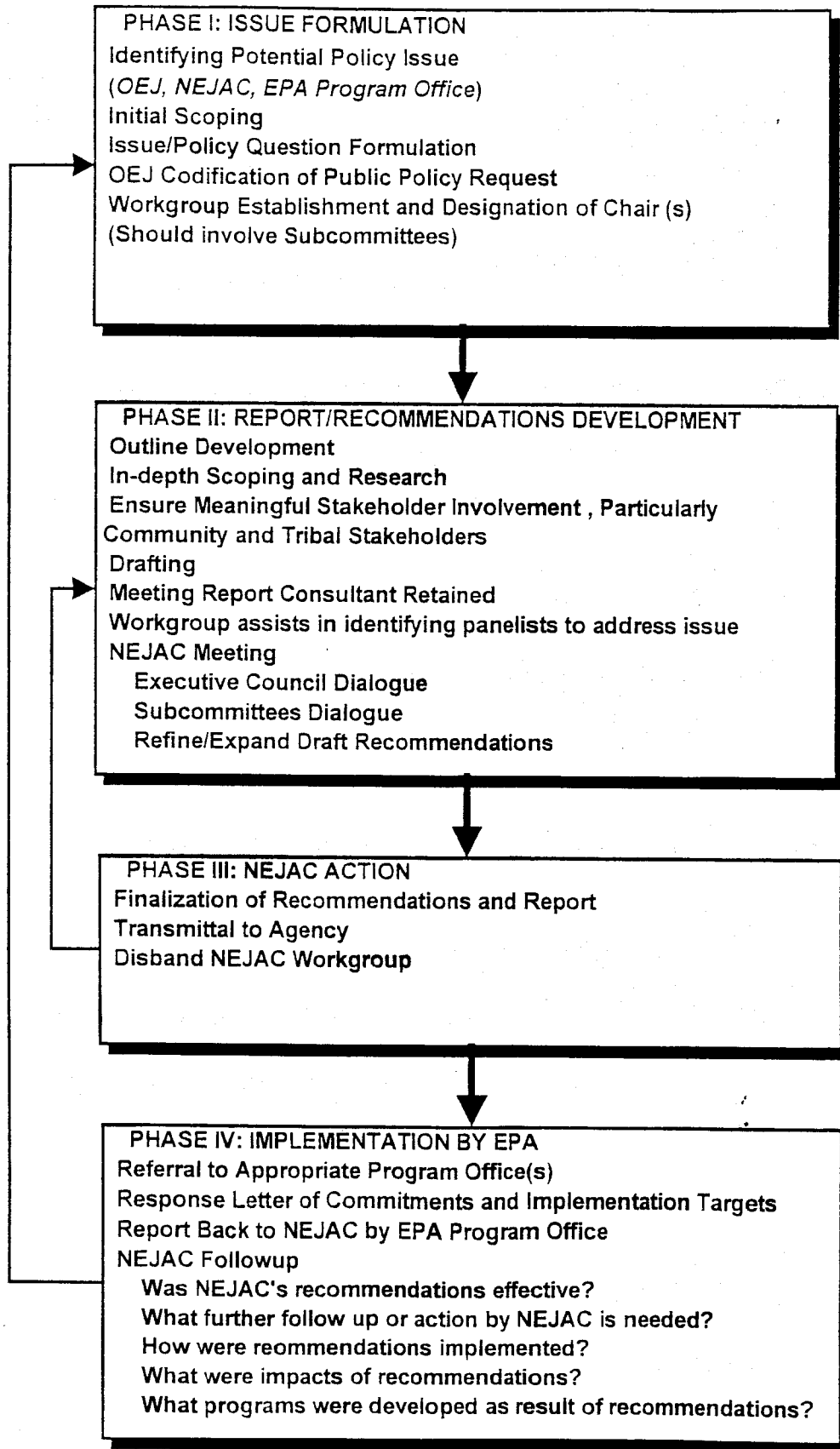
POLARIZED DEBATE	DIALOGUE
Pre-meeting communication between sponsors and participants is minimal and largely irrelevant to what follows	Pre-meeting contacts and preparation of participants are essential elements of the full process.
Participants tend to be leaders known for propounding a carefully crafted position. The persons displayed in the debate are usually already familiar to the public. The behavior of the participants tends to conform to stereotypes.	Those chosen to participate are not necessarily outspoken "leaders." Whoever they are, they speak as individuals whose own unique experiences differ in some respect from others on their "side." Their behavior is likely to vary in some degree and along some dimensions from stereotypic images others may hold of them.
The atmosphere is threatening; attacks and interruptions are expected by participants and are usually permitted by moderators.	The atmosphere is one of safety; facilitators propose, get agreement on, and enforce clear ground rules to enhance safety and promote respectful exchange.
Participants speak as representatives of groups.	Participants speak as individuals, from their own unique experience.
Participants speak to their own constituents and, perhaps, to the undecided middle.	Participants speak to each other.
Differences within "sides" are denied or minimized.	Differences among participants on the same "side" are revealed, as individual and personal foundations of beliefs and values are explored.
Participants express unswerving commitment to a point of view, approach, or idea.	Participants express uncertainties, as well as deeply held beliefs.
Participants listen in order to refute the other side's data and to expose faulty logic in their arguments. Questions are asked from a position of certainty. These questions are often rhetorical challenges or disguised statements.	Participants listen to, understand, and gain insight into the beliefs and concerns of the others. Questions are asked from a position of curiosity.
Statements are predictable and offer little new information.	New information surfaces.
Success requires simple impassioned statements.	Success requires exploration of the complexities of the issue being discussed.
Debates operate within the constraints of the dominant public discourse. (The discourse defines the problem and the options for resolution. It assumes that fundamental needs and values are already clearly understood.)	Participants are encouraged to question the dominant public discourse, that is, to express fundamental needs that may or may not be reflected in the discourse and to explore various options for problem definition and resolution. Participants may discover inadequacies in the usual language and concepts used in the public debate.

