MEETING SUMMARY

of the

EXECUTIVE COUNCIL

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

May 23 through 26, 2000
ATLANTA, GEORGIA

Meeting Summary Accepted By:

for Marva E. King

Charles Lee
Office of Environmental Justice
U.S. Environmental Protection Agency
Designated Federal Official

Haywood Turrentine

Haywood Turrentine
Chair

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CHAPTER ONE
SUMMARY OF THE
EXECUTIVE COUNCIL

1.0 INTRODUCTION

The fifteenth meeting of the Executive Council of the National Environmental Justice Advisory Council (NEJAC) took place on May 23 through 26, 2000 at the Omni Hotel at CNN Center in Atlanta, Georgia. Mr. Haywood Turrentine, Laborers' District Council of Education and Training Trust Fund (an affiliate of the Laborers International Union of North America), continues to serve as the chair of the NEJAC. Ms. Peggy M. Shepard, Executive Director, West Harlem Environmental Action, Inc. and member of the Health and Research Subcommittee, serves as the newly appointed vice-chair of the NEJAC. Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, U.S. Environmental Protection Agency (EPA) Office of Environmental Justice (OEJ), continues to serve as the Designated Federal Official (DFO) for the Executive Council. Exhibit 1-1 presents a list of members of the Executive Council who were present and identifies those members who were unable to attend the meeting. Approximately 536 people attended the meeting.

On May 23, 2000, members of the NEJAC participated in a fact-finding tour of several communities in Anniston, Alabama. While the fact-finding tour proceeded from one site to the next, members of the community of Anniston, who served as narrators on the tour, presented for the members of the NEJAC an overview of the public health and environmental concerns of local residents. The narrators shared information about the community and sites of interest and solicited the support of the NEJAC in seeking resolution of issues confronting their communities. Exhibit 1-2, on page 1-2, describes the fact-finding tour.

On May 25, 2000, each member of the Executive Council participated in the deliberations of one of the six subcommittees of the NEJAC. Chapters three through eight of this meeting summary describe those deliberations. In addition, the members of the Health and Research and Waste and Facility Siting subcommittees of the NEJAC participated in a joint session to discuss the investigation of exposure to hazardous pollutants in Mossville, Calcasieu Parish, Louisiana, conducted by the Agency for Toxic Substances and Disease Registry (ATSDR) in November 1999. Chapter nine of this meeting summary describes that joint session.

Exhibit 1-1

EXECUTIVE COUNCIL

Members
Who Attended the Meeting
May 23 through 26, 2000

Mr. Haywood Turrentine, ***Chair***
Ms. Peggy M. Shepard, ***Vice-Chair***
Mr. Charles Lee, ***DFO***

Ms. Rose Augustine
Mr. Luke Cole
Mr. Fernando Cuevas
Mr. Arnoldo Garcia
Dr. Michel Gelobter*
Mr. Tom Goldtooth
Ms. Jennifer Hill-Kelley
Ms. Patrica Hill-Wood
Ms. Annabelle Jaramillo
Ms. Vernice Miller-Travis
Mr. Harold Mitchell
Mr. Carlos Padin
Dr. Marinelle Payton
Ms. Rosa Hilda Ramos
Ms. Jane Stahl
Mr. Robert W. Varney**
Ms. Jana Walker
Mr. Damon Whitehead
Mr. Jess Womack
Mr. Tseming Yang

Members
Who Were Unable to Attend

Mr. Don J. Aragon
Ms. Meghan Magruder
Mr. Gerald Torres

**Attended May 23 and 24, 2000 only*
***Attended May 24, 2000 only*

In addition, the Executive Council hosted two public comment periods, a *General Environmental Justice Issues Public Comment Period* on the evening of May 23 and a *Focused Public Comment Period* on the evening of May 24, 2000 that focused on environmental justice issues related to public health. Approximately 61 people offered comments during those sessions. Chapter Two presents a summary

Exhibit 1-2

FACT-FINDING TOUR OF ANNISTON, ALABAMA

On May 23, 2000, members of the National Environmental Justice Advisory Council (NEJAC) participated in a fact-finding tour of several communities in Anniston, Alabama. Such fact-finding tours provide members of the NEJAC information about the environmental concerns of local communities in the areas in which meetings of the NEJAC are held. In Anniston, the fact-finding tour focused on community health issues associated with contamination of soil with polychlorinated biphenyls (PCB) caused by local industry. The following summary describes the fact-finding tour conducted during the meeting of the NEJAC.

Monsanto/Solutia Facility. The Monsanto/Solutia Facility, located in the community of Anniston, Alabama, began producing and selling PCBs in 1935. In 1975, the U.S. Environmental Protection Agency (EPA) discovered high levels of PCB contamination throughout Anniston. Community members pointed out that residents of Anniston suffer from a variety of illnesses, ranging from cancer to learning disabilities. The tour passed by "Mount Monsanto," a landfill at which the Monsanto/Solutia facility dumped waste. Community members stated that, during periods of heavy rain, runoff seeps from the mountain and floods their houses, which are located in a flood plain. In addition, PCBs contaminate Snow Creek, which runs from Anniston into several other communities. The Federal Emergency Management Agency (FEMA) recently bought several of the homes, but some residents have refused to relocate. The situation in Anniston further demonstrates that environmental justice issues are not only limited to minority communities; rather, the environmental justice issues in Anniston affect low-income caucasian communities as well.

Other Industrial Sites. The fact-finding tour also passed by a variety of other industrial sites in Anniston, including scrap and recycling yards, foundries, an underground storage tank yard, and the Anniston Army Depot. Many of the sites leach chemicals and pollutants and are located on Snow Creek or tributaries of Snow Creek that flow into the city of Oxford, Alabama. Members of the NEJAC listened to Mr. David Baker, President, Community Against Pollution (CAP), speak about Monsanto/Solutia and the health problems associated with the actions of those corporations. Mr. Baker stated that CAP's goal is to establish a health clinic in Anniston and to conduct health screening and testing for residents.

of the comments offered during the two public comment periods.

This chapter, which provides a summary of the deliberations of the Executive Council, is organized in eight sections, including this *Introduction*. Section 2.0, *Remarks*, presents summaries of the remarks offered by various speakers. Section 3.0, *Panel Sessions on Environmental Justice and Community-Based Health Model*, provides a summary of the series of panel sessions presented by various stakeholder groups. The panelists made presentations that were designed to provide insight into the issues and concerns raised with respect to environmental justice and developing a community-based health model. Section 4.0, *Reports and Presentations*, provides summaries of reports and presentations made to the Executive Council on various topics. Section 5.0, *Reports of the Subcommittees*, summarizes reports submitted to the Executive Council about the deliberations of each of the six subcommittees during their meetings on May 25, 2000. Section 6.0, *Follow-Up Issues Related to Environmental Justice and the Issuance of Permits*, focuses on several issues related to environmental justice and the issuance of permits. Section 7.0, *Closing Remarks*, presents the closing remarks of the Director and Associate Director of EPA OEJ. Section 8.0, *Summary of Approved Resolutions and Letters to the U.S. Environmental Protection Agency Administrator*, provides a summary of the letter forwarded to the EPA Administrator by the Executive Council and presents a summary of the resolutions forwarded to the Executive Council by the subcommittees of the NEJAC that the Executive Council subsequently approved. Appendix A presents the full text of each resolution that was approved by the Executive Council. Appendix B presents a list of the members of the NEJAC. Appendix C provides a list of the participants in the meeting. Appendix D provides a copy of the written statement submitted to the NEJAC during the two public comment periods.

2.0 REMARKS

This section summarizes the remarks of the Principal Deputy Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance (OECA); the Regional Administrator of EPA Region 4; the Director of EPA OEJ; and the Deputy Administrator of EPA.

2.1 Remarks of the Principal Deputy Assistant Administrator, U.S. Environmental Protection Agency Office of Enforcement and Compliance Assurance

On behalf of EPA, Ms. Sylvia Lowrance, Principal Deputy Assistant Administrator, EPA OECA, welcomed the members of the Executive Council and all the participants to the fifteenth meeting of the NEJAC. She noted that the meeting marked a "tremendously important milestone" in the progress of the NEJAC and its work with EPA.

To address public health problems in communities, Ms. Lowrance explained, it is essential to have better science with regard to those health and environmental problems that face communities. She noted that there has been a void in addressing such issues and that the missing link has been health research. She then expressed her excitement about the program that the NEJAC would be focusing on during the meeting and made a commitment that EPA would follow-up on the work accomplished by the NEJAC during the meeting. Ms. Lowrance then introduced Mr. John Hankinson, Regional Administrator of EPA Region 4.

2.2 Remarks of the Regional Administrator, U.S. Environmental Protection Agency Region 4

On behalf of the staff of EPA Region 4, Mr. Hankinson expressed pleasure in hosting the meeting of the NEJAC that had drawn higher attendance than any previous meeting. In 1996, Mr. Hankinson then reported, EPA Region 4 had been reorganized dramatically to better serve communities that have environmental justice concerns. Mr. Hankinson also stressed that the reorganization had been designed not only to serve such communities better, but also to improve the manner which the region conducts its daily activities related to environmental justice. In other words, he pointed out, to ensure that concerns related to environmental justice become integrated into all activities and across all media programs. Mr. Hankinson also acknowledged the efforts of activists -- such as Ms. Connie Tucker, Southern Organizing Committee for Economic and Social Justice and former member of the Waste and Facility Siting Subcommittee of the NEJAC; Dr. Mildred McClain, Citizens for Environmental Justice and former member of the International Subcommittee of the NEJAC; and Dr. Robert Bullard, Environmental Justice Resource Center, Clark Atlanta University and former chair of the Health and Research Subcommittee of the NEJAC – who continue to provide leadership and advice to the region's programs related to environmental justice. He also attributed the success of EPA Region 4 activities related to environmental justice to the leadership of Mr. Richard Green, Director, Waste Division, EPA Region 4, who, noted Mr. Hankinson, has worked to transform the activities of his staff to become more responsive to community interests and to learn about the concerns of communities in addressing waste issues. Mr. Hankinson also recognized the leadership of Ms. Phyllis Harris, Regional Counsel and Director of the Environmental Accountability Division, EPA Region 4, who leads the efforts in the region to integrate principles of environmental justice into all the activities of EPA Region 4.

Mr. Hankinson then stated that he was looking forward to the discussion related to community health and the means of incorporating considerations of a community's health needs into the decision-making process. He expressed agreement with Ms. Lowrance that it is extremely important to have the best science possible upon which to base judgements related to the environmental health of a community. Concluding his remarks, Mr. Hankinson stressed the necessity that EPA work with other agencies and other programs that not only focus on environmental issues, but also deal with all issues that must be addressed if communities are to be healthy.

2.3 Remarks of the Director, U.S. Environmental Protection Agency Office of Environmental Justice

Mr. Barry Hill, Director, EPA OEJ, began his presentation by welcoming all participants to the meeting of the NEJAC on public health, noting that it was appropriate that the meeting be held in Atlanta, Georgia, the home of the U.S. Department of Health and Human Services' (HHS) Centers for Disease Control and Prevention (CDC) and ATSDR. Exhibit 1-3, on the next page, describes the missions of those two agencies. Mr. Hill then placed the meeting in perspective by reminding the participants that the mission of EPA is to protect human health and to safeguard the natural environment -- the air, water, and land upon which all life depends. Therefore, he declared, the issue of protecting public health is of great importance to the Agency. Mr. Hill commented that, while the Agency has made great strides in safeguarding the natural environment, EPA has not been as successful in protecting human health. That is why, he explained, the EPA Administrator, through OEJ, had requested that the NEJAC focus a meeting on the issue of public health. The Agency, he emphasized, was seeking the advice and recommendations of the NEJAC, a multi-stakeholder advisory committee, on how better to address issues related to public health.

Exhibit 1-3

CENTER FOR DISEASE CONTROL AND PREVENTION

The mission of the Center for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services (HHS) is to promote health and quality of life by preventing and controlling disease, injury, and disability. The CDC pledges to the American people:

- To be a diligent steward of the funds entrusted to it.
- To provide an environment for intellectual and personal growth and integrity.
- To base all public health decisions on the highest quality scientific data, openly and objectively derived.
- To place the benefits to society above the benefits to the institution.
- To treat all persons with dignity, honesty, and respect.

THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

The mission of the Agency for Toxic Substances and Disease Registry (ATSDR), also an agency of HHS, is to prevent exposure and adverse human health effects and diminished quality of life associated with exposure to hazardous substances from waste sites, unplanned releases, and other sources of pollution present in the environment.

ATSDR is directed by congressional mandate to perform specific functions related to the effect on public health of hazardous substances in the environment. Those functions include public health assessments of waste sites, health consultations related to specific hazardous substances, health surveillance and registries, response to emergency releases of hazardous substances, applied research in support of public health assessments, development and dissemination of information, and education and training related to hazardous substances.

Continuing, Mr. Hill explained that the underlying question the panelists and the members of the NEJAC should address is whether there is a direct correlation between the environment and public health. Many people would agree that a direct correlation exists, he noted; however, when asked to demonstrate the connection, communities, scientists, and public health officials are unable to do so because the science does not yet exist. Mr. Hill then provided a list of questions related to demonstrating the direct correlation between the environment and public health that were to be posed over the course of the meeting:

- If not now, when will sound science be available?
- Are [government agencies] making great strides in that direction?
- How far do [government agencies] have to go to satisfy not only the scientists and public health officials, but also the concerned public?
- What must Federal, state, and local government agencies do to focus their attention and considerable resources on demonstrating the direct correlation?
- How can communities become more involved in demonstrating the direct correlation by developing and using community-based health research models?
- How can industry be of assistance in using its considerable resources to participate in the dialogue of demonstrating the direct correlation?

Mr. Hill then pointed out that the question of whether or not there is a direct correlation between the environment and public health is not a new one, but was posed and discussed by a Roman architect in the first century B.C. Continuing, Mr. Hill explained that the question now, moving to the year 2000, is whether or not residents of minority and low-income communities deserve clean air, water, and land like all other Americans. Mr. Hill then asked whether the health of the residents of those communities should be the focus of concern of the Federal government because those residents are exposed disproportionately to environmental harms and risks. He stated that the U.S. Secretary of Health and Human Services and the U.S. Surgeon General had answered yes to that question by sponsoring the Healthy People 2010 Initiative. Exhibit 1-4 describes the initiative.

Exhibit 1-4

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES HEALTHY PEOPLE 2010

The Office of Disease Prevention and Health Promotion (ODPHP), U.S. Department of Health and Human Services (HHS) serves as the coordinator for the Healthy People 2010 Initiative. The initiative is the prevention agenda for the United States and is a statement of national health objectives designed to identify the most significant preventable threats to health and to establish national goals to reduce those threats. Healthy People 2010 is a national health promotion and disease prevention initiative that brings together national, state, and local government agencies; nonprofit, voluntary, and professional organizations; businesses; communities; and individuals to improve the health of all Americans and eliminate disparities in health.

For more information about the initiative, visit the HHS home page at *<http://web.health.gov/healthypeople>*.

Mr. Hill explained that the initiative was designed to achieve two principal goals: (1) to improve the quality of life and increase the years of healthy life of all Americans of all ages and (2) to eliminate health disparities among the various segments of the population that are identified by race or ethnicity, education, and income. That second goal, he pointed out, is the focus of the environmental justice movement.

Mr. Hill then discussed several statistics, identified in a report developed under the Healthy People 2010 Initiative, disparities in health among minority racial and ethnic groups, compared with white Americans:

- The infant mortality rate among African-Americans remains more than double that for white Americans.
- The death rate for heart disease is more than 40 percent higher among African-Americans than among whites.
- The death rate for all cancers is 30 percent higher among African-Americans than among white Americans.
- The incidence of prostate cancer among African-Americans is more than double that among white Americans.
- The death rate for African-American women for breast cancer is higher among African-Americans than among white women, despite a mammography screening rate that is higher than that for white women.
- Hispanics [constituting only 11 percent of the total population] accounted for 20 percent of all new cases of tuberculosis.
- Hispanics have higher rates of high blood pressure and obesity than non-Hispanic whites.
- The infant death rates among American Indians and Alaska Natives almost double that for white Americans.
- The incidence of diabetes among American Indians and Alaska Natives is more than twice that among white Americans.

Mr. Hill then explained that, according to the report, environmental quality was one of the leading health indicators that explain the disparities. Regarding environmental quality, the report stated that an estimated 25 percent of preventable illnesses worldwide can be attributed to poor environmental quality, he said. In the United States alone, air pollution is estimated to be associated with 50,000 premature deaths and an estimated $40 to $50 billion in health-related costs annually, he noted. Mr. Hill noted further that, despite the mountain of statistics that particular report included, neither the U.S. Secretary of Health and Human Services nor the U.S. Surgeon General had concluded that there was a direct correlation between the environment and public health because sound science is not available. He also said that the report had stated clearly that, in the United States, ensuring clean water, safe food, and effective waste management had contributed greatly to a decline in the threat of many infections.

Concluding his remarks, Mr. Hill noted that answering conclusively that underlying question was beyond the breadth and the scope of the NEJAC meeting; however, he said that he, on behalf of the Agency, was looking forward to receiving the NEJAC's advice and recommendations so that all stakeholders could move closer to proving the direct correlation.

