

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
New Orleans, Louisiana
April 13 through 16, 2004

EXECUTIVE SUMMARY

This summary presents highlights of the 20th meeting of the National Environmental Justice Advisory Council (NEJAC), held April 13 through 16, 2004 in New Orleans, Louisiana at the Sheraton New Orleans Hotel. On April 13 and 14, 2004, the NEJAC hosted public comment periods during which representatives of community organizations presented their concerns about pollution, health risks, unaddressed issues involving pollution from Federal facilities, and other issues of environmental justice. Six of the seven subcommittees of the NEJAC met for a full day on April 15, 2004. Approximately 263 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, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. Ms. Veronica Eady, Tufts University, serves as the chair of the Executive Council of the NEJAC. Mr. Charles Lee, Associate Director, 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 Internet 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

At the April 2004 meeting, members of the NEJAC heard remarks from:

- " Mr. Barry Hill, Director, EPA OEJ, addressed the Executive Council and read a written statement on behalf of Ms. Phyllis Harris, Principal Deputy Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA), explaining that New Orleans was selected as the meeting venue because Louisiana and other states in EPA Region 6 face significant issues related to cumulative risks and impacts. The EPA needs to fully understand these impacts and the Agency is looking to the NEJAC for advice in this effort. The efforts of the members of the NEJAC are invaluable in assisting EPA in addressing issues related to environmental justice.
- " Mr. Larry Starfield, Deputy Regional Administrator, EPA Region 6, welcomed the members of the NEJAC to New Orleans, Louisiana. He stated that EPA Region 6 is committed to continuing efforts to ensure environmental justice for all communities. He thanked the members of the NEJAC Cumulative Risks/Impacts Work Group and acknowledged their efforts in publishing the draft report, *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*.
- " Ms. Karen Gautreaux, Deputy Secretary, Louisiana Department of Environmental Quality (LDEQ), also welcomed the members of the NEJAC, and stated that the newly appointed officials of the LDEQ recognize the need to work with individual communities on a statewide basis to ensure environmental justice for all citizens in the state of Louisiana. She also added that the LDEQ is developing a strategic plan for achieving environmental justice in all communities and welcomes advice from the members of the NEJAC.

Cumulative Risks and Impacts Policy Dialogue

In its continuing efforts to provide independent advice to the EPA Administrator in areas related to environmental justice, the NEJAC focused its 20th meeting on a specific policy issue—cumulative risks of exposure to pollutants and related impacts to communities. Cumulative risk is defined as the aggregate of current or acute risk as well as long-term exposure. On Tuesday, April 13 and Wednesday, April 14, 2004, members of the NEJAC participated in a dialogue about this topic.

Discussion among members of the Executive Council and the NEJAC Cumulative Risks/Impacts Work Group

Members of the NEJAC Cumulative Risks/Impacts Work Group provided an overview of the draft report, *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*. During their presentation, the members of the work group briefly summarized the process they underwent to develop the draft report and presented the preliminary findings. The members of the NEJAC then discussed the draft report and recommendations at length, providing suggestions for report revisions, including consolidating and condensing the action items and clarifying terminology (such as community based participatory research and bias for action) that could potentially be confusing or misleading. Members of the NEJAC also noted that public comments on the draft report would be ongoing for 30 days following the NEJAC meeting. They also stated that September 2004 is the anticipated date for the completion of the report.

EPA Senior Officials Perspectives on Cumulative Risks and Impacts

Mr. Lee called on senior EPA officials to provide their perspectives and understanding of issues related to cumulative risks and impacts and the draft report. Ms. Harris; Mr. William Farland, Deputy Assistant Administrator for Science, EPA Office of Research and Development (ORD); Mr. Larry Weinstock, Senior Advisor, EPA Office of Air and Radiation (OAR); Mr. Starfield; Mr. William Sanders, Acting Director, EPA Office of Children's Health Protection; and Mr. Thomas Voltaggio, Deputy Regional Administrator, EPA Region 3, shared various perspectives and comments, highlighting the importance of industry involvement, peer review of the draft report, and ongoing related initiatives that the NEJAC should be aware of, such as a 20-year prospective children's health study.

