

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

Baltimore, Maryland

December 9 through 12, 2002

Meeting Synopsis

This summary presents highlights of the 16th meeting of the National Environmental Justice Advisory Council (NEJAC), held December 9 through 12, 2002 at the Baltimore Marriott Inner Harbor Hotel in Baltimore, Maryland. On December 10, the NEJAC hosted a public comment period during which representatives of community organizations presented their concerns about pollution prevention, waste minimization, and environmental justice. Six of the seven subcommittees of the NEJAC met for a full day on December 11, 2002. Approximately 300 persons attended the meetings and the public comment period.

The NEJAC is a federal advisory committee that was established by charter on September 30, 1993 to provide independent advice and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. Ms. Peggy Shepard, West Harlem Environmental Action, serves as the chair of the Executive Council of the NEJAC. Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, EPA Office of Environmental Justice (OEJ), serves as the Designated Federal Officer (DFO) for the Executive Council.

OEJ maintains transcripts and summary reports of the proceedings of the meetings of the NEJAC. Those documents are available to the public upon request. The public also has access to the executive summaries of reports of previous meetings, as well as other publications of the NEJAC, through the World Wide Web at <http://www.epa.gov/oeca/main/ej/nejac/index.html> (click on the publications icon). The summaries are available in both English and Spanish.

REMARKS

Members of the NEJAC heard remarks from:

- Mr. J.P. Suarez, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA) commended the efforts of the members of the NEJAC and expressed appreciation for the role that they play in assisting EPA in addressing issues related to environmental justice. Noting the 10-year anniversary of the establishment of EPA's OEJ, Mr. Suarez stated that the "protection and promise" reflected by the establishment of OEJ only will be complete when environmental justice is incorporated into all EPA programs and offices. He said that OECA is incorporating environmental justice into its programs by (1) factoring environmental justice into all aspects of planning and budgets, (2) emphasizing environmental justice issues as a criterion for case selection, and (3) using data, experience, and research to drive strategic efforts for getting companies into compliance.
- Mr. Thomas Votaggio, Deputy Regional Administrator, EPA Region 3, welcomed the members of the NEJAC to Baltimore, Maryland. He stated that EPA Region 3 is committed to continuing efforts to ensure environmental justice for all communities in the Mid-Atlantic region. He added that EPA Region 3 is working with all the state governments in that region to develop a more cooperative, proactive environmental justice program.
- Ms. Denise Ferguson-Southard, Deputy Secretary, Maryland Department of the Environment (MDE), also welcomed the members of the NEJAC, commenting that the topic of pollution prevention and environmental justice was appropriate for the State of Maryland. She stated that state governments, as well as EPA, need the input of NEJAC to ensure environmental justice for communities within their states.
- Mr. Cleo Holmes, Concerned Citizens of Eastern Avenue, Washington, D.C., welcomed the members of the NEJAC on behalf of local grass-roots organizations. He shared his observation that as the number of local communities have continued to grow, they have become more supportive to each others' needs. This has led to producing results.
- Dr. William Sanders, Deputy Assistant Administrator, EPA Office of Prevention, Pesticides, and

Toxic Substances (OPPTS), stressed that, in his opinion, pollution prevention and environmental justice are at the heart of issues being addressed by EPA programs and offices.

CASE STUDIES AND RELATED DIALOGUE

On Monday, December 9, 2002, members of the NEJAC participated in a dialogue about selected communities that are affected by issues related to environmental justice, pollution prevention, and waste minimization. Presenting cases studies, representatives of community organizations and federal and state agencies described efforts to address pollution prevention and waste minimization in two communities affected by environmental justice issues. The topics discussed are described briefly below.

- Mr. Neil Carman, Lone Star Chapter of Sierra Club, presented a case study centered in the Channelview area of Houston, Texas. It is entitled, "Source Reduction Project: A Step by Step Method of Reducing Pollution in Our Communities." The goal of the community-based effort, he reported, was to (1) reduce emissions to promote a cleaner and healthier environment by making the elimination of emissions at the source a priority over minimizing emissions once they have been created; and (2) establish a dialogue between chemical companies and the surrounding community. He reported that the project has yielded significant benefits for the companies as well as the community. Specifically, the community has benefitted from reduced emissions, reduction in flaring, and improvement in plant maintenance and reliability, he said. He also noted that the companies have benefitted due to reduced emissions, which has led to less waste and an increase in profits, as well as an improved image in the community. Mr. Carman explained that plant personnel have become more aware of community concerns and has developed an understanding of why citizens target certain chemicals.
- Mr. Bernard Penner, MDE; Mr. Voltaggio, EPA; and Mr. Henri Thompson, Park Heights Corridor Coalition, Inc., presented a case study from the Park Heights neighborhood of Baltimore, Maryland. It is entitled "Park Heights Auto Body/Auto Repair Shops." They described the goal of the program as one of measuring the results of compliance assistance efforts and inspections to provide information, education, and assistance that will promote a change in behavior of operators of auto body shops. To date, one indicator of success is improved communication and cooperation among EPA Region 3, MDE, and the Park Heights community. The project also focuses on environmental indicators of success such as a decrease in the amount of oil and grease found in the municipal waste water treatment plant. In addition, many effective methods for promoting environmental compliance have been identified, resulting in pollution reduction and prevention, and in waste minimization.

