

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

Fostering Environmental Justice in Indian Country, Alaska, and for Indigenous Peoples CHARGE

October 5, 2011

BACKGROUND

Expanding the Conversation on Environmentalism and Working for Environmental Justice is one of Administrator Jackson's top priorities for EPA. Plan EJ 2014, named in recognition of the 20th anniversary of the issuance of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, is EPA's overarching strategy for carrying out the Administrator's priority. The National Environmental Justice Advisory Council (NEJAC), at its June 2011 meeting, requested that EPA establish a work group for the NEJAC to help it provide effective advice and recommendations to the Administrator on addressing tribal and indigenous environmental justice issues.

In the mid 1990s, EPA convened the NEJAC's Indigenous Peoples Subcommittee (IPS) in acknowledgment of the unique political status of federally-recognized tribes. This subcommittee developed two documents: 1) Consultation and Collaboration with Indian Tribal Governments and the Public Participation of Indigenous Groups and Tribal Citizens (November 2000), and 2) Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs (November 2004). These documents provided advice and recommendations to EPA regarding government-to-government consultation and the inclusion of tribal communities in environmental decision-making processes and providing for due process. The IPS was decommissioned in 2005 along with all other standing NEJAC subcommittees.

Although these documents were effective at bringing attention to these important issues and helped the Agency initiate efforts to address environmental justice issues in Indian country, in Alaska, and for indigenous peoples, the Agency recognizes that it needs a comprehensive tribal and indigenous peoples environmental justice policy or established processes for addressing these issues. These processes or policy would clarify how EPA intends to work with federally-recognized tribal governments, tribal community-based and grassroots organizations on or off the reservations, and indigenous communities off reservations, including state-recognized tribes, Native Hawaiians and other concerned parties, to address environmental justice on Indian reservations, in Alaska and for indigenous peoples throughout the United States.

ISSUE

As the Agency moves forward with Plan EJ 2014, EPA is committed to develop effective mechanisms for implementing its environmental justice and other tribal priorities in Indian country, Alaska, and in other areas where indigenous peoples live and culturally use. EPA is seeking ways to improve the incorporation of environmental justice into its tribal environmental capacity building and implementation programs, and into its direct implementation of federal environmental programs on Indian reservations. EPA is also striving to work more effectively with tribal community-based organizations and other indigenous peoples not federally-recognized to address their environmental justice concerns, whether they are on or off Indian reservations, as well as improve the Agency's work with federally-recognized tribes when these

entities seek involvement. These issues are relevant as the Agency implements Plan EJ 2014's cross-cutting issues and Administrator Jackson's priorities, particularly in how EPA:

- supports community-based action programs (best ways to integrate EJ principles into state, tribal, and grant work plans; promote state and tribal involvement in EJ discussions, etc.)
- fosters Administration-wide action on environmental justice,
- expands the conversation on environmentalism, as it works for environmental justice, and
- builds strong state and tribal partnerships in Indian country, Alaska and for indigenous peoples throughout the United States.

CHARGE

EPA requests that the NEJAC provide advice and recommendations on the following questions to assist the Agency in developing processes and/or policy for addressing tribal and indigenous peoples' environmental justice issues and concerns.

1. What activities and mechanisms (e.g. policy, guidance, or protocol) should EPA conduct and develop to work collaboratively with indigenous community-based/grassroots organizations, and other interested stakeholders living on or off reservations, to identify and address environmental justice and other quality of life concerns and needs?
2. In fulfilling EPA's obligation to consult with tribes and work with tribes on a government-to-government basis, what are the most effective ways EPA can work with federally-recognized tribal governments to address issues of environmental justice, on and off- reservations, including those raised by tribal community-based/indigenous grassroots organizations, and other stakeholders on Indian reservations or in Alaska?
3. What organizational, regulatory, or policy hurdles exist that impede, complicate, or discourage federally-recognized tribal governments, tribal community-based/indigenous grassroots organizations, and other stakeholders on Indian reservations from effectively working together to address environmental and public health concerns in Indian country, Alaska, and in other indigenous communities?
4. What organizational, regulatory, or policy mechanisms exist that encourage federally-recognized tribal governments, tribal community-based/indigenous grassroots organizations, and other stakeholders on Indian reservations to work collaboratively on environmental and public health concerns?
5. What are the recommended means and mechanisms for EPA to coordinate and collaborate with other federal agencies to effectively provide environmental justice for indigenous peoples throughout the United States?

The NEJAC will also be asked to provide input about the Agency's draft processes or policy for addressing tribal and indigenous peoples EJ concerns and the corresponding implementation plan(s) as they are developed by EPA.