Community Panel on Multiple Impacts

On Tuesday, April 13, 2004, the members of the NEJAC participated in a discussion with a panel comprised of representatives of various community groups. The panel was chaired by Ms. Wilma Subra, Louisiana Environmental Action Network and chair of the Air and Water Subcommittee, and represented a wide range of racial and ethnic groups.

The panel consisted of the following members:

- " Ms. Helen Vinton, Four Corners Southern Mutual Help Association
- " Ms. Clementine Matthews, Four Corners Southern Mutual Help Association
- " Ms. Marylee Orr, Louisiana Environmental Action Network, Mississippi River Industrial Corridor
- " Ms. Rebecca Jim, Tar Creek, Local Environmental Action Demanded (LEAD) Agency Inc.
- " Mr. Genaro Lopez, Southwest Workers Union, Kelly Air Force Base

Panel members presented information to the Executive Council on issues of concern to communities that face multiple stressors, such as exposure to hazardous chemicals, racial discrimination, lack of healthcare, and low-income and poverty issues. Specifically, Ms. Vinton described the multiple cumulative environmental risks and impacts faced by the Vietnamese fisheries communities, consisting of more than 2,500 families, scattered along the coast of Louisiana. Ms. Matthews described a poor, predominantly African-American community in Four Corners, St. Marys Parish, Louisiana, where pollution sources included black carbon manufacturing industrial facilities, strategic petroleum reserves, applications of pesticides, herbicides, and fertilizers to sugar cane crops adjacent to residential dwellings. Ms. Orr

described the multiple, aggregate, and cumulative risks and impacts in the Mississippi River Industrial Corridor, where there is a significant African-American majority (63 percent), with Caucasian (30 percent) and Asian (3 percent) minorities. Pollution sources along the Mississippi River Industrial Corridor included petrochemical facilities, refineries, waste water treatment facilities not meeting permit limits, agricultural field runoff containing pesticides, herbicides, and fertilizers, and particulates resulting from burning sugar cane during the fall harvest season. Ms. Jim described the Tar Creek Superfund site where she noted five generations have been subjected to the ill-effects of lead poisoning and currently 32 percent of children in the community suffer from lead-poisoning. Other sources of contamination that she noted included benzene releases from chemical plants, and agricultural runoffs containing pesticides, herbicides, and fertilizers. Finally, Mr. Lopez described the struggle for revitalization of predominantly Mexican-American communities surrounding Kelly Air Force Base (AFB). Local residents in that area are subject to various ground water contaminants including chlorinated solvents such as trichloroethylene (TCE), tetrachloroethylene (PCE), vinyl chloride (VC), and soil contamination from lead and other heavy metals. He stated that multiple health problems exist among residents such as asthma, low birth weight, birth defects, and cancer.

Reports and Presentations

During the four-day meeting of the NEJAC, the members of the Executive Council heard presentations from the following individuals:

- " Mr. Hank Topper, EPA Office of Prevention, Pesticides, and Toxic Substances (OPPTS), provided an update on the Pollution Prevention Report, a draft of which had been discussed at the previous NEJAC meeting in Baltimore, Maryland in December 2002. Mr. Topper noted that following the presentation of the draft report to the NEJAC in 2002, the final report has been completed, and includes a promising collaborative problem solving model that could be adopted by other programs and offices in EPA.
- " Mr. Hill made a presentation about OEJ's response to the *Report on Environmental Justice*, prepared in March 2004 by the Office of Inspector General (OIG). Mr. Hill's presentation outlined the following issues:
 - History of environmental justice
 - Executive Order (EO) 12898 and the formation of the NEJAC
 - EPA's activities over the past few years that focus on issues related to environmental justice
 - Various opinions among academics, community organizers, and others about achieving environmental justice through legal mechanisms, such as The Civil Rights Act of 1964 and other environmental laws
- " Ms. Mildred McClain, PhD, Harambee House Inc., and Mr. James Woolford, Director, EPA Federal Facilities Restoration and Reuse Office, presented findings and recommendations of the draft report, *Environmental Justice and Federal Facilities: Recommendations for Improving Stakeholder Relations Between Federal Facilities and Environmental Justice Communities*, prepared by the Federal Facilities Work Group of the Waste and Facility Siting Subcommittee of the NEJAC.
- " Mr. Terry Williams, The Tulalip Tribes and acting chair of the Indigenous Peoples Subcommittee, and Mr. Daniel Gogal, EPA OEJ and DFO of the Indigenous Peoples Subcommittee, presented action items from the preliminary working draft report, *Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs*, prepared by the Meaningful Involvement and Fair Treatment Work Group of the Indigenous Peoples Subcommittee of the NEJAC. They also presented the schedule for the publication of the final report. Members of the NEJAC then provided their suggestions and recommendations.
- " Ms. Subra presented the draft report, *Guide and Recommendations for Improving the Integration of Environmental Justice into Environmental Permitting*, prepared by the Air and Water Subcommittee of the NEJAC. She highlighted the recommendations included in the draft report.

SIGNIFICANT CONCERNS EXPRESSED DURING THE PUBLIC COMMENT PERIODS

Two public comment sessions were conducted during the April 2004 meeting. The first public comment session was held on Tuesday, April 13 and focused on issues related to cumulative risks and impacts. Two written and 8 oral statements were offered during the Tuesday session. The second public comment session was held on Wednesday, April 14 and provided the opportunity for the submission of general comments. One written and 21 oral comments were offered during the Wednesday session.

The predominant themes that were raised during the public comment periods are outlined below:

- " Several commenters provided feedback and recommendations related to the draft report, *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts* that was prepared by the Cumulative Risks/Impacts Work Group of the NEJAC. Commenters pointed out that Native and minority communities are being disproportionately affected and overburdened by a combination of environmental toxics. Several of the comments concerned the revision or addition of language to the report and the need to address specific concerns related to American Indian and Alaska Native tribes. In addition, several individuals noted the complexity of native cultures and the difficulty of incorporating social aspects into the assessment of cumulative risks and impacts.
- " A number of participants presented comments summarizing concerns about with Federal facilities. These individuals expressed concern that (1) EPA is not fulfilling its obligation to conduct oversight of cleanups at U.S. Department of Defense (DoD) installations and (2) EPA is not exerting its regulatory authority to hold DoD accountable for contamination and cleanups.
- " Several participants were representatives of Alaskan communities who are dependant on traditional subsistence lifestyles. Native Alaskans and others who depend on subsistence lifestyles to survive are threatened by disproportionate contamination resulting from activities of Federal facilities and industry. The state of Alaska contains over 600 formerly used DoD sites. Several participants requested that the next meeting of the NEJAC be held in Alaska.

AIR AND WATER SUBCOMMITTEE

The Air and Water Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Thursday, April 15, 2004, during a four-day meeting of the NEJAC in New Orleans, Louisiana. Members of the Air and Water Subcommittee heard presentations and reports from:

Mr. Larry Weinstock, Office of Air and Radiation (OAR) Program Innovation Coordinator, provided a briefing on Community Actions for a Renewed Environment (CARE) which is a community-based, multi-media toxic reduction grant initiative. He highlighted the program benefits, goals, organization, activities, and grants that are available under the initiative.

Mr. Kenneth Manaster, Santa Clara University, School of Law, led an extensive discussion on improving the draft Recommended Practices Guide on Permitting document, Guide and Recommendations for Improving the Integration of Environmental Justice into Environmental Permitting, dated April 6, 2004. He and the other members of the Air and Water Subcommittee discussed the document and made changes and improvements.