REPORTS AND PRESENTATIONS

During the 3 ½ day meeting of the NEJAC, the members of the Executive Council also received presentations from the following individuals:

- Members of the NEJAC Pollution Prevention Work Group provided a presentation on the NEJAC's draft report, *Advancing Environmental Justice through Pollution Prevention*. During their presentation, the members of the work group reviewed the findings of the Work Group. The draft report was compiled in preparation for the December 2002 meeting of the NEJAC. The members of the NEJAC then discussed the report and proposed recommendations at length, suggesting revisions in the draft report and identifying additional proposals. The OEJ requested that comments from the public on the draft report be submitted to OEJ by January 31, 2003. The anticipated date for the completion of the report is Summer 2003.
- Mr. Hal Zenick, EPA Office of Research and Development, submitted a written presentation about EPA's response to the *Environmental Justice and Community-Based Model Discussion and Recommendations Report*, completed in February 2001 by the NEJAC. The written presentation outlined how EPA has begun to respond to the recommendations presented in that report.
- Mr. Richard Moore, Southwest Network for Environmental and Economic Justice, and Mr. Lawrence Starfield, Deputy Regional Administrator, EPA Region 6, shared lessons learned from

the experience of planning and conducting the Regional Environmental Justice Listening Session held in EPA Region 6 on November 14 through 16, 2002, in Houston, Texas. .

- Mr. Timothy Fields, Tetra Tech EM Inc., and Mr. Michael Steinberg, Morgan, Lewis, and Bockius, shared preliminary findings from a study of environmental justice practices in business and industry. They reported that the OEJ is supporting the study to learn more about industry perspectives about environmental justice, and to highlight some of the best practices to address environmental justice in environmental permitting.

In preparation for the April 2004 meeting of the NEJAC, Mr. Lee presented an overview about cumulative risks and cumulative impacts, highlighting the *Cumulative Risk Assessment Framework* being developed by EPA. He provided an overview of the key definitions and features from the Framework, and outlined the role that NEJAC's process for providing advice and recommendations on the issue, including the establishment in Spring 2003 of a NEJAC Work Group on Cumulative Risks/Cumulative Impacts, and followed by a meeting April 13-16, 2004, in New Orleans, Louisiana.

Significant Concerns Expressed During the Public Comment Period

The Executive Council of the NEJAC hosted a public comment period on December 10, 2002, at which 20 individuals provided testimony and 2 individuals provided written statements. The commenters represented a broad spectrum of stakeholders from around the country, including American Indian and Native Alaskan communities, communities near defense facilities, state agencies, and private industry. Described below are a summary of key concerns citizens expressed during the evening session.

- Many individuals offered suggestions for improving the draft report, *Advancing Environmental Justice Through Pollution Prevention*. Specific recommendations included adding a discussion about pollution prevention at federal facilities, providing more detail about integrated pest management, and developing an insert for Native Alaskan lands.
- Several individuals commented about environmental justice issues related to federal facilities. Military installations should be held to that same standards as private organizations, they said, adding that the fact that EPA has limited jurisdiction over those facilities is a problem.
- Numerous concerns were discussed concerning environmental justice issues in Alaska. The commenters explained that many Alaskan Natives practice a subsistence lifestyle that is very sensitive to exposure from contaminants. In addition, they said, the unique nature of the Alaskan climate is such that traditional risk analysis, contaminant modeling, and typical disposal of contamination that is applied to the rest of the United States is not relevant to or possible in Alaska. Native Alaskan and Alaskan communities are complex and pose unique challenges, they stated.
- Many individuals stressed that it is imperative that communities be involved in decision-making processes. Community members need to be recognized as stakeholders and included in negotiations, they urged. Too often, they explained, environmental permits are granted without public knowledge.