\*Justice and Sustainability Associates, LLC acknowledges the Public Conversations Project for the original design of this chart. The chart contrasts debate as commonly seen on U.S. television with the kind of dialogue promoted in dialogue sessions conducted by Justice and Sustainability Associates, LLC.

# NEJAC POLICY ADVICE DEVELOPMENT MODEL

DRAFT #1b (July 27, 2001)

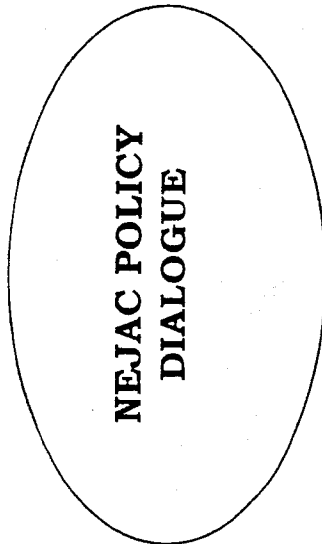
Attachment C



# INCORPORATING IMPACTED COMMUNITY CONCERNS AND ISSUES INTO NEJAC/EPA POLICY DIALOGUE

## Substantive

1. Focus on Community Impacts/Issues
2. Address Questions of Disproportion, Vulnerability, Economics, Social, Etc.
3. Provide, Understand, Appreciate - Impacted Communities Context
4. Use Case Examples
5. Provide & Integrate Relevant Policy Handles
6. Others...



## Process

1. Impacted Community Representatives on NEJAC or WG
2. Local Listening Sessions
3. Obtain Impacted Communities' Input
  - During Public Comment Period
  - 4. Do Workshops and Briefings with Impacted Communities on Issue (Interactive/Educational)
  - 5. Hold NEJAC Meeting in Appropriate Location to Enable Community Participation
  - 6. Have Persons Able to Translate Community Concerns Into Policy Context
7. Site Visits
8. Others...