Mr. Michael Shapiro, Deputy Assistant Administrator, U.S. Environmental Protection Agency (EPA) Office of Water (OW), provided an update on permitting programs in the Office of Wastewater Management Water Permits Division. He expressed interest in conducting ongoing dialogue with the Air and Water Subcommittee in obtaining their input on the Permits Division's programs. He also presented the Small Communities Team program that provide water and wastewater services to tribal and community leaders, National Pollutant Discharge Elimination System (NPDES) programs and policies, Permitting for Environmental Results Strategy (PER), Watershed-based Permitting, and Concentrated Animal Feeding Operations (CAFOs). Mr.

Shapiro also agreed to notify the members of the Air and Water Subcommittee when the State Self Assessments and the National Statistical Profile of OW will be publicly available.

Ms. Elizabeth Cotsworth, Director, Office of Radiation and Indoor Air (ORIA), presented on indoor air quality. She focused her presentation on children from inner-city and lower-income neighborhoods, as well as tribal communities. Ms. Cotsworth agreed to provide the location of the 20 Class C Hazardous Waste landfills in the U.S. that could be considered for Low level radioactive waste disposal locations.

Mr. Bill Harnett, Director, Information Transfer and Permitting Division, Office of Air Quality Planning and Standards (OAQPS), discussed briefly the citizen's guide to providing input to EPA on air quality issues. He also discussed the air quality index.

During the one-meeting, members of the subcommittee discussed the following issue.

Members of the Air and Water Subcommittee discussed at length the content and organization of the draft version Guide and Recommendations for Improving the Integration of Environmental Justice into Environmental Permitting. The primary focus of the discussion included identifying the audience and the goal of the document, defining flashpoint as used in the context of the document, public participation, and siting and permitting issues. The members of the subcommittee covered the Introduction, Flashpoints, Section 3a (Public Participation) and Section 3b (Permit and Terms) of the document.

The following is an action item the members adopted during the subcommittee meeting:

Beginning May 18, 2004, conduct a conference call every three weeks focusing on revising the Guide and Recommendations for Improving the Integration of Environmental Justice into Environmental Permitting. Ms. Jody Henneke, Director of Texas Commission on Environmental Quality Office of Public Assistance, and Mr. Robert Sharpe, Illinois EPA, will work on Section 3a (Public Participation) and Section 3b (Permit and Terms), respectively. Mr. Manaster will focus on the Introduction and Flashpoint sections. The goal of the subcommittee is to produce a final document by June 29, 2004 and then decide when to seek technical advice from subject matter experts.

ENFORCEMENT SUBCOMMITTEE

The Enforcement Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Thursday, April 15, 2004, during a four-day meeting of the NEJAC in New Orleans, Louisiana. Ms. Vicki Simmons, U.S. Environmental Protection Agency (EPA) Office of Enforcement and Compliance Assurance (OECA) and acting Designated Federal Official (DFO) of the Enforcement Subcommittee announced that Mr. Reiniero Rivera, EPA, will be joining OECA in May 2003 and will be serving as the DFO for the subcommittee. Members of the Enforcement Subcommittee then heard presentations and reports from:

Ms. Phyllis Harris, Principal Deputy Assistant Administrator of EPA OECA, provided an update on OECA, specifically with regard to OECA's national priorities process. She explained that concerns related to environmental justice are incorporated as an integral part of each national priority.

Mr. Charles Lee, Associate Director, EPA Office of Environmental Justice (OEJ), discussed the Office of the Inspector General's Report: EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice and the ways EPA differed with their recommendations.

Ms. Tinka Hyde, Enforcement Coordinator, EPA Region 5, provided an update on the Concept Paper for Environmental Targeting: Policy and Technical Issues to be Considered. She explained that the Concept Paper has been developed to provide OECA with a consistent set of parameters that can be used to define an environmental justice community and to provide a proactive targeting tool to assist EPA regions and Headquarters in identifying the potential for disproportionate impacts in communities.