2.4 Remarks of the Deputy Administrator, U.S. Environmental Protection Agency

Mr. Michael McCabe, Deputy Administrator of EPA, expressed his appreciation to Mr. Turrentine for his leadership of the NEJAC and to the members of the

Exhibit 1-5

DELEGATION FROM SOUTH AFRICA

In May 2000, the U.S. Environmental Protection Agency (EPA) hosted delegates representing the South African environmental justice community to an intensive program conducted in the southeastern United States. The picture to the right shows the members of the delegation. The delegates spent approximately 10 days visiting communities that face environmental justice challenges similar to those encountered by communities in South Africa. Representatives of environmental justice communities, including members of the South Africa Work Group of the International Subcommittee of the National Environmental Justice Advisory Council (NEJAC), spent countless hours working with EPA to prepare for the visit. A one-day "lessons learned" session covered the experiences of communities in the United States, discussions of goals that remain to be achieved, and a review of the history of the NEJAC. In addition, the delegates participated in the meeting of the International Subcommittee held on May 25, 2000, during the four-day meeting of the NEJAC in Atlanta, Georgia. Chapter seven of the summary of that meeting provides a summary of the dialogue between the members of the International Subcommittee and the delegates from South Africa.

Executive Council for the time and effort they spend on important issues related to environmental justice. He then recognized and welcomed the delegation of environmental justice leaders from South Africa present at the meeting. Exhibit 1-5 provides further information about the South African delegation. Mr. McCabe then noted that the NEJAC had been providing crucial and important advice to the EPA Administrator for the past seven years and has had a direct effect on many of the Agency's initiatives, such as the Brownfields Economic Redevelopment Initiative. Mr. McCabe stated that he now would request that the NEJAC provide help and guidance related to the role of risk assessment and the cumulative effects of environmental contamination on communities.

Announcing that EPA's Office of Civil Rights (OCR) soon was to release two new draft guidance documents to clarify for government agencies and the public the compliance requirements set forth under Title VI of the Civil Rights Act of 1964 (Title VI), Mr. McCabe commented that the development of the documents had been a difficult task. However, he added, EPA had broken new ground through the extensive involvement of all stakeholders in the development of the documents. Section 4.2 of this chapter provides a detailed discussion of the draft documents. Mr. McCabe then expressed EPA's belief that the new documents will help to address a number of the environmental justice issues that affect communities. He also expressed his hope that the NEJAC would review and provide comments on the draft documents when they are released.

Updating the members of the Executive Council on the activities of the Interagency Working Group on Environmental Justice (IWG), Mr. McCabe announced the development of the Integrated Federal Interagency Environmental Justice Action Agenda (Action Agenda). Exhibit 1-6 describes the IWG and provides background information about the Action Agenda.

Mr. McCabe explained that the goal of the Action Agenda is to bring together the resources of 11 of the 17 Federal agencies called upon in Executive Order 12898 on Environmental Justice to help environmentally and economically distressed communities. Together, Mr. McCabe stated, the Federal agencies had identified 15 environmental justice demonstration projects; it is anticipated that Federal resources will be used in a targeted manner to improve the quality of life for members of 15 minority or low-income communities that suffer disproportionately the effects of environmental contamination. Exhibit 1-7, on page 1-8, provides a list of the projects.

Exhibit 1-6

INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE'S INTEGRATED FEDERAL INTERAGENCY ENVIRONMENTAL JUSTICE ACTION AGENDA

On February 11, 1996, President Clinton signed Executive Order 12898 on Environmental Justice, which calls upon 17 Federal agencies and offices of the White House to ensure that principles related to environmental justice are an integral part of the Agency's mission, to the extent practible and permitted by existing law. The Executive order mandates objectives for the Federal agencies to achieve in the following areas:

- Identify disproportionately high and adverse human health and environmental effects on minority and low-income populations.
- Coordinate research and data collection.
- Conduct public meetings.
- Develop interagency model projects.

The Executive order also establishes an Interagency Working Group on Environmental Justice (IWG), composed of representatives of those agencies and offices, to accomplish the objectives.

In June 1999, the IWG began to develop the concept of an environmental justice action agenda as a way of incorporating principles of environmental justice in all policies, programs, and activities of Federal agencies. Two environmental justice listening sessions (the first held on July 11, 1998, in Los Angeles, California and the second held on March 6, 1999, in New York, New York) sponsored by the White House Council on Environmental Quality (CEQ) and the U.S. Environmental Protection Agency (EPA) Office of Environmental Justice (OEJ) and a national conference, *Environmental Justice: Strengthening the Bridge Between Economic Development and Sustainable Communities*, held June 10 through 12, 1999, in Hilton Head, South Carolina, provided new energy to Federal interagency efforts to secure a healthy and sustainable environment for all Americans regardless of race, color, ethnicity, or economic status. The events provided new opportunities for senior Federal officials to respond directly to affected communities and for meaningful dialogue among all stakeholders.

The Integrated Federal Interagency Environmental Justice Action Agenda (Action Agenda) seeks to build dynamic and proactive partnerships among Federal agencies to benefit environmental and economically distressed communities. Increased coordination and cooperation among Federal agencies will enhance identification, mobilization, and utilization of Federal resources. Increased coordination and cooperation also will enhance the capability of distressed communities to improve environmental decision-making and more efficiently access and leverage initiatives sponsored by the Federal government. The Action Agenda will improve the quality of life for minority or low-income populations that suffer disproportionate environmental effects. Those populations also may include indigenous and tribal communities.

The Action Agenda will include examples of interagency environmental justice projects and agency-specific initiatives to be initiated or implemented by various Federal agencies in 2000. The Action Agenda seeks to build the constructive problem-solving capacity of communities in partnership with state, tribal, and local governments. The Action Agenda is not intended to replace or supersede existing Federal, state, tribal, or local government decision-making processes.

Exhibit 1-7

INTEGRATED FEDERAL INTERAGENCY ENVIRONMENTAL JUSTICE ACTION AGENDA ENVIRONMENTAL JUSTICE DEMONSTRATION PROJECTS

Under the Interagency Working Group on Environmental Justice's (IWG) Integrated Federal Interagency Environmental Justice Action Agenda, 11 Federal agencies have initiated environmental demonstration projects to help 15 environmentally and economically distressed communities. Communities selected are composed of predominantly minority or low-income populations that face negative environmental, public health, or socioeconomic effects because of environmental contamination. The 15 projects and the lead Federal agency for each are:

- Greater Boston Urban Resources Partnership: Connecting Community and Environment (Boston, Massachusetts) – U.S. Environmental Protection Agency (EPA).
- Camden: City of Children Partnering for a Better Future (Camden, New Jersey) – U.S. Department of Housing and Urban Development (HUD).
- New York City Alternative Fuel Vehicle Summit (New York, New York) – U.S. Department of Energy (DOE).
- Addressing Asthma in Puerto Rico: A Multi-Faceted Partnership for Results (Puerto, Rico) – U.S. Department of Health and Human Services (HHS) Health Resources and Services Administration.
- Bridges to Friendship Nurturing Environmental Justice in Southeast and Southwest Washington, D.C. (Washington, D.C.) – U.S. Department of the Navy, U.S. Department of Defense (DoD).
- Community Cleanup and Revitalization in Arkwright/Forest Park (Spartanburg, South Carolina) – EPA.
- Protecting Children's Health and Reducing Lead Exposure Through Collaborative Partnerships (East St. Louis, Illinois) – EPA and HUD.
- Bethel New Life Power Park Assessment (Chicago, Illinois) – DOE.
- New Madrid County Tri-Community Child Health Champion Campaign (New Madrid County, Missouri) – EPA and U.S. Department of Agriculture Natural Resources Conservation Service.
- Easing Troubled Waters: Ensuring Safe Drinking Water Sources in Migrant Farmworker Communities in Colorado (Colorado) – EPA.
- Environmental Justice and Public Participation Through Technology: Defeating the Digital Divide and Building Community Capacity (Savannah, Georgia and Fort Belknap Indian Reservation, Montana) – DOE.
- Protecting Community Health and Reducing Toxic Air Exposure Through Collaborative Partnerships in Barrio Logan (San Diego, California) – EPA.
- Oregon Environmental Justice Initiative (Portland and rural communities, Oregon) – U.S. Department of Justice.
- Metlkatla Indian Community Unified Interagency Environmental Management Task Force (Ketchikan, Alaska) – DoD.
- Environmental Justice in Indian Country: A Roundtable to Address Conceptual, Political and Statutory Issues (Albuquerque, New Mexico) – DOE.

Drawing on the IWG's experiences with the 15 projects, the Federal agencies will endeavor to add more projects and broaden participation to additional agencies, Mr. McCabe continued. Emphasizing that the Action Agenda is a work in progress, he explained that the IWG would examine how the agencies work together and how they work with communities. Concluding his discussion of the Action Agenda, Mr. McCabe stated that the initiative is an opportunity for EPA to work with the Agency's Federal partners to bring new resources to communities that have environmental justice concerns.

Continuing his remarks, Mr. McCabe explained that, under the leadership of the EPA Administrator, Ms. Carol Browner, the Agency had been and would continue to be guided by the vision of a new partnership – economic prosperity and protection. Mr. McCabe expressed the Agency's belief that economic expansion and environmental protection are goals that must be achieved together. Experience, he noted, has demonstrated that an investment in the environment is an investment in job creation and in raising healthy children. Over the past seven years, he emphasized, EPA has been guided by the belief that principles of environmental justice must be rooted in the understanding that all people share the planet, all share the future; therefore, all must share the responsibility of environmental protection.

One important step in that pursuit, Mr. McCabe pointed out, has been EPA's right-to-know initiatives that provide people with the information they need to participate more meaningfully in decision-making processes that affect their communities.

Therefore, Mr. McCabe stated, EPA has worked hard to ensure that local communities have the information they require to safeguard public health and preserve the environment. He cited as an example the Toxic Release Inventory (TRI) data base, which provides citizens with information about toxic chemicals used, manufactured, treated, or transported in or near their communities. He concluded his remarks by noting that EPA has aimed to facilitate the active and informed participation of all stakeholders in the public policy process and has encouraged all citizens to seize the right to guide EPA's policy and accept the responsibility for doing so.

Mr. Damon Whitehead, Earth Conservation Corps and member of the Air and Water Subcommittee of the NEJAC, expressed disagreement with Mr. McCabe's statement that EPA "has brought new life to Title VI." Mr. Whitehead expressed his and the NEJAC's continued concern about the backlog of administrative complaints filed under Title VI. Mr. Whitehead stressed that EPA must not wait to decide the pending cases until the two new draft guidance documents become final. In response, Mr. McCabe noted that the new draft guidance documents would provide the framework for the Agency to make decisions about the pending cases. Mr. McCabe also expressed his belief that, no matter what the outcome of the presidential elections in November 2000, EPA had built a solid foundation and legal basis for action under Title VI.

Mr. Luke Cole, California Rural Legal Assistance Foundation and chair of the Enforcement Subcommittee of the NEJAC, commented he also had been startled when Mr. McCabe remarked that EPA had made a considerable amount of progress related to the implementation of Title VI. Mr. Cole then reviewed several commitments EPA had made to the NEJAC since 1996 about guidance related to Title VI, none of which, he pointed, had the Agency met. Mr. McCabe noted that he understood the frustration that Mr. Cole and other members of the NEJAC have felt; however, he said, EPA believes that the new draft guidance documents will stand up to assaults by industry and state governments.

Ms. Rose Marie Augustine, Tucsonans for a Clean Environment and vice chair of the Health and Research Subcommittee of the NEJAC, expressed her frustration at the inability of the NEJAC and EPA to assist those who have provided testimony at public comment periods of the NEJAC about environmental justice concerns related to Federal facilities, as well as actions by other Federal agencies. Mr. Turrentine then provided Mr. McCabe with brief background information related to Ms. Augustine's concern. Noting that there continue to be a number of people coming before the NEJAC who report environmental health problems caused by Federal facilities, Mr. Turrentine stated that the NEJAC had been frustrated because the council cannot address those issues adequately because the Federal agencies do not conduct an active dialogue with the NEJAC. Mr. McCabe stated that he understands the frustration felt by the members of the NEJAC related to lack of participation by other Federal agencies. Mr. McCabe then stated his hope that the Action Agenda would prove to be an opportunity to begin such a dialogue.

Mr. Tom Goldtooth, Indigenous Environmental Network and chair of the Indigenous Peoples Subcommittee of the NEJAC, noted that many Native American communities are concerned about elevated levels of dioxin, not only in their bodies, but also in the food they consume. Mr. Goldtooth stated

that, for the past six years, his organization had been requesting that EPA release a report that reassesses dioxin; he then stated his belief that there is new information that demonstrates that dioxin causes cancer. He asked Mr. McCabe when EPA would release the document to the public. Mr. McCabe responded that the dioxin reassessment report currently was under interagency review and said that he anticipated that the draft document would be available for release in mid-June 2000. Mr. McCabe also explained that some of the delay in releasing the report had occurred because it had been reviewed by various sectors of the scientific community, both within and outside EPA. Continuing, Mr. McCabe also explained that the first version of the report had been based solely on animal studies; since then, he pointed out, many human and epidemiological studies had been conducted, and those studies provided better information. Mr. McCabe also noted that the new report was to state that the risk rate for dioxin, in terms of causing cancer, is 10 times higher than previously estimated. Mr. McCabe emphasized one important finding of the new study that revealed that steps taken by EPA over the past seven years had helped to reduce the amount of dioxins released into the environment by more than 90 percent. He stated further that a significant amount of dioxin remains in the environment that must be addressed and stressed the need to inform the public about the results of the study and possible ways to reduce human exposure to dioxin.

Ms. Rosa Hilda Ramos, Community of Cataño Against Pollution and member of the Air and Water Subcommittee of the NEJAC, expressed her appreciation for development of the Action Agenda and requested that representatives of a community group and an indigenous community group be included in the membership of the IWG to provide a "realistic" perspective on the effects of pollution on communities. In response, Mr. McCabe, assured Ms. Ramos that representatives of communities would be involved during the development of the Action Agenda.

Mr. Fernando Cuevas, Farm Labor Organizing Committee and member of the International Subcommittee of the NEJAC, expressed concern that the Action Agenda does not address the concerns of agricultural workers and that none of the 15 demonstration projects outlined in the agenda focuses on such workers. In response, Mr. McCabe noted that the 15 demonstration projects were being conducted through interagency coordination and explained that there had been no intention to exclude agricultural workers. Mr. McCabe agreed to include that population in future demonstrations projects.

3.0 PANELS ON ENVIRONMENTAL JUSTICE AND DISCUSSION OF THE COMMUNITY-BASED ENVIRONMENTAL HEALTH MODEL

In its continuing effort to provide independent advice to the EPA Administrator in areas related to environmental justice, the NEJAC focused its fifteenth meeting on a specific policy issue -- environmental justice and its relationship to community-based environmental health research. On Wednesday, May 24, 2000, the members of the NEJAC received a series of presentations from panels of various stakeholder groups. The presentations were designed to provide insight into the issues raised and concerns expressed about the relationship of environmental justice and public health. Exhibit 1-8 identifies the panel members who participated in the discussions. Mr. Lee began the panel presentations by introducing members of EPA's Science Advisory Board (SAB) and Children's Health Protection Advisory Committee (CHPAC), who had been invited to participate in the meeting of the NEJAC. Exhibit 1-9, on page 1-12, describes the SAB and the CHPAC. Members representing the SAB were Mr. Henry Anderson, Wisconsin Division of Public Health and Mr. Hilary Inyang, Center for Environmental Engineering Science and Technology, University of Massachusetts, Lowell. Members representing CHPAC were Dr. Willa Fisher, Bremerton-Kitsap County, State Health District and Rabbi Dan Swartz, Children's Environmental Health Network. Mr. Lee explained that the inclusion of representatives of other EPA advisory committees in the NEJAC's activities is a continuing effort of the Agency to coordinate the advice and activities of committees that address similar issues. He added that the NEJAC's discussion on issues of public health in an environmental justice context is related closely to similar work of the SAB and CHPAC.

Mr. Lee further remarked that the meeting of the NEJAC had been organized according to the views and advice of members of the NEJAC; EPA offices, such as the Office of Research and Development (ORD) and the Office of Pesticides, Pollution Prevention and Toxics (OPPT); and Federal agencies such as ATSDR, the National Institute for Environmental Health Sciences (NIEHS), and the National Center for Environmental Health (NCEH).

Exhibit 1-8

PANEL PRESENTATIONS ON ENVIRONMENTAL JUSTICE AND DISCUSSION OF THE COMMUNITY-BASED HEALTH MODEL

The fifteenth meeting of the National Environmental Justice Advisory Council (NEJAC) focused on Federal efforts to secure disease prevention and health improvement in communities in which there are health disparities that may be the result of, or be exacerbated by, disproportionate effects of environmental pollutants and certain socioeconomic and cultural factors. During the meeting, the members of the NEJAC received comments and information related to environmental justice and public health from the individuals identified below.

