



NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

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September 30, 2008

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Johnson:

The National Environmental Justice Advisory Council (NEJAC) is pleased to transmit the following recommendations to you in response to your charge of April 2008. In that charge, you asked the NEJAC to consider how the U.S. Environmental Protection Agency (EPA) might enhance its efforts to engage the private sector - business and industry - in a meaningful dialogue to strengthen the links between environmental justice, green business, and sustainability. One need only look to the growing number of forums devoted to this topic to realize that the conversation, including a diverse group of participants, already has begun. Taking these existing discussions into account, the NEJAC now provides you with nine recommendations for actions by which EPA can strengthen the participation of business and industry in environmental justice/sustainability issues, with the ultimate goal of addressing the issues of communities with environmental justice concerns.

BACKGROUND

Both the American public and private sectors are experiencing a groundswell of interest in seeking out more affordable, more efficient, and less polluting methods of carrying out the nation's business. Much of this interest surrounds the broad topic of the production and use of energy in businesses and homes. An active public discourse also surrounds the sustainable design, production, and use of consumer goods and industrial equipment. Public policy decisions made concerning what designs, products, and energy sources to incentivize or to discourage, lead directly to impacts on communities and their residents. As with other issues, such as pollution control and remediation, these public policy decisions often can weigh most heavily on communities with environmental justice concerns that may have a limited ability to avoid, change, or adapt to the environmental and community-level impacts of the decisions. The rapid increase in interest in environmental and energy sustainability and security provides an opportunity for EPA to encourage public policy choices that protect the environment while encouraging the sustainability and protection of communities with environmental justice concerns.

Green jobs, businesses, and other related investments also have the potential to create environmental and economic benefits and burdens for communities with environmental justice concerns. Understanding and avoiding potentially harmful consequences to communities with environmental justice concerns from so-called green technologies, while enhancing the possible environmental benefits, requires early and coordinated efforts by EPA and other federal, state, and local agencies and can be greatly enhanced by the cooperation of the business community.

RECOMMENDATIONS

EPA is the federal lead for environmental justice and provides key federal leadership in the areas of sustainability, smart growth, and climate change. After careful consideration, including hearing from various EPA offices and outside experts, the NEJAC believes that EPA is well positioned to facilitate a meaningful dialogue with businesses and communities on the topic of environmental justice, green business, and sustainability as well as climate change and other related issues.

More specifically, the NEJAC makes the following eight recommendations:

1. **EPA should address both the potential disproportionate impacts of climate change on environmental justice communities¹ and opportunities to achieve environmental justice benefits**, such as low-income citizens participation in developing green businesses, through the substantive and technical solutions to the climate change issue;
2. **EPA should maximize the benefits of its existing programs in this area by increasing the internal organization and coordination of relevant existing EPA programs** (for example, green buildings, smart growth, sustainable and SmartWay transportation, Brownfields redevelopment, performance partnership agreements, WaterSense, Indoor Environments, Energy Star, and other related urban and rural green business, sustainability and climate change related efforts);
3. **EPA should reach out to educate other federal, state and local agencies in this area as well as increase the organization and coordination of multi-agency efforts** (for example, increased efforts with the U.S. Department of Energy (DOE), the U.S. Department of Labor (DOL), the U.S. Department of the Interior (DOI), the U.S. Department of Transportation (DOT), the U.S. Department of Housing and Urban Development, the Small Business Administration (SBA), and the General Services Administration (GSA), among others.);
4. **EPA should continue to facilitate a meaningful conversation in this area - that has in many ways already begun - with businesses and communities and other interested parties**, through various forums, to ensure a broad and inclusive scope for this dialogue;²
5. **EPA should maximize the environmental co-benefits of environmental justice, green business, and sustainability efforts** (for example, energy efficiency audits to lower cost for low-income and disadvantaged communities and in building or upgrading affordable housing which in turn lowers emissions);
6. **EPA should increase and actively encourage policy-relevant research** by its Office of Research and Development (ORD), Office of Air Quality Planning and Standards (OAQPS), and other internal and external partners to identify and maximize the potential to achieve environmental co-benefits and environmental justice benefits in this area (for example, investigate the possibility and benefits of funding programs and efforts in this area from a carbon tax or cap and trade program or other related environmental performance and energy efficiency mechanisms);
7. **EPA should consider forming a separate NEJAC work group to address the concerns of tribes, indigenous communities, and Alaskan Native villages related to green business, sustainability, and climate change;**³

¹ The NEJAC has identified differential impacts of climate change as a key environmental justice concern. See July 2008, U.S. Climate Change Science Program report, "Analyses of the Effects of Global Change on Human Health and Welfare and Human Systems," stated, "...the greatest health burdens related to climate change are likely to fall on those with the lowest socioeconomic status."

² A Situation Assessment, including information on many groups already engaged in these activities and discussions, is in the process of being completed.

³ The reasons for forming a separate work group to address tribal concerns are many, but among them NEJAC has concerns about:

- Renewable energy development and the fact that Tribes do not qualify for federal tax credits, thus they enter into this arena at a complete disadvantage
- How the Indian Tribal Energy Development and Self-Determination Act will affect Tribes' ability to determine their own course in moving towards a sound energy policy, especially if Tribes are mandated to qualify for a tribal energy resource agreement (TERA) by quantifying their abilities at a "treatment as state" level. This provision will exclude Alaskan Native Villages and most of the Oklahoma Tribes
- The issues around "cap and trade" markets for carbon trading are even more complex, especially if tribal governments are entering this market without fully educating their enrolled members

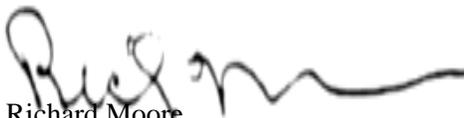
APPENDIX

8. **EPA should reach out to educate businesses - large and small - and related organizations by creating a practical and persuasive “toolbox” to help environmental and policy professionals within companies (as well as community members and shareholders) make the environmental as well as the business case for the environmental justice and co-benefits.** This toolbox should be crafted using “CEO language,” for presentation to upper management at large businesses and corporations, as well as small businesses and communities; and
9. **EPA should consider the potential for industrial pollution and other significant quality of life impacts to surrounding communities by so-called “green” businesses and industries.** This should be a central topic of concern in any meaningful conversation or other activities related to environmental justice, green business, sustainability and climate change.

CLOSING

We appreciate EPA’s willingness to work with the NEJAC on these very important topics and emerging issues, and we urge EPA to take advantage of the current high level of public interest in sustainability issues to advance the agency’s goals of securing environmental justice for all communities. We believe that the ultimate goal of any dialogue should be to establish protocols through which business, government, and community organizations can collaborate to ensure all benefit from the emergent green economy. We continue to support EPA’s ongoing and innovative efforts to achieve our mutual goal of environmental justice.

Sincerely,



Richard Moore
Chair

cc: NEJAC Members
Granta Y. Nakayama, Assistant Administrator, Office of Enforcement and Compliance Assurance
Catherine McCabe, Principle Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance
Charles Lee, Director, Office of Environmental Justice
Victoria Robinson, NEJAC Program Manager, Office of Environmental Justice

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- There should be a strong perspective on this topic from Alaskan Native villages, which are especially disproportionately affected by climate change and future green business and sustainability initiatives
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