During the one-day meeting, members of the subcommittee discussed the following issues.

Members of the subcommittee reviewed each of OECA's national priorities and made recommendations on how OECA could address environmental justice in each national priority. OECA's national priorities include:

- Wet weather
- Air toxics
- New source review and prevention of significant deterioration
- Mineral processing
- Tribal compliance
- Financial responsibility

The members of the subcommittee discussed at length their reaction to the Office of the Inspector General's Report: EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice. The members of the subcommittee discussed the importance of immediate communication with the community about the Agency's response. In addition, the members recommended a communication strategy be implemented. The members agreed that the subcommittee could be used as a vehicle to implement such a strategy.

The members of the subcommittee believed that the Concept Paper for Environmental Targeting identifies a process that OECA could use to identify environmental justice communities. The members wished to ensure that the concepts of the paper are incorporated into the EJ Mapper. They also emphasized that OEJ should consider how communities can access the information and report on the findings.

Following is a list of significant action items the members adopted during the subcommittee meeting:

Recommendations about outreach to the community concerning the Office of the Inspector General's Report:

- Immediate communication with communities about EPA's response to the report
- Ongoing outreach should focus on training and resources to conduct outreach should be provided
- Use the Enforcement Subcommittee as a vehicle to review and help implement the communication strategy

Coordination with other subcommittees on OECA's national priorities:

- Coordinate with Mr. Wil Willson, Designated Federal Official (DFO), Air and Water Subcommittee, and EPA Office of Air and Radiation on recommendations related to OECA's Air Toxic National Priority
- Coordinate with Mr. Danny Gogal, DFO, Indigenous Subcommittee, and EPA OEJ on recommendations related to OECA's Tribal Compliance National Priority

Coordinate with Mr. Bill Sanders, Director of the Office of Children's Health, concerning schools being located in highly industrialized (potentially toxic) areas

Coordinate with Mr. Bill Sanders, Acting Director of the Office of Children's Health Protection concerning schools being located in highly industrialized and potentially toxic areas

INDIGENOUS PEOPLES SUBCOMMITTEE

The Indigenous Peoples Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Thursday, April 15, 2004, during a four-day meeting of the NEJAC in New Orleans, Louisiana. Members of the Indigenous Peoples Subcommittee heard presentations and reports from:

Ms. Hazel Apok, Maniilaq Association, suggested that the subcommittee conduct a survey of each tribe in Alaska to obtain a better understanding of the environmental justice issues facing the tribes and how those issues relate to regulations of the U.S. Environmental Protection Agency (EPA). She

recommended that EPA increase its collaboration efforts with tribal organizations, preferably in person.

Mr. Benten Davis, Native Village of Selawik, stated that tribal communities need additional training, related to applying for grants, which will enable communities to become more effective at obtaining funding from EPA. He also requested that individuals who are trained in a technical capacity also should be trained in managing grants.

Mr. Roy Matsuno, Ugashik Traditional Village, expressed concern about funding for the enforcement of environmental policies and requested additional funding for enforcement programs for tribes. He stated that there have been several fuel spills in his village and members of the tribal government have found themselves without an avenue for enforcing cleanup activities.

Mr. David Conrad, Executive Director, National Tribal Environmental Council, provided several suggestions to the subcommittee for improving the Preliminary Working Draft Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs. He urged the members of the subcommittee to adopt a Bias for Action approach that focuses on the positive progress that has been made in tribal communities related to tribal environmental programs. He stated that such an approach would provide incentive for tribal organizations to take action and provide comments to the subcommittee.