Panel 1 – Overview: To what extent might an integrated community-based public health model that includes assessment, intervention, and prevention contribute to disease prevention and health improvement in environmental justice communities?

Robert Bullard, Ph.D.	Environmental Justice Resource Center, Clark Atlanta University, Atlanta, Georgia
Patrick Kinney, Ph.D.	Columbia University School of Public Health, New York, New York
Richard Moore	Southwest Network for Environmental and Economic Justice, Albuquerque, New Mexico

Panel 2 – Lessons from the Field: What strategies and areas of research should be pursued to achieve more effective, integrated community-based health assessment, intervention, and prevention efforts?

Ray Campion	Mickey Leland National Urban Air Toxics Research Center, Houston, Texas
David Carpenter, M.D.	University of Albany School of Public Health, Rensselaer, New York
Katsi Cook	Akwesasne Mohawk Nation, Berkshire, New York
Carlos Porras	Communities for a Better Environment, Huntington Park, California

Panel 3 – Socioeconomic Vulnerability: How can consideration of socioeconomic status and cultural factors (a) contribute to a better understanding of health disparities and cumulative and disproportionate environmental effects and (b) be incorporated into community health assessments?

Michael Callahan	U.S. Environmental Protection Agency (EPA), Cumulative Risk Technical Review Panel, Washington, D.C.
Walter Handy, Ph.D	Cincinnati Health Department, Cincinnati, Ohio
Samara Swanston, J.D.	Greenpoint-Williamsburg Watch Project, Brooklyn, New York

Panel 4 – Key Federal Initiatives: What strategies should be developed, implemented, and evaluated so as to insure substantial participation, integration, and collaboration by Federal agencies, in partnership with impacted communities; public health, medical, and environmental professionals; academic institutions; philanthropic organizations; state, tribal, and local governments; and the private sector?

Henry Falk, M.D.	Agency for Toxic Substances and Disease Registry, Atlanta, Georgia
Jon Kerner, Ph.D.	National Cancer Institute, Rockville, Maryland
Michael Rathsam	Indian Health Services, U.S. Department of Human and Health Services, Manlius, New York
Michael Sage	National Center for Environmental Health, Atlanta, Georgia
Charles Wells	National Institute of Environmental Health Sciences, Atlanta, Georgia

Exhibit 1-9

SCIENCE ADVISORY BOARD

In 1978, the U.S. Congress established the Science Advisory Board (SAB) under the Environmental Research, Development, and Demonstration Authorization Act to provide independent scientific and engineering advice to the Administrator of the U.S. Environmental Protection Agency related to the technical nature of its regulations. The SAB functions as a technical peer review panel. The SAB also conducts its business in public view and benefits from receiving public comments during its deliberations. For more information about the SAB, please visit: <*http://www.epa.gov/sab/*>

CHILDREN'S HEALTH PROTECTION ADVISORY COMMITTEE

The EPA Administrator announced EPA's National Agenda to Protect Children's Health in September 1996, and, in May 1997, EPA established the Office of Children's Health Protection (OCHP). EPA also established the Children's Health Protection Advisory Committee, a Federal advisory committee, to provide advice to the EPA Administrator about matters related to children's health.

For more information about the committee, please visit: <*http://www.epa.gov/children/whatwe/advisory.htm*>.

Mr. Lee then repeated that the meeting would focus on Federal efforts to secure disease prevention and health improvement in communities in which there are health disparities that may be the result of, or be exacerbated by, disproportionate effects of environmental pollutants and certain socioeconomic and cultural factors, in particular:

- What strategies and areas of research should be pursued to achieve more effective, integrated community-based environmental health assessment, intervention, and prevention efforts?
- How should those strategies be developed, implemented, and evaluated so as to insure substantial participation, integration, and collaboration among Federal agencies, in partnership with: impacted communities; public health, medical, and environmental professionals; academic institutions; state, tribal, and local governments; and the private sector?
- How can consideration of socioeconomic status and cultural factors: (1) contribute to a better understanding of health disparities and cumulative and disproportionate environmental effects and (2) be incorporated into community health assessments?

The following sections provide summaries of each of the various panel presentations on environmental justice and public health.

3.1 Panel 1 - Overview: To What Extent Might an Integrated Community-Based Public Health Model That Includes Assessment, Intervention, and Prevention Contribute to Disease Prevention and Health Improvement in Environmental Justice Communities?

Mr. Lee initiated the first panel discussion, an overview of environmental justice and public health, by explaining that the panelists were to offer different perspectives about the question, to what extent might an integrated community-based public health model contribute to the prevention of disease and the improvement of health in environmental justice communities. Exhibit 1-10 presents the problem statement that Panel 1 addressed.

Exhibit 1-10

PANEL 1 - PROBLEM STATEMENT

This panel provided a historical overview of health issues in environmental justice communities and how a holistic, integrated view of disease prevention and health improvement had evolved. The three overview presentations focused on the social science perspective to address what might constitute the elements of a unified community-based public health model that includes assessment, intervention, and prevention; the environmental science perspective, examining the way that the model has enhanced the work of a university-based environmental science program; and the community perspective to ensure understanding of solution-oriented approaches to environmental health challenges confronting communities.

Dr. Bullard began his presentation by declaring that the principle of environmental justice embraces the concept that all communities are entitled to equal protection of environmental health, housing, transportation, as well as protection under civil rights laws. Dr. Bullard noted that all communities are not created equal and that, if a community happens to be poor, working class, or a community of color, it

receives less environmental protection and less access to health care and medical services. He stated that the environmental justice movement always had included community health as a central theme of its struggle. He stated that the dominant paradigm of environmental protection institutionalizes unequal protection under laws -- because it trades human health for profits. Dr. Bullard stated that the burden of proof is placed on the victims of environmental contamination. Continuing, he explained that that paradigm also creates an industry that focuses on risk analysis and risk assessment, rather than pollution and disease prevention.

Dr. Bullard also explained that it is not always a matter of having the facts and science to solve problems. For example, he stated, government agencies have 30 years of documentation of lead poisoning, yet lead still is found in housing today and is poisoning children. Dr. Bullard declared that it is a matter of government agencies having the resolution and commitment necessary to end that problem.

Continuing, Dr. Bullard pointed out that locally unwanted land uses (LULU) are not distributed randomly among communities; therefore, the effects of those LULUs are not distributed randomly, as well. Therefore, he explained, government agencies must develop targeted enforcement and intervention strategies to begin to eliminate the health disparities that affect people of color and low-income communities.

Turning his attention to the response by government agencies to these problems, Dr. Bullard acknowledged that EPA has responded to many communities. However, he also pointed out that EPA "cannot do it all." Dr. Bullard called for extensive interagency cooperation and collaboration, not only on the part of Federal agencies, but also on the part of state agencies and local and county health departments.

Concluding his remarks, Dr. Bullard stated that, when a community strategy is developed for pollution and disease prevention, the community must be at the forefront. He also noted that there remain many data gaps and that it is not sufficient for government agencies to say, "Well, we just don't know that." Government agencies, he stated, must pursue a strategy for intervening and preventing environmental health hazards and environmental degradation. Because environmental justice and public health are intertwined, he said, it is important that the NEJAC focus on community health and the role of communities in solving and resolving such problems.

Dr. Patrick Kinney, Division of Environmental Health Sciences, Columbia University School of Public Health, explained that he would provide an overview of Columbia University's growing involvement in community-based participatory research. He stated that, when universities develop research proposals, the community should be brought into the process immediately. Dr. Kinney stated that some of the best ideas -- from both a scientific and a community perspective -- for conducting research arise from the community because members of the community are in a better position than outside researchers to understand what the issues are. Dr. Kinney then acknowledged the efforts of the NIEHS in initiating two programs. The first, the Environmental Justice Research Community Outreach and Education Program, he explained provided an infrastructure for the conduct of community-based research. The second, he continued, was the solicitation of proposals for environmental health centers that focus specifically on community-based problems.

Dr. Kinney then discussed the process of conducting community-based research. He explained that the process is fairly simple and should provide clear benefits to both the community and the researcher. An advantage for the community is that the project should provide science and data that can be used to advocate policy and help provide funding to train young people and educate the wider community. Dr. Kinney also identified some useful mechanisms for promoting community-based research, including:

- Obtain small scale funding to form partnerships to generate initial data.
- Ensure the availability of ongoing and dependable long-term funding because it takes time to develop partnerships between researchers and the community.
- Consider soliciting support from various agencies to fund centers that specifically focus on community-based participatory research.
- Provide funding to train undergraduate and graduate students to focus on community-based environmental health problems.

Mr. Richard Moore, Southwest Network for Environmental and Economic Justice and former chair of the Executive Council of the NEJAC, offered a grassroots community perspective on community-based health research and environmental justice. He began by explaining that all stakeholders must

understand that, when the relationship between environmental justice and health is discussed, the concepts of health and environmental justice cannot be separated because they are inclusive of one another. Therefore, Mr. Moore explained further, when addressing the effects of industry on communities from a health standpoint, one would see cancer clusters and children being born with severe deformities. Mr. Moore also declared that it is an insult to people of color and low-income communities when scientists and researchers cite the causes of such illnesses as a person's diet or level of education.

The reality of the situation, Mr. Moore declared, is that low-income communities and people of color are being poisoned and that the integrity of communities is being challenged by the scientific community, which blames their poor health on the food they eat. Mr. Moore then explained that communities have been conducting their own research as it related to the health issues for many years. Members of communities have gone door to door in their neighborhoods identifying the symptoms and illnesses of each resident in an affected area, only to have the research rejected by government agencies as illegitimate. Mr. Moore stated that he wished to make it very clear to government agencies that communities are "tired" of having their research rejected. Mr. Moore explained that such communities do not want to be treated differently, they just want to be treated fairly.

Ms. Vernice Miller-Travis, Partnership for Sustainable Brownfields Redevelopment and chair of the Waste and Facility Siting Subcommittee of the NEJAC, thanked the panelists for providing the introduction to the development of community-based environmental health models. She added to Dr. Kinney's presentation about the partnership established between Columbia University and West Harlem Environmental Action, Inc. for community-based research by noting that the partnership had been extraordinary; however, she pointed out, success was not achieved overnight. Ms. Miller-Travis explained that the community of West Harlem struggled for more then 10 years before obtaining support for its efforts. Ms. Miller-Travis stressed that it should not take another 10 years before government agencies and other institutions recognize that people in communities are dying.

Agreeing, Dr. Bullard explained that it was through great effort on the part of many grassroots organizations and environmental justice academicians working with NIEHS that the community partnership and environmental justice grant programs were developed and the agency convinced that community-based research was legitimate. Also agreeing with Dr. Bullard and Ms. Miller-Travis, Dr. Kinney stated that it had taken a long time to attract the attention of scientists and that, more broadly, it continues to take a long time to convince the larger scientific community of the value and significance of community-based health research. Dr. Bullard then strongly recommended that EPA reestablish funding for the Community-University Grant (CUP) program to continue community-based projects.

Ms. Augustine expressed outrage at the cost in low productivity and illnesses that is attributable to environmental pollution. She also expressed concern about poor communities that do not have the resources to provide adequate health care. Many people do not have the money to buy medicines, she pointed out. Ms. Augustine stated that the NEJAC should begin to consider what kind of health care agencies can provide to people.

Mr. Lee agreed with the members of the panel that community-based health research is an effective method of obtaining the type of data needed to address environmental justice issues. He also said that the data would be instrumental in building a better understanding of the relationship between environmental pollution and disease in communities that are affected by environmental justice concerns.

3.2 Panel 2 - Lessons from the Field: What Strategies and Areas of Research Should Be Pursued to Achieve More Effective, Integrated Community-Based Health Assessment, Intervention, and Prevention Efforts?

Mr. Lee introduced the second panel, explaining that, since 1994, a wealth of experience related to community-based health research in the area of the environment has been accumulated. The panelists would present their experiences and recommendations for strategies for advancing the development of an integrated community-based health assessment intervention and prevention model, he continued. Exhibit 1-11 presents the problem statement that the members of the panel addressed.

Mr. Carlos Porras, Communities for a Better Environment and member of the Health and Research Subcommittee of the NEJAC, focused his presentation on three particular areas: conducting community-based and driven research; identifying and filling data gaps; and developing prevention and intervention strategies from an organized community perspective. He provided the results of the research

Exhibit 1-11

PANEL 2 - PROBLEM STATEMENT

The Institute of Medicine report, *Toward Environmental Justice: Health Research, Education and Policy Needs*, concluded that "Environmental health sciences research can contribute to environmental justice most effectively by identifying hazards to human health, evaluating adverse health effects, and developing interventions to reduce or prevent risks for all members of society. Environmental justice research bears a social relationship to the communities being studied, requiring unusual degrees of collaboration if it is to be scientifically valid as well as policy relevant and if the findings are to be effectively implemented." Since 1994, a wealth of experience and knowledge with regard to community-based health research in the area of environmental justice has been systematically accumulated. Some focus on communication, partnerships, and capacity-building; others focus on community assessments; still others focus on intervention and prevention strategies. This panel of community-based practitioners will present recommendations based on their experience for strategies and targeted research that would most effectively advance at this time an integrated community-based health assessment, intervention, and prevention model.

he conducted in Los Angeles, California through the award of a NIEHS grant to form a partnership with a local university. Mr. Porras, using maps of Los Angeles County, California, showed the members of the NEJAC the locations of facilities that report information to the TRI data base, a national data base. Explaining that the TRI data base is only one tool that he uses to show adverse effects, he stated that such a national emissions inventory data base does not provide the complete picture of emission releases in a community. The next step, Mr. Porras explained, was to use data bases that contained regional and local information about emission releases for the area of concern. By closing data gaps, Mr. Porras explained further, a community can begin to build an argument for cumulative exposures. Data gaps, however, still existed for the area of concern, he explained. Mr. Porras stated that, to fill the remaining data gaps, members of the community conducted a physical inventory for which community members "walked the streets" to document and list everything in a quarter-mile radius of the area of concern. Community members discovered, Mr. Porras continued, that 70 percent of the industries and facilities located in the area were not reporting any information to a regulatory agency. On the basis of its research, the community was able to convince the South Coast Air Quality Management District to reevaluate its policies related to threshold levels for toxics.

Concluding his comments, Mr. Porras commended EPA and the other agencies participating in the meeting of the NEJAC. However, he reminded the Federal agencies and the NEJAC, environmental justice communities are not yet treated equally. He stated that government programs being implemented are market-based, expressing his concern that the "market" has never been sensitive to poverty.

Ms. Katsi Cook, Akwesasne Mohawk Nation, stressed the importance of continuing to hold meetings, such as that of the NEJAC, to discuss issues and find solutions to health problems. She explained that Akwesasne is one of the many communities of the Mohawk Nation that straddle the U.S.-Canadian border at the 45th parallel. She explained further that tribal communities use their relationship to the natural world as a source of their health and well-being. Ms. Cook stated that indigenous peoples see how, in this industrial society, those relationships are being severed by toxic contamination of the natural world and of human beings. She also stated that the contamination of the natural world reflects yet one more compromise of the rights of indigenous peoples.

Continuing, Ms. Cook informed the NEJAC that, in 1983, EPA designated her community a Superfund site because of contamination with polychlorinated biphenyls (PCB) that had been dumped. She explained that her community began to make connections with academia and state institutions to form partnerships to address the adverse health effects the contamination was causing.

Ms. Cook then discussed one of the principal strategies that was used in Akwesasne, a multidisciplinary approach to the conduct of the research. She explained that wildlife pathologists, epidemiologists, and biochemists had investigated the contamination of the food chain with toxics. Expressing agreement with Mr. Porras, Ms. Cook stressed that agencies must work together, making use of each agency's expertise, to focus on addressing and preventing environmental contamination in environmental justice communities. She also explained that, under an environmental justice grant from NIEHS, the Akwesasne community had been able to establish a partnership with the University of Albany to investigate the

relationship of human health and toxic contamination and the effect of such contamination on the way of life of an indigenous people.

In addition, Ms. Cook emphasized that government agencies must better understand principles related to environmental justice and how those principles can maintain the sustainability of communities. Further, Ms. Cook strongly encouraged EPA to refund the CUP grant program to further community-based research. She concluded her marks by encouraging EPA and other agencies to look beyond "what is hot in science" and provide funding for efforts that are significant and meaningful to communities.

Dr. David Carpenter, University of Albany, School of Public Health, informed the NEJAC that the University of Albany and the New York State Department of Health have been working together since the mid-1980s, he pointed out, before the terms "environmental justice" and "community-based research" became popular. He explained that the Akwesasne community is located on a relatively small reservation on the St. Lawrence River in New York. Continuing, he explained that, in addition to a former General Motors foundry site adjacent to the reservation, two aluminum foundries are located upriver from the reservation. Continuing, Dr. Carpenter explained that all three facilities had used PCBs in hydraulic fluids and that the fluids had caused contamination of the traditional fishing grounds of the Mohawk Nation.

He explained that it is important to communities to have information so that they can make decisions for themselves, for example, information that explains which species of fish may not exhibit high levels of PCBs. Dr. Carpenter noted that, when state agencies made recommendations, the elders and chief of the tribe advised the community to stop eating fish, and the community did so--at a price to their culture, he pointed out, but nevertheless resulting in improvement in their health.

Continuing his discussion, Dr. Carpenter emphasized the great value of the experience of the academic community and the community affected by environmental contamination working together and sharing information. Dr. Carpenter then pointed out three basic principles for achieving successful work between the academic community and the affected community:

- Respect: Respect is recognizing the humanity of individuals, as well as understanding that people in the community have a better sense of the health problems the community faces.
- Equity: Equity means that, if a researcher is going to collaborate with a community, the researcher should truly involve the community by employing members of the community and training them to work on the project.
- Empowerment: Empowerment means that a researcher works toward the goal of being "unnecessary" to the community because the researcher should be providing the community with the tools necessary to take charge of their own affairs.

Concluding his remarks, Dr. Carpenter emphasized the urgency of addressing environmental justice issues related to PCB contamination. He explained that the issue of subsistence fishing in waters contaminated with PCBs affects African-American communities in urban areas, as well as indigenous peoples in rural areas. While PCBs do not cause immediate death, he added, the chemicals do cause cancer, disrupt the immune system, and cause learning disabilities among children. In conclusion, Dr. Carpenter stated that communities must be informed so that they can make their own decisions about their health.

Dr. Ray Campion, President, Mickey Leland National Urban Air Toxics Research Center, began his presentation by providing a brief overview of his organization. He explained that the center was authorized under the Clean Air Act Amendments of 1990 (CAAA) to provide data to EPA to conduct risk assessments for monitoring controls that had been in place for 10 years for air toxics. Dr. Campion then explained that all research conducted at the center is thoroughly peer reviewed to ensure acceptance by the scientific and medical public health communities and, more important, in court cases. He explained that most of the nine studies the center currently was undertaking are community-based efforts. The focus of the studies, he continued, is the development of methodologies to assess "personal" exposures to various contaminants.

Continuing, Dr. Campion explained that the center's support base is a congressional appropriation as part of the budget of EPA's ORD. He added, that, to date, the relationship between the center and EPA had been positive and that the research of the organizations had been complimentary.

Dr. Marinelle Payton, Harvard School of Public Health and chair of the Health and Research Subcommittee of the NEJAC, thanked the panel members for their valuable advice about the need for community-based environmental health research. She asked each panel member what areas of

research each would consider to be important to further pursue a more collaborative integrated community-based health assessment intervention and prevention program.

In response, Dr. Campion noted that he believed that the research area related to personal exposure was an important methodology for analyzing air quality that is consistent with public health effects. Dr. Campion also noted that the use of devices that are user-friendly in his experience had been a key to success. He also stressed the need to provide the results of community-based health research back to the community that is being studied. Dr. Carpenter responded that additional emphasis should be placed on conducting research on children to determine long-term effects of environmental contamination.

Mr. Porras explained that conducting community-based environmental health assessments would prompt other areas of research that are necessary and crucial in assessing the health of a community. He also remarked that it was important to recognize the limits of science and that data gaps exist.

Dr. Michel Gelobter, Rutgers University and chair of the Air and Water Subcommittee of the NEJAC, asked how peer reviewers in the scientific community view community participation in research and, on behalf of the communities, what kind of community review was necessary. Dr. Campion responded that the question Dr. Gelobter had raised has been very difficult to resolve. He explained that many scientists continue to be suspect of involving members of the affected community during reviews of data collected because of the fear that the community members would come to the table with their minds made up. He stated that many scientists also do not feel comfortable allowing communities to participate during the formulation of a study because the view of the scientists is that the community already has drawn its final conclusion.

Dr. Carpenter responded that he would take a slightly different point of view on Dr. Gelobter's question. Dr. Carpenter agreed that the "average" academic does not relate to community-based research; however, he stated, government agencies should require the involvement of the affected community as a criterion for obtaining funding. He also noted that community-based research need not "cut corners" related to scientific methods. He then stated his belief that no one is advocating that the quality of research be compromised. In conclusion, Dr. Carpenter commented that research should be conducted in a way that encourages the community to "buy-in" to the effort and supports the application of contemporary research criteria in the resolution of problems that are of concern to the community.

Mr. Tseming Yang, Vermont Law School and member of the International Subcommittee of the NEJAC, asked when the panel members would believe that enough research had been conducted to perform a valid analysis of the situations. Dr. Carpenter responded that the question is, when does research translate to intervention, which he stated he believes is a very important question because "enough" data never would be collected. However, he said, there would be a point at which intervention activities become crucially necessary. Dr. Carpenter stated that, many disadvantaged communities have an urgent need for intervention, and that intervention should not be delayed until all the research has been completed.

Ms. Shepard commended Mr. Porras for showing the members of the NEJAC how he was able to use his research and data to influence public policy related to his community. She then asked whether other panel members had had similar experiences in how data collected through a community-based approach had an effect on policy. Responding, Dr. Carpenter explained that many scientists believe there is a line between being a scientist and being an advocate for policy changes. Many scientists, he continued, are fearful of losing funding and being labeled as advocates rather than "objective" scientists. He expressed his belief, however, that scientists have a responsibility to document health effects to place pressure on government agencies to find solutions to such problems.

3.3 Panel 3 - Socioeconomic Vulnerability: How Can Consideration of Socioeconomic Status and Cultural Factors: (a) Contribute to a Better Understanding of Health Disparities and Cumulative and Disproportionate Environmental Effects and (b) Be Incorporated into Community Health Assessments?

Mr. Lee explained that Panel 3 would discuss the relationship between physical and socioeconomic factors as important elements in understanding cumulative risks and health disparities. Exhibit 1-12, on page 1-18, describes the problem statement examined by Panel 3. Mr. Lee also informed the members of the Executive Council that OEJ, in collaboration with representatives of industry serving on the NEJAC, had searched extensively for a panelist representing the industrial sector. However, Mr. Lee explained, that industry has not focused on that area of research. Ms. Samara Swanston,

Exhibit 1-12

PANEL 3 - PROBLEM STATEMENT

Reduction of health disparities by the year 2010 is a significant national goal. The goal is potentially relevant for minority, low-income, or indigenous communities that suffer health disparities that may be the result of, or be exacerbated by, exposure to environmental pollutants and certain racial, ethnic, and socioeconomic vulnerabilities. How does socioeconomic vulnerability contribute to health disparities or disproportionate environmental effects in environmental justice communities? This panel will explore the extent to which socioeconomic vulnerabilities might be incorporated into community health assessments for populations already suffering health disparities. Panelists will make recommendations about research priorities for the development of policy in areas of socioeconomic vulnerability, cumulative risk, and disproportionate environmental effects.

Executive Director, Greenpoint-Williamsburg Watch Project, informed the subcommittee that socioeconomic vulnerabilities, health disparities, and disproportionate environmental health effects strongly resonated in her community, Greenpoint-Williamsburg, Brooklyn, New York, a community of color. She explained that the measures most commonly used to evaluate socioeconomic status are income, education, and occupational prestige; however, she pointed out that such measures are limited in that they do not capture significant components of social stratification that could influence health status. She then identified other measures of socioeconomic status, including the conditions in which an individual lives; intergenerational transfers of wealth, since inheritance of wealth occurs less frequently among minorities; and race. Ms. Swanston explained further that socioeconomic status does not have the same meaning in communities of color as it does in other communities. For example, she said, racism affects the quantity and quality of medical care received. Continuing, she reported that studies have shown that African-Americans and other minorities are twice as likely as white Americans to receive routine medical care in hospital clinics and emergency rooms where it is impossible to see the same care provider for each visit; therefore, she said, they cannot achieve continuity of medical care.

Ms. Swanston also noted that racism directly affects the health status of minorities, as shown in several studies that established an association between reported racial discrimination and hypertension. According to experts on cancer, socioeconomic status plays a role in the use of various screening tests; higher socioeconomic status was correlated with more frequent use of screening tests and more aggressive therapy and therefore, a greater chance of surviving cancer. Ms. Swanston also stated that socioeconomic status plays a role in obesity that could lead to diabetes, and that a variation in utilization rates among socioeconomic groups is connected strongly to health status. For example, Ms. Swanston stated, diabetes was nonexistent among the Native American population until many members of that population were forced to change their traditional diets because of the effects of pollution and relocation.

Continuing, Ms. Swanston explained that poverty and the lack of health insurance (because of poverty) also increase the risk of health disparities. She also pointed out that poverty exposes people to environmental pollution in a variety of ways that generally are not recognized. As an example, Ms. Swanston noted that poor people often heat their homes with kerosene heaters, a practice that results in a substantial increase in indoor concentrations of particulate matter, sulfates, and nitrates.

Referring to a 1998 report released by HHS, Ms. Swanston pointed out that the report found that health in America is tied unambiguously to income and education. The report found that adults who have less education die at a younger age and have higher death rates for all major causes of death, she said. Noting that socioeconomic status influenced the health of children, the report stated that low birth rate and infant mortality rates are higher among the children of less educated mothers, she explained. Ms. Swanston also discussed a NIEHS study of 314 children, of whom 88 percent were African-American, 9 percent were Hispanic, and 2 percent were white. The study, she continued, found that the calcium intakes of African-American and Hispanic children were significantly below the daily recommended levels. She noted that the low calcium intakes were in part attributable to lactose intolerance, a condition reported by many African-Americans. She noted further that nutritional deficiencies are a result of poverty and that such deficiencies increase the effects of exposures to pollution. Poor diet during childhood likely was not overcome by the achievement of a higher socioeconomic status later in life, she observed further.

Ms. Swanston also stated that racism plays a role in disparate exposures. She stressed the importance of the community that people lived in and stated that cultural barriers, as well as language barriers, race,

gender, location of residence, and location of workplace, should be considered in determining socioeconomic status.

Dr. Walter Handy, Cincinnati Health Department, expressed agreement with Ms. Swanston that people for whom the rates of death, illness, and disability are higher than those among other segments of the population tend be concentrated in the poorest enclaves of society and that that pattern had been observed in communities around the world. He noted that the observations made by researchers revealed that inadequate medical care, low income, poor health habits, unemployment, race, and hazardous living conditions are factors related to the relationship of poverty and disparate health effects. Dr. Handy noted that social support and coping style also may offer "keys" to examining the most difficult social contexts of health status, as well as lead to the development of more effective partnerships to reduce pollution and identify effective coping strategies and social support mechanisms among residents of such communities.

Continuing, Dr. Handy noted that prevention theory and the construct of public health practice are inventions of the twentieth century, both of which rest on three elements, "what we believe causes ill-health, how we measure health, and who gets measured for health." He remarked that the models used to develop and analyze prevention and public health principles and practices have grown more complex as scientists have come to understand the greater complexity of the relationships that affect health outcomes. In addition, Dr. Handy explained, the scientists' beliefs about the causes of death and health status have become more complex as well. Where as an individual's health status once may have been identified as dead or alive, he pointed out, that status now can be described through concepts such as morbidity, comorbidity, disability, wellness, quality of life, socioeconomic behavior, and environmental health. Because of those new concepts, Dr. Handy stated, government agencies and other health organizations now think in terms of risk factors. Prevention, he continued, as a way of viewing public health, emerged from dissatisfaction with the effectiveness of available treatment options.

Turning his attention to issues related to environmental justice and public health, Dr. Handy stated that the intent of incorporating socioeconomic vulnerabilities into community health assessments for populations already suffering health disparities was to prevent disparate effects. During discussions about enforcing Title VI in the area of addressing and preventing disparate effects on health, Dr. Handy noted, a number of options have been considered, such as primary and secondary prevention efforts to prevent industry from polluting excessively by requiring industries to comply with existing permitting laws and prevent such situations from occurring. For some, however that option is not sufficient, he stated. He noted further that many such options had been built upon risk assessment, describing one option developed by Mr. Jerome Balter, Public Interest Center of Philadelphia, Pennsylvania. Dr. Handy stated that, in May 1998, Mr. Balter developed an environmental justice protocol for EPA to use in the Agency's guidance on the implementation of Title VI. Dr. Handy stated that the protocol used available health statistics, such as age-adjusted total mortality, cancer mortality, and infant mortality rates. He explained that Mr. Balter had proposed to use the health statistics as an alternative to risk assessment as a simple way of understanding the health status of a community, and allowing local and state agencies to make permitting and siting decisions on the basis of that information. He also described another alternative, comparative risk analysis, that uses scientific information and "blends" the values and attempts to render community decisions about environmental and health factors.

Dr. Handy concluded his presentation by providing the following research and policy recommendations to the NEJAC:

- Acknowledge that the number of problems that face communities are excessive and too large for a single stakeholder group to address; therefore, options for collaboration and training to allow stakeholder groups to work more effectively together should be developed.

- Observe people who have developed effective social systems and coping strategies that have seemed to "inoculate" themselves against some of the adverse health effects caused by environmental contamination.

- Examine the notion of the interaction of sources of morbidity or ill health, such as mental health problems associated with lifestyle choices or work or family settings that are likely to be exacerbated by physical health problems (diabetes, cancer, and a variety of other health problems), which in turn are intensified by pollution.

- Increase research efforts to develop baseline data to be used in protocols that can be applied to permitting decisions.

Mr. Michael Callahan, EPA Cumulative Risk Technical Review Panel, announced EPA's intent to establish guidelines for conducting cumulative risk assessments. He explained that the cumulative risk assessment guidelines are divided into two parts, one for developing a framework document for cumulative risk and the second for developing the guidelines for conducting a cumulative risk assessment. Mr. Callahan defined cumulative risk as the combined risks from two or more agents or stressors, with repeated exposures over time, effects of prior and current exposures, and the effects of one stressor on the toxicity of another.

Continuing, Mr. Callahan also explained that this document would be scientific rather than a policy document. He explained that cumulative risk approaches require a different mindset than do traditional risk assessments. Historically, Mr. Callahan stated, when EPA was created in 1970, pollution was more visible. The main goal of the Agency, he said, was to stop the entry of the pollution into the environment, a chemically-focused assessment. Cumulative risk is a different type of operation; it is a population-focused assessment, Mr. Callahan pointed out. He noted that EPA and other government agencies must develop new and efficient approaches for collecting the necessary data to conduct cumulative assessments.

Another challenge, Mr. Callahan observed, is the concept of vulnerability, not only as a socioeconomic factor but as a biological factor, as well. Describing vulnerability, Mr. Callahan explained that different people who undergo the same rate of exposure to chemicals respond differently. He stated the issue arises in cumulative risk assessment, rather than in the traditional approach.

Concluding his remarks, Mr. Callahan stated that the framework document should be available for review by September 2001. He requested that the NEJAC participate in the development of the document.

Ms. Miller-Travis asked whether the cumulative risk assessment framework document will give EPA the ability to address and investigate the concept of synergistic effects of cumulative and multiple chemical exposures. Responding to Ms. Miller-Travis, Mr. Callahan noted that cumulative and multiple chemical exposures would be a major focus of the guidance documents. Dr. Fisher asked whether the framework document would include the full life span of exposures, such as the fetal stage and breast feeding, to focus on exposures children face. Mr. Callahan noted that the guidance documents would discuss the issue in the sense of special populations that differ from the average adult.

Ms. Patricia Hill Wood, Georgia Pacific Corporation and member of the Waste and Facility Siting Subcommittee of the NEJAC, asked Dr. Handy whether he had identified a list of key factors that were crucial for the baseline data needed to understand public health concerns. In response, Dr. Handy explained that Mr. Balter's protocol on environmental justice was built on an assumption that local and state public health agencies have "research-grade" health statistics; however, he said, most health departments do not possess such statistics. He explained that different physicians may have different tendencies toward diagnosing a particular illness as primary, secondary, or tertiary. To obtain good health statistics, Dr. Handy stated, interaction among physicians is necessary to provide uniformity so that diagnoses can be analyzed across a population rather than only in individuals. As a follow-up question, Ms. Wood asked Dr. Handy whether there were any efforts underway to reach a consensus among members of the medical public health community about the baseline data, to which Dr. Handy replied that he was not aware of any such results.

Mr. Whitehead asked the panel whether a study has been conducted on the relationship of diet and chemical exposures. Ms. Swanston noted that diet and chemical exposure are interrelated, stating that a good diet may not prevent deadly diseases; however, the poor diet that results from poverty may increase a person's susceptibility to diseases from environmental exposures, she said.

Mr. Goldtooth asked Mr. Callahan how the framework document for the cumulative risk assessment would capture the cultural and spiritual values of American Indian and Alaskan Native tribes. Mr. Callahan responded that stressors such as cultural issues would be addressed in the document, most likely as an area that requires additional research. Dr. Handy added that a fair amount of research has been conducted on psychological stressors that can produce changes in the body's physiology that increase the individual's susceptibility to chemical agents.

3.4 Panel 4 - Key Federal Initiatives: What Strategies Should Be Developed, Implemented, and Evaluated so as to Insure Substantial Participation, Integration, and Collaboration by Federal Agencies, in Partnership with Impacted Communities; Public Health, Medical, and Environmental Professionals; Academic Institutions; Philanthropic Organizations; State, Tribal, and Local Governments; and the Private Sector?

Introducing the fourth panel, Mr. Lee stressed the need for increased coordination and collaboration among Federal agencies to address public health issues in environmental justice communities. Panel 4, he pointed out, is made up senior officials of various Federal agencies that address public health issues who were to discuss the types of strategies needed to resolve these issues. Exhibit 1-13 describes the problem statement Panel 4 addressed.

Exhibit 1-13

PANEL 4 - PROBLEM STATEMENT

This panel will offer perspectives of senior officials of the U.S. Environmental Protection Agency and other Federal public health agencies. The officials will provide overviews of their respective agencies or office's efforts to address environmental justice and community-based public health needs. During this session and throughout the meeting of the National Environmental Justice Advisory Council, they will explore recommendations for determining what strategies should be developed, implemented, and evaluated to ensure participation, integration, and collaboration by Federal agencies in partnership with all affected stakeholders.

Dr. Henry Falk, Assistant Administrator, ATSDR, noted that he had met with the Health and Research Subcommittee of the NEJAC during its December 1999 meeting to discuss some of the activities being conducted at ATSDR that are related to environmental justice.

Dr. Falk provided a brief overview of ATSDR by explaining that ATSDR is headquartered in Atlanta, Georgia and works closely with EPA, because the agency was created under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Therefore, the mission of the agency is to work with EPA to resolve health issues related to Superfund and other hazardous waste sites.

Turning his attention to the charge of the panel, Dr. Falk explained that he would address the questions posed in terms of the strengths and limitations of ATSDR in addressing environmental justice issues related to public health. In terms of strengths, Dr. Falk expressed his belief that, because of ATSDR's focus on working on specific sites, the agency is well prepared to address community issues. Principles related to environmental justice, he noted, are woven into the fabric of ATSDR because, he said, "There is no other way for us [ATSDR] to work at sites." Dr. Falk also informed the NEJAC about ATSDR's diverse workforce and the diversity training that is provided to staff.

In addition to site activities, Dr. Falk stated that ATSDR participates in scientific activities to build the agency's capacity to address issues that may arise at sites. For example, he explained, ATSDR has developed community toxicology profiles and health education materials for communities.

Describing the limitations of ATSDR related to addressing environmental justice, Dr. Falk explained ATSDR is a Federal agency and that change is not always easy. However, many at ATSDR, he pointed out, attempt to develop creative and resourceful strategies to address issues. Dr. Falk also explained that the service ATSDR provides is not simple. For example, the agency provides services, exposure assessments, where the knowledge is limited, he said. In addition, Dr. Falk pointed out the mandate of ATSDR is narrow in scope, for example, ATSDR cannot provide health care to communities.

Concluding his remarks, Dr. Falk provided the following recommendations:

- Improve how Federal agencies develop partnerships with communities.
- Increase coordination and colloboration among Federal agencies to develop "holistic" solutions to public health issues.
- View ATSDR as a catalyst for developing solutions.

Dr. Charles Wells, Director of Environmental Health Services, Office of Director NIEHS, began his presentation by providing a brief overview of NIEHS. He noted that NIEHS is located in Research Triangle Park, North Carolina and that its mission is to prevent disease associated with environmental causes and to reduce the burden of such diseases

by defining the relationship of environmental exposure and adverse health effects, individual differences in susceptibility to such exposures, and changes in susceptibility with age. Exhibit 1-14 describes the mission of NIEHS. He also noted that the prevention of disease is one of the most important services that a government agency can provide to its citizens. Dr. Wells then explained NIEHS' definition of environmental justice. NIEHS, he said, empowers people who live in areas in which there are high concentrations of pollution, by providing them information and instruments for addressing those issues, while also providing them with technical assistance directly or through academic institutions in addressing problems that result from pollution or other environmental issues.

Exhibit 1-14

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Human health and human disease result from three interactive elements: environmental factors, individual susceptibility and age. The mission of the National Institute of Environmental Health Sciences (NIEHS) is to reduce the burden of human illness and dysfunction from environmental causes by understanding each of those elements and how they are interelated. The NIEHS achieves its mission through multidisciplinary biomedical research programs; prevention and intervention efforts; and communication strategies that encompass training, education, technology transfer, and community outreach.

Because communities must develop a better understanding of the effects and risks to human health from exposure to environmental contamination, NIEHS decided to establish new mechanisms at the agency to educate the public about environmental health issues and to support community involvement in the identification and investigation of environmental health concerns, he pointed out. Dr. Wells explained that NIEHS conducts two types of research programs, public health and translational. Issues of environmental justice are addressed under the agency's translational research programs, he said. Translational research can be defined as a conversion of findings from basic, clinical, or epidemiological environmental science research into information, resources, or tools that health care providers and community residents can apply to improve public health outcomes in at-risk populations, Dr. Wells explained. He then identified the objectives of environmental translational research programs related to environmental justice:

- Improve understanding of how physical and socioenvironmental factors affect human health.
- Develop better means of preventing health problems related to environmental conditions.
- Promote partnerships among scientists, health care providers, and community members to address public health issues.

Dr. Wells then described several translational research programs at NIEHS that are related to community-based prevention and intervention research. He explained that the community-based prevention and intervention research was developed to implement culturally relevant prevention and intervention activities in economically disadvantaged and underserved populations that are affected adversely by environmental contaminants. He noted further that the program is intended not only to foster the refinement of scientifically valid intervention methods, but also to strengthen the participation of affected communities in decision-making processes at NIEHS. Dr. Wells also stated that the community-based prevention and intervention research projects were designed to expand NIEHS' knowledge and understanding of the potential causes and solutions of disorders related to environmental conditions and to enhance the capability of communities to participate in the development of research approaches and intervention strategies. He explained that the research projects are conducted in a manner that reinforces collaboration between community members and research institutions. Dr. Wells noted that, the relevant results therefore are made available to the community in a clear and useful manner.

Turning his attention to NIEHS' Environmental Justice Partnership for Communications program, established by NIEHS several years ago, Dr. Wells explained that the program was established to "bridge" the communication gap so that affected communities would have a role in identifying and defining problems and risks related to the community's environmental health. He noted that the research grant for the program and for the environmental justice community-based program were developed in a manner designed to empower disadvantaged communities with resources to effect healthful changes.

Dr. Jon Kerner, Assistant Deputy Director, Research Dissemination and Diffusion, Division of Cancer Control and Population Sciences, National Cancer

Exhibit 1-15

NATIONAL CANCER INSTITUTE

The National Cancer Institute (NCI) leads the nation's fight against cancer by supporting and conducting ground-breaking research in cancer biology, causation, prevention, detection, treatment, and survivorship. Decades of work by scientists supported by NCI have produced real gains. The rate of new cancer cases declined an average almost one percent each year between 1990 and 1996, while the cancer death rate fell, on average, 0.6 percent per year during that same period. Powerful new technologies are enabling NCI to detect and diagnose more cancers at an earlier stage, before they have had the chance to spread. And many people who have cancer are living longer, and with a better quality of life.

Even so, cancer continues to be a major health problem; for many Americans, it remains the most feared of diseases. In addition, the burden of cancer falls disproportionately on certain racial, ethnic, and socioeconomic groups. Although NCI has made real and lasting progress against the disease, it is crucial that NCI reach the ultimate goal of preventing and curing all forms of cancer.

To more rapidly achieve that goal, NCI has developed the following plan:

- Sustain at full measure proven, productive research programs.
- Seize extraordinary scientific opportunities made possible by our previous research discoveries.
- Create and sustain mechanisms that build the capacity to allow the scientific community to apply rapidly evolving discoveries and emerging technologies for the benefit of human health.

Institute (NCI), began his presentation by providing a brief overview of the organization of NCI. Exhibit 1-15 describes the mission of NCI. Dr. Kerner explained that all Federal health agencies face a challenge in their efforts to eliminate health disparities. Before discussing NCI's approach to eliminating health disparities, Dr. Kerner expressed his belief that conducting studies and research in laboratories are not "hard science;" it is "easy science." He explained that the studies conducted in laboratories are relatively easy because there are experimental controls. When scientists "go out into the real world," he observed, and work with people who are being exposed throughout their life spans to many different factors, such as race, income, and education, that becomes hard science. Therefore, he explained, one of the goals at NCI is to understand the causes of disparities in cancer rates and to develop effective intervention strategies to eliminate those disparities. Continuing, Dr. Kerner explained that NCI needs new centers for population research and should collaborate more closely with other government agencies to expand its ability to fund and monitor cancer-related health disparities.

Concluding his remarks, Dr. Kerner informed the members of the NEJAC about a new initiative of NCI, CDC, and the American Cancer Society (ACS) that brings together the different strengths of each organization to better serve communities. The program, Translating Research Into Improved Outcomes (TRIO), will focus on how agencies can work together to promote the adoption of good scientific evidence-based cancer control and intervention at all levels, particularly in underserved communities, he said.

Mr. Michael Sage, Deputy Director, NCEH, CDC, informed the members of the NEJAC that NCEH works in the area of preventing disease and does not conduct efforts to control disease, except in emergency situations. Exhibit 1-16 describes the NCEH.

Exhibit 1-16

NATIONAL CENTER FOR ENVIRONMENTAL HEALTH

National Center for Environmental Health (NCEH) works to prevent illness, disability, and death from interactions between people and the environment. The agency is committed to safeguarding the health of populations that are particularly vulnerable to certain environmental hazards--children, the elderly, and people with disabilities.

NCEH seeks to achieve their mission through science, service, and leadership. NCEH conducts research in the laboratory and in the field to investigate the effects of the environment on health. The agency tracks and evaluates environment-related health problems through surveillance systems. NCEH also helps domestic and international agencies and organizations prepare for and respond to natural, technologic, humanitarian, and terrorism-related environmental emergencies.

Mr. Sage explained that NCEH focuses on environmental factors that may affect health outcomes in people. He remarked further that the strength of the agency lies in its division into four areas: the Emergency and Environmental Health Services Division; the Environmental Hazards and Health Effects Division; the Laboratory Sciences Division; and the Birth Defects, Child Development, and Developmental Disabilities Division. Mr. Sage explained that the strength that each division brings are related to biomonitoring efforts. He stated that, over the past few years, NCEH has increased the development of technology and expertise in measuring substances in people. Over the next few years, NCEH plans to increase the effort to develop the first national profile and possibly community-based profiles of the exposure of people to various substances.

Mr. Sage also stated that NCEH has broad expertise in conducting epidemiological studies and the application of community needs assessment tools. He then mentioned several prevention programs developed by NCEH, including a childhood lead poisoning prevention program and a national asthma program.

Mr. Sage then noted several barriers that NCEH faces in working with communities. Mr. Sage explained that NCEH's funding is disease-and issue-specific. Funding allocated for lead poisoning prevention cannot be used for any other issue, he said. He stated that, because most of NCEH's programs are implemented through state and local health departments, very few of NCEHs' efforts are truly community-based. Identifying a lack of effective communication, Mr. Sage explained further that there is a lag time between translation of the science and its use in community education and prevention. He also expressed his concern about the lack of understanding of cultural issues at NCEH.

Mr. Sage then recommended broad-based funding for CDC and state and local health departments be encouraged, so that those entities would be able to deal with all public health concerns and with the relationships among those concerns. He also suggested the need to commit to program-specific projects to address environmental justice concerns. In addition, he recommended that NCEH spend more time and effort on issues related to developing health communication and strategies among communities, other health agencies, and NCEH.

Mr. Michael Rathsam, Indian Health Services (IHS), HHS, began his presentation by stating that IHS has addressed environmental health disparities and has provided direct health care services to tribes for 45 years. He stated that the mission of IHS, in partnership with American Indians and Alaskan Native people, is to raise the physical, mental, social, and spiritual health of those populations to the highest level. He also explained that the goal of IHS was to ensure comprehensive and culturally acceptable personal and public health services are available and accessible to all American Indians and Alaskan Native people. Mr. Rathsam also explained that the fundamental purpose of IHS is to uphold the Federal government's obligation to promote healthy American Indian and Alaskan Native communities and cultures and to honor and protect the inherent sovereign rights of tribes.

Over the past 45 years, Mr. Rathsam stated, IHS has made significant progress in achieving its mission and goals. Since 1955, he continued, ambulatory medical care visits have increased by 1,200 percent, and, since 1973, infant mortality rates have decreased by 54 percent. He also noted decreases in mortality rates for tuberculosis, gastrointestinal disease, unintentional injuries, pneumonia and influenza, homicide, alcoholism, and suicide. However, despite such successes, he said, health disparities still remain. For example, Mr. Rathsam pointed out, life expectancy of Native populations is 71, five years less than the national average; tuberculosis occurs at a rate six times greater than the rate for all races; alcoholism occurs at a rate seven times greater than the rate for the U.S. general population; the suicide rate is twice the national average. In addition, Mr. Rathsam pointed out that, in Indian country, there are 79 percent fewer nurses, 60 percent fewer dentists, and 45 percent fewer physicians, compared with the national averages. He identified several underlying causes for such disparities, including the social and cultural disruption of traditional Native societies, lack of education and economic opportunities, and high levels of unemployment and poverty.

Mr. Rathsam then provided a brief overview of IHS's Office of Environmental Health and Engineering (OEH&E), which is responsible for addressing environmental health disparities related to environmental justice in Indian country. Exhibit 1-17 describes the three divisions of OEH&E.

Turning his attention to the successes of IHS, Mr. Rathsam explained that reducing health disparities is possible when basic public health programs became a part of the infrastructure of a community. For example, he noted, the percentage of Indian homes that have safe water and sanitary liquid waste disposal systems increased from 15 percent in 1955 to 90 percent in 1998 because of the determined efforts of tribes and IHS. At the same time, Mr.

Exhibit 1-17

INDIAN HEALTH SERVICES
OFFICE OF ENVIRONMENTAL HEALTH AND ENGINEERING

The Office of Environmental Health and Engineering (OEH&E) of Indian Health Services (IHS), U.S. Department of Health and Human Services (HHS), is responsible for addressing environmental health disparities related to environmental justice in Indian country. OEH&E has three divisions:

- The Division of Environmental Health Services provides expertise to tribes for environmental health programs that include indoor and outdoor air quality, toxic and solid waste management programs; community injury prevention, groundwater contamination, pesticides, food protection, and occupational health programs.
- The Division of Sanitation Facilities Construction is changed with the design and construction of water, sewer, and solid waste management systems.
- The Division of Facilities Engineering focuses on the construction and maintenance of IHS and tribal hospitals, clinics, and health stations.

Rathsam continued, the age-adjusted death rate from gastrointestinal disease among American Indians and Alaska Natives decreased by 91 percent. In addition, in the mid-1980s, IHS assisted several remote and impoverished tribes in the development of self-sustaining, fee-for-service, solid waste management programs that provided door-to-door collection service, thereby reducing the opportunity for disease to spread from decomposing waste dumped in residential areas, he said. Mr. Rathsam noted that each of the programs he had discussed continues to operate successfully and now as a stable component of the community's infrastructure.

Continuing, Mr. Rathsam discussed one very important limitation faced by IHS, the lack of complete funding. Mr. Rathsam then recommended that more adequate, sustainable funding be provided to further reduce health disparity in Indian country. He cited the need for frequent and routine communication between tribes and agencies that fund tribal environmental programs and those agencies that provide direct comprehensive environmental health services. He also suggested that, to better use resources, Federal agencies avoid duplication of services.

Dr. Harold Zenick, Acting Deputy Assistant Administrator for Science, EPA ORD, began his presentation by providing a brief overview of EPA's three interrelated elements. He explained that the first element of EPA is the Agency's program offices, such as the Office of Air and Radiation (OAR), Office of Water (OW), Office of Solid Waste and Emergency Response (OSWER), and OPPT, that through congressional and legislative mandates, have missions to carry out to ensure that people have clean water, air, and land. He then stated that the second element of EPA is the Agency's 10 regional offices that interact with the states and communities to carry out the regulations and decisions that are developed at EPA. Dr. Zenick then explained that the third element is support offices, such as OECA, the Office of Information, and ORD.

Dr. Zenick then noted that the various panelists had established that environmental factors are only one of the many elements faced by communities that lead to health disparities. Other factors, he pointed out, include race and socioeconomic status. Dr. Zenick expressed his belief that the ability of Federal agencies to effectively ensure healthy communities is dependent upon those agencies being able to take a more integrated approach to examining the dynamics among all factors. He also stated that it is essential that the public health and medical community recognize that environmental conditions are a major ecological factor related to health status. Lacking that acknowledgment, Dr. Zenick continued, very little progress will be made in eliminating health disparities that are caused by environmental factors. He also stated that other key players must be engaged.

For example, Dr. Zenick expressed his appreciation that the U.S. Department of Transportation (DOT) is becoming involved more actively by including an environmental justice component in its decisions related to land use. He also stated that it is crucial to engage the U.S. Department of Housing and Urban Development (HUD) to realize its mandate to address environmental and health issues, as well. He also stressed the importance of renewing the Federal government's commitment to and recognizing the inextricable link between environmental health, public health, and the provision of health care.

Continuing, Dr. Zenick stressed the importance of conducting additional research and developing better tools to increase understanding of issues related to

public health and environmental justice. He recommended for consideration the development of a diagnostic action-oriented model, which, he noted, is not particularly different from the model currently in the medical community. Under such a model, Dr. Zenick explained, government agencies should consider how to combine expertise when studying a community in an attempt to improve the health of the community. Dr. Zenick proposed developing a "SWAT" team approach under which a group of experts would work with the community to conduct a "diagnostic" test of the community to determine its health status.

Ms. Shepard asked the panel what types of methods of interventions truly work to reduce health disparities. In response, Dr. Kerner stated that CDC has developed many intervention strategies; however, many are not targeted to underserved communities, he added. He also commented that "community-placed" research interventions do not work as well as "community-based participatory" research interventions. Dr. Wells also expressed agreement with Ms. Shepard, noting that the intervention programs and strategies of NIEHS were developed by the community in concert with academia or governments. In addition, intervention strategies developed without the participation of the affected community would be ineffective, he observed.

Mr. Rathsam remarked that the lessons IHS has learned through preventing injuries in Native American communities were the necessity of sound scientific data collection and analysis and the importance of advocacy in explaining scientific data to the community. He also stressed the need for community mobilization or coalition-building and development of intervention within the community and the need for the collection and analysis of scientific data to measure the success of interventions. Dr. Falk stressed further the importance of dialogue between the communities and Federal agencies and the active participation of the community.

Ms. Augustine expressed her belief that ATSDR should develop a better understanding of the culture of the community that the agency interacts with. In response, Dr. Falk stated that he recognized that there are some situations in which members of the community are approached in a less than sensitive way. He made a commitment to rectifying such situations in the future. He also noted the difficulties that arise in working with diseases that have numbers of potential causes, and acknowledged her concerns, and pledged better performance in future situations.

Mr. Cole expressed his appreciation that the various representatives of Federal agencies were present to discuss issues related to environmental justice. Mr. Cole also expressed his concern that the past policies and practices of some of the agencies represented had been barriers to social justice. For example, Mr. Cole pointed out, ATSDR has a credibility problem among communities. In response, Dr. Falk noted that ATSDR works with some 500 sites around the country and acknowledged that cases might arise in which communities were not happy with the work done by ATSDR. Dr. Falk then stated, however, that he does not believe that to be the general prevailing situation throughout the country. He also made a commitment to correct such problems.

Dr. Gelobter asked the panel members about the priority given to community-based research in their respective agencies and what importance is given to research that focus on communities affected by disease caused by environmental contamination. In response, Dr. Zenick explained that EPA was attempting to challenge scientists in the Agency to provide a sense of the effects of the research being conducted and to determine whether any mechanism had been established to distribute that information to consumers. He also noted that EPA is building stronger relationships with its regional offices, since it is the regional offices that come into daily contact with communities and state officials. In addition, he explained, ORD established a Community Science Council to review the work that the office currently is undertaking and to identify opportunities for existing programs to benefit communities.

4.0 REPORTS AND PRESENTATIONS

This section summarizes reports and presentations related to a number of issues the NEJAC had considered in its deliberations during previous meetings, as well as during the current meeting.

4.1 Report on the Activities of the U.S. Environmental Protection Agency Office of General Counsel

Mr. Lee informed the members of the Executive Council that OEJ had invited Mr. James Nelson and Mr. Anthony Guadagno of the EPA Office of General Counsel (OGC); however, because of flight cancellations, neither was to attend, Mr. Lee explained. Mr. Lee also pointed out that it had been intended that the presentation serve as a follow-up to issues discussed at the meeting of the NEJAC held in December 1999 that focused on how to better integrate principles related to environmental

justice into permitting decisions. On behalf of Mr. Nelson and Mr. Guadagno, Mr. Lee continued, Mr. Hill would provide information about the activities of OGC. Mr. Hill then reported that OGC is completing work on a legal memorandum that examines the legal authorities under which OW, OSWER, and OAR operate to identify opportunities to consider environmental justice under environmental regulations. The memorandum, he announced, was to be available within a few weeks following the meeting. Mr. Lee then reminded the members of the Executive Council that it has been the position of OEJ that issues related to environmental justice are not just an outgrowth of the Executive order on environmental justice but are "embedded" in the statutes under which the Agency operates. He expressed his belief that the memorandum is an important milestone that will ensure that that position becomes a reality.

4.2 Report on the Activities of the U.S. Environmental Protection Agency Office of Civil Rights

Ms. Ann Goode, Director, EPA OCR, updated the members of the Executive Council on the status of the *Title VI Interim Guidance for Investigating Administrative Complaints Which Challenge Permitting Decisions* (Interim Guidance). She announced that within 7 to 10 work days, EPA was to publish in the Federal Register the Agency's revised policies related to administering Title VI.

Ms. Goode described the process related to the development of the new draft guidance documents by explaining that the Agency had received more than 115 sets of written comments on the Interim Guidance since the document was released for review in February 1998. In March 1998, she reminded the members, OCR had established a Federal advisory committee on Title VI under EPA's National Advisory Council for Environmental Policy and Technology (NACEPT). She also noted that many members of the NEJAC also served on that committee.

Ms. Goode continued the discussion by describing the various steps of outreach OCR had taken over the past year to obtain comments on the Interim Guidance and information pertinent to it. In September 1998, she explained, OCR had convened a small group of stakeholders to discuss policy options for addressing the major concerns expressed by stakeholders related to the implementation of the Interim Guidance. OCR then had solicited from individuals in that "mixed" stakeholder group comments about potential policy options, she said. In October 1999, Ms. Good continued, the first draft of the revised guidance was completed, the documents having undergone approximately eight or nine iterations since the first draft.

In addition, Ms. Goode pointed out, OCR conducted a vigorous internal review process throughout the development of the guidance, and the documents have been reviewed by senior managers at the Agency. In addition, OCR also met with Mr. Bill Lann Lee, U.S. Department of Justice (DOJ), Civil Rights Division and Ms. Lois Schiffer, DOJ Environmental Division, on several occasions to ensure that the revised guidance could be implemented. Ms. Goode expressed her belief that EPA has listened to the concerns of all stakeholder groups throughout the revision process.

Continuing, Ms. Goode informed the members that OCR has planned a "robust" outreach process in conjunction with the release of the new draft guidance documents. Once the draft documents have been published in the Federal Register, she continued, a 60 day public comment period will be provided for citizens to offer comments on the documents. The documents also will be available on the OCR Internet home page, she added. In addition, before the draft documents are made publicly available, OCR will conduct briefings with members of Congress, the NEJAC, and the Environmental Council of the States (ECOS) to ensure their "buy in" on the new draft documents, she said. Ms. Goode also assured the members of the Executive Council that OCR will mail hard copies of the documents to more than 3,000 stakeholders, using OEJ's mailing list. To answer and address concerns of stakeholders, OCR will hold five public listening sessions across the country, she continued. Ms. Goode made a commitment that she would attend as many meetings as possible to ensure she has opportunity, and provides to the public, the opportunity for dialogue in small group settings.

Turning her attention to the differences between the Interim Guidance and the new draft documents, Ms. Goode explained that the primary difference is the physical layout of the documents. The initial Interim Guidance document was a 13-page document, while the revised document will be approximately 100 pages, she said. The increase in the size of the documents, she pointed out, was that result of an effort to be more responsive to concerns expressed by stakeholders about providing definitions about the processes by which EPA handles complaints filed under Title VI. Ms. Goode then described the contents of the new draft documents. Exhibit 1-18, on page 1-28, provides a description of the new draft documents. Ms. Goode stressed that OCR made all

Exhibit 1-18

U.S. ENVIRONMENTAL PROTECTION AGENCY
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
GUIDANCE DOCUMENTS

On June 27, 2000, the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) will publish in the Federal Register two draft guidance documents related to Title VI of the Civil Rights Act of 1964 (Title VI). EPA will receive public comments for 60 days, until August 28, 2000. The draft documents are titled:

- *Draft Title VI Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs* (*"Draft Recipient Guidance"*).

- *Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits ("Draft Revised Investigation Guidance"*).

Title VI prohibits discrimination based on race, color, or national origin by any entity that receives Federal financial assistance. When entities (such as state environmental agencies) receive financial assistance from EPA, they accept the obligation to comply with Title VI and with EPA's Title VI implementing regulations. Persons who believe recipients of EPA funds are administering their programs in a discriminatory manner may file an administrative complaint with EPA.

In 1998, EPA issued its *Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits* (*"Interim Guidance"*) for public comment. The Interim Guidance provided an initial framework by which EPA OCR processes complaints filed under Title VI that allege discriminatory environmental and health effects from environmental (pollution control) permits issued by recipients of EPA financial assistance.

EPA has revised the Interim Guidance on the basis of a robust stakeholder comment process, as well as the public comments received on the Interim Guidance. EPA convened an advisory group to provide recommendations and has conducted numerous meetings with a variety of stakeholders over the past two years.

What is the purpose of the documents?

The *Draft Recipient Guidance* is intended to offer suggestions to assist state and local recipients of EPA financial assistance develop approaches and activities that address potential concerns related to Title VI. Examples include fostering effective public participation; conducting assessments of potential adverse impacts; developing geographic, area-wide pollution reduction programs; and using informal resolution techniques. Recipients are not required to adopt or implement any of the Title VI approaches or activities described in the *Draft Recipient Guidance*.

The *Draft Revised Investigation Guidance* describes procedures EPA staff may use to perform investigations of administrative complaints under Title VI that allege adverse, disparate effects caused by permitting decisions.

In response to comments received by EPA, the *Draft Revised Investigation Guidance* differs from the Interim Guidance by providing more detail and clarity. The new guidance presents more detailed explanations of the various steps in an investigation and the actions that may be considered at each stage (such as, how it is expected a finding of adverse impact will be reached or when an allegation likely will be dismissed). In addition, both guidance documents define terms through examples and a glossary.

More than 120 written comments on the Interim Guidance were received from a broad range of interested parties. Community groups, environmental justice organizations, state and local governments, industry, academia, and other interested stakeholders also contributed to the development of the draft guidance documents through the Title VI Implementation Advisory Committee established by EPA, as well as through many other meetings with stakeholders during the past two years.

possible attempts to make the documents as user-friendly as possible, not only in format and organization, but also by using "plain English."

The new documents also clearly outlines the step-by-step approach EPA uses to determine whether there will be an adverse impact, she said. The specifics of every case, Ms. Goode pointed out, also will be crucial in terms of allegations made by the complainant and the resulting facts unearthed by EPA's investigation.

Ms. Goode concluded her presentation by briefly reviewing the time frame for issuing final guidance on Title VI. After the 60 day public comment period, Ms. Goode explained, OCR would analyze the comments received and sign the final guidance before the end of the current administration.

Mr. Whitehead expressed his concern that the burden of proof continues to be placed on individual complainants to demonstrate that violations are being committed by recipients of Federal funds. Mr. Whitehead explained further that he believes EPA need not wait to investigate recipients of Federal funds until an individual complaint is received. He also requested that information be provided to the NEJAC about the number of independent reviews the Agency has conducted of a recipient's entire program before waiting for an individual complaint to be filed with EPA under Title VI.

Continuing, Mr. Whitehead also addressed the issue of the number of backlogged cases that OCR has not processed. He declared that EPA should not rely on guidance to enforce the law. He recommended that during the remaining months of the current administration, the revised guidance be released, and decisions made about some of the cases that have been on the books for the past six to seven years.

In response to Mr. Whitehead's concerns, Ms. Goode discussed three major points: burden of proof, program compliance review, and the issue of backlogged Title VI cases. She stated that the new guidance is very clear in stating that the burden of proof is on EPA. Continuing, she stated that it is not the burden of the complainants and that EPA has the responsibility relative to receiving information from the complainant to determine whether Federal money is being spent inappropriately. Ms. Goode then addressed the concern related to program compliance review, agreeing with Mr. Whitehead that there have been cases in which a complaint has been rejected; but, EPA has continued to receive a number of complaints in that area, suggesting that there may be something "awry" in the program. She informed Mr. Whitehead that the new guidance also outlines EPA's authority to conduct reviews of delegated programs. Finally, Ms. Goode addressed the issue of backlogged cases, agreeing that the backlog is a very real problem and stating that the Agency is researching ways to increase resources to address the issue.

Mr. Cole expressed his appreciation to Ms. Goode for attending the meeting of the Enforcement Subcommittee on the previous day; he then reiterated several points that were discussed during that meeting with Ms. Goode for the benefit of the Executive Council. He expressed the importance of community involvement related to the new documents and also related to conducting reviews of delegated programs.

Mr. Cole expressed concern the community groups may not have sufficient time to read the documents, digest them, work with technical advisors, and then provide comments to OCR in an informed manner. Ms. Goode addressed his concern by stating that all community groups should have at least three weeks to review the documents.

Ms. Goode also made a commitment to adding a session at the end of July in Los Angeles, California. She added that she would consider adding another session in the final stages of the process in the Washington, D.C. area to ensure that stakeholders have adequate time to review the documents.

Mr. Cole then expressed similar concern and frustration related to cases backlogged at EPA. He expressed concern about EPA's ability to process the existing 47 cases, while, he pointed out, the Agency continues to receive new administrative complaints. Mr Cole strongly urged Ms. Goode to accelerate the process and resolve as many cases as possible before the end of the current administration. In response, Ms. Goode explained that OCR does not have sufficient resources to resolve the cases. She expressed her continued commitment to the effort to resolve the resource issue. The issues involved in resolving Title VI complaints are extremely complex and require hours of coordination among Federal agencies, Ms. Goode pointed out.

Mr. Yang also expressed concern about the brief time remaining to accomplish results related to Title VI before the end of the current administration. He then inquired about activities, other than those related to Title VI, that OCR conducts to ensure compliance with civil rights laws. Many issues and concerns expressed by community groups, he emphasized, cannot be addressed through the Title

VI process. Ms. Goode informed Mr. Yang that OCR is responsible not only for compliance with Title VI, but also for the employment discrimination program under Title VII of the Civil Rights Act of 1964, as well as the Agency's affirmative employment program. In the areas covered by those two programs, she continued, OCR had made strides over the preceding two years in improving its ability to provide guidance, support, and oversight for the Agency's affirmative employment and discrimination complaints process. In addition, Ms. Goode stated, OCR had initiated an alternative dispute resolution pilot process as a means of encouraging informal resolution of issues related to Title VII. Continuing, she explained that the affirmative employment program at EPA was being "retooled" to evaluate more than just the numbers of people, but to include job status, as well. Ms. Goode stated that OCR had done a good job not only in improving the representation of women and people of color, but also in improving their numbers in policy-making positions and senior-level ranks. She also informed the NEJAC that OCR was working to ensure the establishment of detailed accountability processes and training and support mechanisms to address the quality-of-life concerns of personnel at EPA.

Mr. Yang asked whether OCR was taking active steps to investigate compliance, rather than waiting for the finding of a complaint. Ms. Goode responded that there have been no compliance reviews related to Title VI because, before 1994, EPA did not focus on the issue, she continued, no guidance for the conduct of compliance reviews has been developed.

Ms. Miller-Travis also expressed concern about the time frame for preparing the new draft guidance. Ms. Goode again emphasized that OCR would work diligently to complete the guidance. She explained that OCR will use contractor support to summarize the comments made on it and noted that she has the support of senior managers for the effort to complete that task as soon as possible.

4.3 Report on the Activities of the U.S. Environmental Protection Agency Office of International Activities

Mr. Alan Hecht, Principal Deputy Assistant Administrator, EPA Office of International Activities (OIA), began his discussion by emphasizing the importance of the current meeting for environmental justice on an international level. For the preceding two weeks, he noted, OIA had hosted a delegation from South Africa that had come to the United States to learn about activities related to environmental justice. During the delegation's two-week tour, its member visited cities in the southeast, had the opportunity to meet with officials in Atlanta, and participated in the meeting of the International Subcommittee of the NEJAC, he continued.

Mr. Hecht then offered a brief overview of issues related to the U.S./Mexico border to be addressed in the next year. He explained that EPA and several other Federal agencies implement the Border XXI program, which is at the end of its five-year life; therefore, when the new administrations in both Mexico and the United States have been elected, the agencies will develop the next phase of the program, he said. Mr. Hecht stressed that the Border XXI program is a crucial initiative for communities along the border from San Diego, California to Brownsville, Texas. Along the border, he explained, there are two problems: (1) a legacy problem, specifically a problem of neglect of issues related to the environment, urban development, and natural resources and (2) the explosive growth of border communities, the fastest growing segment of the population in both the United States and Mexico, with a population projected to doubled by 2020. The population increase, Mr. Hecht pointed out, will be accompanied by an increase in urban development. If urban planning is inadequate, he continued, such development could further erode natural resources, potentially causing conflict between the United States and Mexico. EPA has made a commitment to working with the Mexican government, a particularly important step because a new administration is to be elected, Mr. Hecht added.

Mr. Hecht reminded the members of the NEJAC that OIA and the International Subcommittee of the NEJAC had sponsored the Roundtable on Environmental Justice on the U.S./Mexico Border held in August 1999, in National City, California. Exhibit 1-19 describes the activities conducted during the roundtable meeting. At the end, OIA had been presented with more than 100 recommendations to act upon. Several developments had taken place as a consequence of that meeting, Mr. Hecht continued. First, he said, EPA regions 6 and 9 have increased specific community-level activities and addressed community problems identified at the meeting. Both regional offices have developed an action plan for addressing the needs identified during the roundtable meeting, he said.

Continuing, Mr. Hecht explained that one or two priority issues among the many that had been identified are symbolic of the relationship between the United States and Mexico, and also the relationship between the environmental justice communities on both sides of the border. One such symbolic issue, Mr Hecht said, is the case of abandoned contaminated sites in Mexico near the

Exhibit 1-19

ACTIVITIES OF THE ROUNDTABLE ON ENVIRONMENTAL JUSTICE ON THE U.S./MEXICO BORDER

The Roundtable on Environmental Justice on the U.S./Mexico Border was held in National City, California August 19 through 21, 1999. Recommendations developed during the conference included:

- Establishing an environmental justice border commission.
- Identifying vacancies on border advisory committees.
- Applying the U.S. Environmental Protection Agency (EPA) Region 9 Campo Tribal Model for other areas.
- Increasing participation by local governments and community groups in the decision-making process.

An important part of the roundtable meeting was the concurrent work group sessions that focused on environmental justice and labor justice; immigration, trade, and environment; indigenous peoples and border justice; and environmental health issues along the U.S./Mexico border.

border, that once were operated by U.S. industries and companies. Those sites, which have become hazardous to communities living near them, have become a symbol of the failure of government, specifically a failure of society, to address an obvious injustice, he said. Participants at the roundtable meeting had urged EPA to cleanup those sites. Mr. Hecht announced that EPA was pursuing every legal means available to ensure that the sites are restored; however, he noted, EPA has very limited authority to take action related to sites that are located in Mexico. Therefore, he continued, the Agency had begun to think more broadly about other possible approaches to the cleanup of those sites, he said. EPA had turned to many industries in the United States that redevelop brownfields properties, he said. Without the impetus of the successful roundtable meeting, Mr. Hecht explained, such innovative thinking about how to address such issues probably would not have occurred. He also assured the members that such initiatives would include community involvement components.

Mr. Hecht also explained that one of the recommendations developed by participants in the roundtable meeting requested a formal structure, such as an advisory committee, through which members of communities that have concerns about environmental justice could play a role in the development of the next phase of the Border XXI program. Mr. Hecht stated that EPA would use existing mechanisms and create new ones, if necessary, to ensure community involvement. He also pointed out the EPA has an existing Federal advisory committee that was created specifically to address environmental and infrastructure issues related to the U.S./Mexico border, the Good Neighbor Environmental Board (GNEB). Exhibit 1-20 describes the mission of the GNEB. Mr. Hecht then announced that Mr. Jose Bravo, Southwest Network for Environmental and Economic Justice and former member of the International Subcommittee of the NEJAC, recently had been appointed to serve as a member of the GNEB.

Exhibit 1-20

GOOD NEIGHBOR ENVIRONMENTAL BOARD

The Good Neighborhood Environmental Board (GNEB) was created by the Enterprise for the Americas Initiative Act of 1992 (EAIA) (7 United States Code Section 5404) to advise the President and the Congress about environmental and infrastructure issues and needs in the states contiguous to Mexico. The statute requires that the GNEB submit an annual report to the President and the Congress. The GNEB submitted reports in October 1995, April 1997, and July 1998. The GNEB's 1997 and 1998 report translated into Spanish and disseminated widely on both sides of the border.

The act requires that the membership of the board include representatives of appropriate U.S. government agencies; the governments of Arizona, California, New Mexico, and Texas; and private organizations, including community development, academic, health, environmental, and other nongovernment entities that have expertise on environmental and infrastructure problems along the southwest border.

A presidential Executive order delegates implementation authority to the administrator of the U.S. Environmental Protection Agency (EPA). The GNEB, which operates under the Federal Advisory Committee Act (FACA), meets three times annually at locations along the U.S./Mexico border.

Concluding his remarks, Mr. Hecht emphasized that the roundtable meeting had been an important milestone focused on specific environmental justice issues and concerns along the border.

Mr. Arnoldo Garcia, Urban Habitat Program and chair of the International Subcommittee of the NEJAC, expressed his appreciation to Mr. Hecht for his report and for the commitment of OIA. Mr. Garcia pointed out that one of the priority issues EPA must address is toxic waste sites, specifically those located in Tijuana, Candados Prestos, and Tamaulipas. He stated that EPA must do additional work in those areas. Mr. Garcia also informed the NEJAC that another priority recommendation requested the formation of a border environmental justice commission that would play a role with EPA in providing oversight and monitoring of the implementation of the EPA regional and border environmental justice plans.

Continuing, Mr. Garcia explained that the issue of "legacy" wastes is significant because the border region has been affected by contamination left behind by departing industries and other entities, as have so many other low-income and communities of color. He expressed his belief that EPA faces many challenges in addressing the legacy issue. Therefore, Mr. Garcia pointed out, the creation of a border commission on environmental justice would be a crucial step ensuring that communities have their own venue through which to voice their concerns and participate in decision-making processes. Mr. Garcia concluded his remarks by expressing his appreciation to the staff of EPA regions 6 and 9 for their efforts following the roundtable meeting.

Mr. Goldtooth commented that the International Subcommittee had requested that the Indigenous Peoples Subcommittee also participate in the roundtable meeting. He explained that the Fort Mojave Tribe, as well as a consortium of five tribes that live along the Columbia River, had requested that EPA Region 9 arrange a meeting with the governor of California about potential groundwater contamination from the proposed Ward Valley dump for low-level radioactive material. He asked whether there had been any developments in this area. In addition, Mr. Goldtooth stated that EPA must conduct better outreach to tribal citizens living along the border and involve them in decision-making processes.

Mr. Hecht responded by stating that EPA Region 9 had been working diligently to identify recommendations developed by the participants in the roundtable meeting, but that he would follow-up to determine whether the region had been successful in arranging a meeting with the governor. Addressing Mr. Goldtooth's other concern, he explained that the definition of "tribal" differs in the United States and Mexico. However, he noted, EPA is committed to working with the Mexican government to encourage public participation at all levels.

4.4 Presentation on the Creation of the Puerto Rico Subcommittee of the National Environmental Justice Advisory Council

Mr. William Muszynski, Deputy Regional Administrator, EPA Region 2, provided an update on the efforts of EPA Region 2 to improve and protect the environment in Puerto Rico. He explained that EPA Region 2 includes the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and the states of New York and New Jersey, as well as seven Federally recognized tribes. Mr. Muszynski then announced that the creation of a new NEJAC subcommittee on Puerto Rico had been approved by the EPA Administrator. Exhibit 1-21 provides a list of the members of the subcommittee who have been appointed to date. Mr. Muszynski explained that the subcommittee would have 12 members and that Dr. Carlos Padin, Dean of the Metropolitan University of San Juan, Puerto Rico, was to be the first chair of the new subcommittee. Ms. Teresita Rodriguez, EPA Region 2 Caribbean Environmental Protection Division in Puerto Rico, would serve as the DFO for the subcommittee, he said. The members, he continued, represent a variety of backgrounds, including academia; grassroots and community-based organizations; government; and industry.

Exhibit 1-21

MEMBERS OF
PUERTO RICO SUBCOMMITTEE

Dr. Carlos Padin, **Chair**
Teresita Rodriguez, **DFO**

Rosa Corrada
Eris Del Carman Galán-Jimenez
Iris Cuadrado Gomez
Juan C. Gomez-Escaree
Jennifer Mayo
Graciela Ramirez-Toro
Rosa Hilda Ramos
Efrain Emmanueli Rivera
Jose Cruz Rivera
Rafael Robert
Michael Szendry

Mr. Muszynski then explained that Puerto Rico has unique geopolitical, cultural, language, socioeconomic, and environmental concerns; therefore, unique and creative approaches will be necessary to resolve those concerns, he continued. The island is densely populated, having approximately 3.6 million residents, he said. Mr. Muszynski also stated that the residents of Puerto Rico and local government agencies have had difficulty working together to address the environmental and environmental justice issues that affect communities. He expressed his hope that the creation of the new subcommittee of stakeholders from Puerto Rico would increase the representation of such stakeholders and the meaningful involvement in the environmental decision-making process that affects their communities. He also expressed his belief that the new subcommittee would serve as a vehicle for a more collaborative effort by bringing together government, industry, academia, and residents of Puerto Rico to identify and resolve environmental concerns and environmental justice issues.

In addition, EPA Region 2 had embarked on a continuous expansion of the Agency's on-site presence in Puerto Rico and the Virgin Islands, continued Mr. Muszynski. He announced that the region's Caribbean field office had been elevated to the Carribean Environmental Protection Division. Its staff had been increased from approximately 20 in 1995 to 47, with the continuing hope of expanding the staff to 60, he said. EPA Region 2, he continued, also had established a new EPA field office in the Virgin Islands.

Finally, Mr. Muszynski described the development of the region's translation policy, which focuses on the translation of documents into Spanish. The goal of the program is to increase community involvement and understanding, he stated.

Mr. Lee explained that the creation of the subcommittee represents EPA's Region 2 long-term and substantial commitment to addressing environmental justice issues in Puerto Rico. Mr. Lee then welcomed Dr. Padin as a new member of the Executive Council of the NEJAC. Dr. Padin expressed his hope that the new subcommittee will open channels of communication among government agencies, industry, academia, and communities to resolve the environmental issues that affect Puerto Rico.

4.5 Presentation on Executive Order 13125

Mr. Lee informed the members of the NEJAC that President Clinton recently had issued Executive Order 13125 on Asian Americans and Pacific Islanders. Mr. David O'Connor, Deputy Assistant Administrator, EPA Office of Administration and Resources Management (OARM), was unable to attend, Mr. Lee said. However, Ms. Marla Hendriksson, Special Assistant to the Director Office of Human Resources, EPA OARM, was to provide the report on the Executive order as well as the White House Initiative on those populations, he explained.

Ms. Hendriksson described Asian Americans and Pacific Islanders as an emerging population that is "slowly but surely" gaining political, economic, and community consciousness. In January 2000, Ms. Hendriksson stated Los Angeles, California, had established the first official "Thai Town" in the United States because 75 percent of all local businesses in that community are Thai-owned. Ms. Hendriksson also stated that the 2000 census had been the first time the Federal government had collected nationwide data on Asian Americans and Pacific Islanders. Previously, the population group, she explained, had been listed on the census form in the "Other" category, thereby creating a large data gap, she said.

The population group faces many challenges, she continued. For example, 75 percent of Asian Americans and Pacific Islanders in this country are foreign-born, and fifty percent do not speak English as their primary language, she continued. Ms. Hendriksson explained that EPA has found Asian Americans and Pacific Islanders are not involved because they believe they are not affected adversely by environmental and health problems. Rather, she said, they lack awareness of environmental health issues and refrain from exercising a political voice. The challenge of conducting sufficient outreach is made even more difficult, she noted, because many individuals in the population group have only limited proficiency in English.

Continuing, Ms. Hendriksson explained the significance of the particular Executive order. She stated that the order had been issued in an effort to improve the quality of life of Asian Americans and Pacific Islanders in this country through increased participation in Federal programs. It is the most significant and comprehensive Executive order ever issued for that minority group, she said. The Executive order also is comprehensive, she said, because it involves social, health, transportation, civil rights, commerce, and environmental services--the gamut of Federal programs.

The goals of the Executive order, she pointed out, are to (1) increase participation in Federal programs

in which the Asian American and Pacific Islander community is underserved; (2) to collect and maintain statistical data on such populations and subpopulations; (3) to increase the public-sector, private-sector, and community involvement in the health and well-being of Asian Americans and Pacific Islanders; and (4) to foster research and data collection on the health of the entire community. The White House Initiative on Asian Americans and Pacific Islanders, which evolved from the Executive order, established two distinct bodies, a private and a public sector group, she noted. The public-sector group, she explained, is made up of the deputy secretaries of various Federal agencies, and the private-sector group is the Presidential Advisory Commission, which is made up 15 Asian American and Pacific Islander leaders representing businesses and community groups.

Ms. Hendriksson then announced that EPA currently was conducting an inventory of all EPA activities that are related to Asian Americans and Pacific Islanders. Using the results of the inventory, she explained, EPA was to develop a implementation plan for fiscal year 2001 that would describe the future actions by which the Agency plans to address the needs of that particular population. She also explained that the two products will be examined, along with other information about relevant activities of other Federal agencies to determine the state of Asian Americans and Pacific Islanders in the United States.

Ms. Hendriksson requested that the NEJAC give greater emphasis to focus issues related to Asian Americans and Pacific Islanders in its deliberations. Concluding her remarks, Ms. Hendriksson identified several activities that she suggested the Federal government should implement: (1) conduct a needs assessment of the environmental and health effects on Asian Americans and Pacific Islanders; (2) understand the underlying socioeconomic and cultural dynamics of the population; (3) increase participation of the population in decision-making processes; (4) compile a directory of Asian American and Pacific Islander community groups and business associations; and (5) conduct additional outreach to such communities.

Mr. Yang urged that EPA continue to conduct outreach to Asian Americans and Pacific Islanders because it is an underserved community. However, he explained, there are several other important reasons to undertake such an effort. First, he explained, language barriers are a key issue to greater involvement and the delivery of services to Asian American and Pacific Islander communities because of the different levels of understanding in communities about benefits, government services, and the dangers of toxic and hazardous chemicals. For example, he pointed out, a person who is unable to read a warning label is unable to take the necessary precautions the label prescribes.

In addition, Mr. Yang stressed the importance of addressing issues related to the consumption of contaminated fish. He expressed concern because many refugee, immigrant, and low-income communities rely on substance fishing to supplement their diets. Mr. Yang also emphasized the issue of occupational health, stating that minority workers are being targeted for jobs that involve the handling of toxic and hazardous chemicals. Ms. Miller-Travis asked whether there was a plan in place to keep the NEJAC informed about activities conducted under the White House initiative. Mr. Lee responded that OEJ currently was working on a strategy to continue to coordinate efforts. In addition, Mr. Lee explained, OEJ was working to arrange briefings for EPA environmental justice coordinators on the issue.

5.0 REPORTS OF THE SUBCOMMITTEES

On May 25, 2000, each subcommittee met for a full day. This section presents summaries of the action items and proposed resolutions developed during those discussions, as well as updates on the activities of the subcommittees. Appendix A of this meeting summary presents the full text of the resolutions that were approved by the Executive Council. Chapters three through eight present detailed summaries of the deliberations of each of the subcommittees.

5.1 Air and Water Subcommittee

Ms. Annabelle Jaramillo, Office of the Governor, State of Oregon and vice chair of the Air and Water Subcommittee of the NEJAC, reported on the activities of the Air and Water Subcommittee. Ms. Jaramillo requested that the Executive Council consider and approve a proposed resolution on mercury emissions. Mr. Whitehead explained that the proposed resolution requests that the NEJAC recommend to the EPA Administrator that the Agency make a determination to regulate mercury emissions from coal-fired electrical power plants. He also explained that coal-fired electrical power plants are the nation's largest source of mercury emissions and that such emissions are unregulated. In addition, Mr. Whitehead declared that such mercury emissions primarily affect people of color and indigenous populations because the emissions eventually contaminate fish tissue. The two populations, Mr. Whitehead pointed out, consume fish from contaminated lakes and rivers much more frequently than other populations. The members of

the Executive Council approved the resolution with one abstention.

Continuing, Ms. Jaramillo explained that the Air and Water Subcommittee was to create a joint work group with the Waste and Facility Siting Subcommittee to review EPA OSWER's draft guidance on reducing toxic loadings. She also stated that the members of the subcommittee had agreed to expand the subcommittee's work group on fish consumption to include members of the Indigenous Peoples Subcommittee. The work group, she said, would investigate the health effects on indigenous populations of the consumption of contaminated fish.

5.2 Enforcement Subcommittee

Mr. Cole requested that the Executive Council consider and approve a proposed resolution on multiple chemical sensitivity. Mr. Cole explained that multiple chemical sensitivity is a condition that affects thousands of people in which there has been some type of trigger exposure to a chemical that then makes people extremely susceptible to what other people would consider low-level exposures to chemicals. In those individuals, he continued, such exposures cause a variety of symptoms. The proposed resolution, Mr. Cole explained, requests that the NEJAC recommend that EPA work with other agencies to study the incidence of multiple chemical sensitivity in minority communities and low-income communities, especially those heavily affected by environmental pollutants. Mr. Goldtooth offered an amendment to the resolution to add tribes to the list of the affected populations. The Executive Council approved the resolution as amended.

Mr. Cole then discussed the proposed resolution on concentrated animal feeding operations (CAFO). He explained that, during public comment periods over a period of two years, the Executive Council and the Enforcement Subcommittee had heard extensive testimony about adverse health effects caused by the operations of CAFOs and environmental justice concerns related to them. Mr. Cole made several points about the resolution: (1) the proposed resolution represented only the beginning of the NEJAC's advice and recommendations to the EPA on CAFOs; (2) the Enforcement Subcommittee was to develop a report to the Agency that will provide recommendations; and (3) the resolution had been revised in light of a presentation on CAFOs made to the Air and Water Subcommittee.

Ms. Jane Stahl, Deputy Assistant Commissioner, Connecticut Department of Environmental Protection, expressed concern about the new points in the resolution because of the language used, particularly the request to aggressively "crack down" on states. She suggested that the Executive Council postpone the vote on the resolution until the more extensive report Mr. Cole had referred to had been developed. Ms. Wood also expressed concern about how states were addressed. The NEJAC should encourage states to address environmental justice issues, she said, she believes that the tone of the resolution did not convey this message. Mr. Cole declared that he understood such concerns. He then stated his belief that the issues could be resolved in the planned report that was to set forth a stronger and broader policy statement. The members of the Executive Council approved the resolution on CAFOs, with two votes against it.

Mr. Cole then presented a resolution to the Executive Council to create a work group of the Enforcement Subcommittee to research and investigate, environmental justice issues related to Federal facilities, and provide recommendations to the NEJAC. The Executive Council approved the resolution by creating a work group of the Executive Council to address environmental justice issues at Federal facilities.

Mr. Cole then asked that Mr. Turrentine forward to the EPA Administrator a letter that addresses EPA's implementation of the clean fuels program. He noted that the Enforcement Subcommittee pointed out to OAR on several occasions that there are ways to undertake the process of retrofitting refineries, which most often are located in communities of color, that reduce emissions. It is predicted, Mr. Cole pointed out, that the retrofits that refineries currently are undertaking to produce cleaner fuels will increase emissions at those refineries. The Executive Council approved the request that Mr. Turrentine forward the letter to the EPA Administrator.

Ms. Shirley Pate, Office of Enforcement Capacity and Outreach, EPA OECA, and DFO of the Enforcement Subcommittee, then reported on the activities of the Enforcement Subcommittee. She began her presentation by stating that the Enforcement Subcommittee had met with Ms. Lowrance and received a commitment from Ms. Lowrance to involve the members of the subcommittee in various stages of OECA's strategic planning process.

The public health focus of the agenda addressed the general theme of identifying health data or indicators EPA should use to improve its enforcement targeting resources, continued Ms. Pate. She reported that the subcommittee also heard presentations from Dr.

Maureen Lichtveld, CDC; Ms. Juanita Burney, a nurse from Richmond County, Georgia; and Dr. Tim Aldrich, South Carolina Department of Environment and Control. All three presentations focused on improving health indicators, she noted.

In addition, Ms. Pate stated that the subcommittee had heard a presentation on CAFOs by Dr. Steve Wing, University of North Carolina, and Mr. Gary Grant, Concerned Citizens of Tillery County. The presentation, Ms. Pate explained, deepened the subcommittee's concern that environmental justice issues related to CAFOs should be addressed.

Ms. Pate concluded her report by stating that the members of the subcommittee had conferred with Ms. Goode about EPA's implementation of Title VI. The subcommittee, Ms. Pate stated, agreed to produce a report on Title VI that was to include a discussion of the difficulties encountered by communities that file administrative complaints under Title VI. The report also will provide a chronological description of EPA's lack of progress in the processing of Title VI cases, she said. The report also will make recommendations to the Agency for improvements in Title VI guidance, she added.

5.3 Health and Research Subcommittee

Dr. Payton reported on the activities of the Health and Research Subcommittee. In December 1999, the Health and Research Subcommittee had recommended that the May 2000 meeting of the NEJAC focus on public health issues related to environmental justice. As part of the subcommittee's agenda, an interagency forum was held to discuss how Federal agencies could better coordinate and collaborate to develop an integrated public health agenda, she reported.

Dr. Payton requested that the Executive Council consider and approve a resolution on the decision tree framework for community-directed environmental health assessment developed by the Working Group on Community Environmental Health Assessment of the Health and Research Subcommittee. She explained that the working group had met for the second time and developed recommendations related to community-directed environmental health assessments. She expressed her belief that the decision tree framework is an important tool that will help to empower and educate environmental justice communities about issues related to community environmental health assessment, intervention, and prevention strategies. The resolution also requested that the NEJAC recommend that EPA provide funding for the design and development of the decision tree framework and requested that the terms of the work group members be extended to complete the framework. The members of the Executive Council voted to approve the resolution, with one abstention.

In addition, Dr. Payton stated that the members of the subcommittee were to be prepare for consideration by the Executive Council a resolution that would recommend that EPA include criteria in the Agency's permitting processes to protect communities that have comparatively poor health from the approval of the siting of additional pollution-releasing facilities in such communities. Dr. Payton also stated that the subcommittee was to develop a resolution that would recommend that EPA establish an effective national facility registry system for all operating facilities that emit hazardous chemicals.

Concluding her report, Dr. Payton announced that the subcommittee was to be develop a resolution to support the creation of a work group of the NEJAC to address issues of concern related to the Mossville community in Louisiana.

5.4 Indigenous Peoples Subcommittee

Mr. Goldtooth began the subcommittee report by requesting that the Executive Council consider and approve a proposed resolution recommending that the United States support the elimination of unintentional byproducts of dioxin. The proposed resolution, he explained, had three key points: (1) encourage EPA in its negotiation of the global treaty on persistent organic pollutants (POP) to support language in the treaty that emphasizes reduction, pollution prevention, and a gradual phase-out of dioxin-producing materials and technologies, with the ultimate aim the elimination of the dioxin; (2) request that EPA support language in the treaty that supports rapid phase-out of all remaining uses of PCBs and the cleanup of soils and sediments contaminated by PCBs and other POPs; and (3) request that the EPA treaty negotiation team consult with all American Indian and Alaskan Native tribes before and throughout the entire international negotiation process about the important issue that affects the health, welfare, environment, and overall survival of tribal nations in the United States and indigenous peoples throughout the world. Members of the Executive Council approved the resolution, with one abstention.

Ms. Jana Walker, Law Office of Jana L. Walker and member of the Indigenous Peoples Subcommittee of the NEJAC, then reported on the activities of the Indigenous Peoples Subcommittee. She announced that the subcommittee had agreed to coordinate with

the Waste and Facility Siting Subcommittee's work on two environmental justice issues that involve Native groups and tribes: the proposed Gregory Creek landfill, located near six Indian reservations, and the continued use of a bombing site on Nomans Island, near the Wampanoag Tribe of Massachusetts.

In addition, Ms. Walker stated that the subcommittee had distributed a revised draft of the Guide on Consultation in Public Participation with Tribes. She stated that the comments on the draft were due by August 15, 2000. She explained that the guide had been developed because of the unique political status of Indian tribes, their government-to-government relationship with the Federal government, and the Federal government's trust responsibility to them. The guide, she explained, is intended to help government agencies participate in a meaningful consultation process with tribes.

The Indigenous Peoples Subcommittee, she continued, also was to continue to coordinate with the International Subcommittee's follow-up efforts related to the Roundtable on Environmental Justice on the U.S./Mexico Border. The members of the subcommittee also had approved a letter addressed to Mr. Hill that reaffirms a request made by the subcommittee in 1998 that a meeting of the NEJAC be held in Alaska to address the wide range of issues of concern to Alaska Natives.

5.5 International Subcommittee

Mr. Garcia requested that the Executive Council approve the creation of two new work groups of the subcommittee. He requested that a work group be created to address environmental concerns related to the conditions that farm workers work under and that a second work group be created to ensure follow-up related to the Roundtable on Environmental Justice on the U.S./Mexico Border, so that recommendations developed at the meeting will be addressed. The Executive Council approved both work groups.

Mr. Cuevas then began the discussion of the activities of the International Subcommittee. He began by stating that the meeting had focused on issues related to the enforcement of pesticide regulations and the conditions related to the use of pesticides that farm workers must work under. The subcommittee, Mr. Cuevas explained, had heard presentations on improving the health of farm workers; the success story of Barrio Logan, San Diego, California; Lake Apopka, Florida and farm worker health; initiatives undertaken by the EPA Office of Prevention, Pesticides, and Toxic Substances (OPPTS); and a report offered by EPA Region 10 on the effects of farm worker protection standards.

Mr. Yang continued the discussion of the activities of the International Subcommittee by addressing future agenda items. The subcommittee, he explained, had had a productive meeting with Mr. Hecht on areas within the responsibility of OIA in which the subcommittee can offer assistance. Those areas, he pointed out, range from events along the U.S./Mexico Border and potential work on OIA's influence on multilateral development banks to human rights issues and trade and the environment. Mr. Yang also stated that the subcommittee had conducted extensive discussion of significant follow-up issues related to the U.S./Mexico Border. Mr. Yang concluded his report by highlighting issues discussed during a dialogue session between the members of the subcommittee and the delegation from South Africa.

5.6 Waste and Facility Siting Subcommittee

Ms. Miller-Travis reported on the activities of the Waste and Facility Siting Subcommittee. Ms. Miller-Travis noted that the subcommittee and EPA OSWER remain committed to continue their work with the Waste Transfer Stations (WTS) Work Group of the subcommittee on the development of a draft status report, EPA's *Municipal Solid Waste Transfer Station Action Strategy*. She reminded the members of the Executive Council that, in March 2000, the NEJAC approved and forwarded to the EPA Administrator the work group's report, *The Regulatory Strategy for Siting and Operating Waste Transfer Stations*. Continuing, she explained that Mr. Timothy Fields, Jr., Assistant Administrator of EPA OSWER, had responded quickly to the recommendations set forth in the report of the work group. Included in the action strategy, she continued, are specific action items related to WTSs that EPA regions 2 and 3 should undertake.

In addition, she explained that the subcommittee had agreed to provide OSWER with points of contact to inform the subcommittee of OSWER's implementation of best management practices related to WTSs. One of the commitments included in the action strategy is the development of a guide to best management practices related for WTSs for local and state governments, said Ms. Miller-Travis.

The members of the Waste and Facility Siting Subcommittee, she explained, also recommended to the NEJAC that a mechanism be developed to ensure the participation of the NEJAC in EPA's development of risk assessments.

Continuing, Ms. Miller-Travis informed the Executive Council of a request the subcommittee had received from communities living in East Liverpool, Ohio near an incinerator operated by WTI. The members of the subcommittee had asked Mr. Michael Shapiro, Deputy Assistant Administrator of EPA OSWER, to specifically address the concerns expressed by the community and to work with EPA Region 5 to ensure that compliance issues related to the ongoing operations of the incinerator in East Liverpool, Ohio are resolved, she said. In addition, she continued, the members of the subcommittee also had received assurances from EPA regions 4 and 6 that they would develop statistical information on permit compliance and enforcement actions taken in the states of Alabama, Georgia, Mississippi, and Texas and that they would provide that information to the Alabama African-American Environmental Justice Action Network and the Southern Organizing Committee for Economic and Social Justice.

Continuing her report, Ms. Miller-Travis explained that the subcommittee would address environmental justice concerns associated with issues related to Federal facilities that had been raised by the Wampanoag Tribe of Massachusetts regarding operations conducted by the Department of the Navy (Navy) at Nomans Island, Massachusetts. She explained that the Office of the Secretary of the Environment of the State of Massachusetts and the Massachusetts Department of Environmental Protection had requested that the subcommittee address, in conjunction with EPA, environmental justice issues related to the ongoing use of Nomans Island as a bombing site.

Ms. Miller-Travis then addressed three items related to Mossville, Louisiana. Members of the subcommittee had agreed to meet with representatives of EPA and ATSDR to formulate a plan for conducting a public health response to the exposure investigation of dioxins conducted by ATSDR at Mossville, Louisiana, she said. The subcommittee, she explained, also had agreed to work with staff of EPA Region 6 and the residents of Mossville to resolve various issues of concern related to the community. Finally, Ms. Miller-Travis stated that the subcommittee would recommend that a resolution be developed to support the creation of a work group of the NEJAC to assist ATSDR and EPA in ensuring that government agencies follow environmental justice public participation principles and to focus on the resolution of issues of concern to the community of Mossville, Louisiana.

Concluding her report, Ms. Miller-Travis requested that the members of the Executive Council obtain a copy of EPA's *Social Aspects of Siting Resource Conservation and Recovery Act [RCRA] Hazardous Waste Facilities*. She recommended that the members and the public review the document.

6.0 FOLLOW-UP ON ISSUES RELATED TO ENVIRONMENTAL JUSTICE AND THE ISSUANCE OF PERMITS

In its continuing efforts to provide independent advice to the EPA Administrator in areas related to environmental justice, the NEJAC focused its fourteenth meeting held in December 1999 in Arlington, Virginia on permitting and environmental justice. As chair of the special work group created by the NEJAC on permits, Ms. Miller-Travis announced that through a mail ballot conducted before the current meeting, the members of the Executive Council had approved a report that provided recommendations to the EPA Administrator for integrating the principles of environmental justice into the permitting process. She enumerated the crucial recommendations included in the report: (1) the need to clarify the legal authority the permit writer has to address environmental justice issues in permitting; (2) the need to clarify substantive permit criteria, including cumulative effects, degree of risk, community demographics and disproportionality of risk; (3) the need to consider community involvement in the decision-making process as it is related to permitting decisions; (4) the need to ensure enforcement of permits; and (5) the need to consider the relationship between land use zoning and environmental decisions.

Ms. Wood asked how comments she had submitted on the report had been integrated into the document. Mr. Turrentine explained that he and OEJ had received the comments after the report had been completed. Ms. Wood requested that her comments be entered into the record of the NEJAC. Mr. Hill responded that the letter would be entered into the record.

7.0 CLOSING REMARKS

Mr. Hill explained that many communities lack resources to address environmental justice issues. Therefore, he announced, OEJ had established the Community Internship Program to supervise student training opportunities in grassroot organizations to learn how these organizations address environmental problems. Mr. Hill then identified the 15 organizations students are training with. Exhibit 1-22 lists these 15 organizations.

Exhibit 1-22

U.S. ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL JUSTICE COMMUNITY INTERN PROGRAM FOR SUMMER 2000

This list presents the community organizations that received grants to provide students training opportunities.

- O.N.E./C.H.A.N.E., Hartford, Connecticut
- Comite Timon de Calidad Ambiental, Manati, Puerto Rico
- Jesus People Against Pollution, Columbus, Mississippi
- Southern Organizing Committee for Economic and Social Justice, Atlanta, Georgia
- Harambee House/Citizens for Environmental Justice, Savannah, Georgia
- Indigenous Environmental Network, Bemidji, Minnesota
- People Organized in Defense of Earth and her Resources, Austin, Texas
- Citizens Against Contamination, Mossville, Louisiana
- Front Range Earth Force, Denver, Colorado
- Colorado's People's Environmental and Economic Network, Denver, Colorado
- Native Action, North Cheyenne Indian Reservation, Lame Deer, Montana
- International Institute for Indigenous Resource Management, Denver Colorado
- Red Rock Foundation, Carefree, Arizona
- Resources for Sustainable Communities, Bellingham, Washington

Mr. Lee concluded the meeting of the NEJAC by announcing that approximately 540 participants had attended. Mr. Lee pointed out the "real connection" experienced during the meeting between government agencies and communities that have environmental justice concerns. He also expressed his hope that lessons learned in the planning for the meeting will be applied in preparing for future meetings. He concluded with an announcement that the December 2000 meeting of the NEJAC to be held in Arlington, Virginia, was to focus on interagency implementation of environmental justice.

8.0 SUMMARY OF APPROVED RESOLUTIONS AND LETTERS FORWARDED TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR

This section presents a summary of the letter to the EPA Administrator and summarizes resolutions that were discussed by the subcommittees and approved by the Executive Council of the NEJAC during the meeting. Appendix A provides the full text of each resolution.

The NEJAC approved the following resolutions:

- The NEJAC recommends that EPA address environmental justice issues related to POPs.
- The NEJAC supports EPA's efforts to regulate mercury emissions from coal-fired power plants.
- The NEJAC recommends that EPA work with other agencies to study the incidence of multiple chemical sensitivity in minority communities and low-income communities, especially those heavily impacted by environmental pollutants.
- The NEJAC urges EPA to commit additional resources to remedy pollution and environmental justice issues associated with the siting and expansion of large-scale CAFOs in minority and low-income communities and in Indian country.
- The NEJAC request that EPA approve the creation of a work group of the Executive Council of the NEJAC to address environmental justice issues related to Federal facilities.
- The NEJAC request that EPA approve the request of the Health and Research Subcommittee to extend the term of the members of the Working Group on Community Environmental Health Assessment to maintain continuity of the development of the Decision Tree Framework.

The NEJAC also approved the following letter to the EPA Administrator:

- The NEJAC urges EPA to address potential health effects caused by the promulgation of Tier 2 regulations.

The NEJAC also approved the following work groups of the International Subcommittee to address issues related to environmental justice:

- Farmworker Work Group of the International Subcommittee to address environmental concerns related to the conditions that farmworkers work under.

- Follow-up to the International Roundtable on Environmental Justice Work Group of the International Subcommittee to continue to address recommendations developed at the roundtable meeting held in August 1999 in National City, California.

The members of the NEJAC also approved the Decision Tree Framework for Community-Directed Environmental Health Assessment that was developed by the Working Group on Community Environmental Health Assessment of the Health and Research Subcommittee.

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