Ms. Agnes Rychnovsky, Newhelen Tribe, described a mining project that is scheduled to take place near her village in Alaska. She expressed her concern about the potentially devastating impacts mining would have on the tribe's water source. She added that the tribes have not been actively involved in the planning process and urged the members of the subcommittee to support the inclusion of tribal representatives at the beginning of any decision-making process that may have an impact on their community.

Mr. Vince Cook, Makah Tribe, provided suggestions about effectively conducting outreach in tribal communities. His approach includes meeting individuals in a tribal community face-to-face and engage them in the decision-making process.

During the one-day meeting, members of the subcommittee discussed the following issues.

Members of the Indigenous Peoples Subcommittee Meaningful Involvement and Fair Treatment Work Group presented its document to advise EPA about how to most effectively work with tribes to enhance their efforts to provide meaningful involvement and fair treatment in the development and implementation of Federally authorized tribal environmental programs. The subcommittee reviewed several comments that were submitted by various tribal organizations and discussed ways for incorporating the comments in the document. The document is a preliminary working draft and the subcommittee currently is addressing comments from the public. After the document is finalized, it will be presented to the Executive Council of the NEJAC for approval and subsequently will be submitted to the EPA Administrator for consideration.

Members of the Indigenous Peoples Subcommittee reviewed the recommendations presented in the Executive Council meeting on April 14, 2004, on the NEJAC's draft document on cumulative risk. A few participants provided background information about the development of the document followed by a discussion about how cumulative risks impact the resources of tribal communities. Members of the subcommittee recognized that contamination affecting tribal communities often takes place off tribal lands. They also identified that cumulative risks have the most significant impact on subsistence communities.

Representatives from EPA's Office of Environmental Justice (OEJ) reported that OEJ is seeking nominations for individuals who are interested in serving on the Indigenous Peoples Subcommittee. OEJ is accepting applications as soon as possible to fill positions beginning in January 2005. In addition, a position is available on the subcommittee for a representative from Alaska.

Following is a list of significant action items the members adopted during the subcommittee meeting:

Ms. Pemina Yellow Bird will develop language concerning the cultural and spiritual meaning of environmental resources for inclusion in the preliminary draft document.

Members of the subcommittee will continue to address all comments submitted by the public on the preliminary working draft in follow-up conference calls.

Members of the subcommittee will research the possibility of EPA hosting a NEJAC meeting in Alaska.

INTERNATIONAL SUBCOMMITTEE

The International Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Thursday, April 15, 2004, during a four-day meeting of the NEJAC in New Orleans, Louisiana. Members of the International Subcommittee heard presentations from:

Mr. Jerry Clifford, Deputy Assistant Administrator of U.S. Environmental Protection Agency (EPA) Office of International Affairs (OIA), provided an update of activities of OIA and participated in a dialogue with members of the subcommittee on recommendations proposed by OIA to the subcommittee.

Ms. Olivia Balandran, Associate Director for Environmental Justice, EPA Region 6 presented information on the *Final Report on Border Issues Subcommittee for Environmental Justice Listening Session*. The report identifies the primary concerns, priorities and key recommendations for action by EPA, developed by participants of the Border Session.

Ms. Barbara Maco, Environmental Justice Coordinator, EPA Region 9, reported on the new bi-national clean-up pilot project at the Metales y Derivados site located in Tijuana, Mexico and informed the members of the subcommittee of an upcoming listening session on border issues.

During the one-meeting, members of the International Subcommittee discussed the following issues.

Members of the subcommittee expressed their concern about the slow progress of appointing members to the subcommittee, and the void the Subcommittee feels not having a community representative.

Acting on a previous Subcommittee recommendation, Mr. Clifford announced that OIA currently is developing several environmental justice training forums for staff of OIA. First OIA has invited the Director of the Office of Environmental Justice to lecture OIA staff at an All Hands Meeting on the importance of integrating environmental justice principles into OIA's international work. OEJ is also assisting OIA in developing an EJ training course specific to international activities. Further OIA has developed a Speaker Series inviting speakers in to lecture staff on various EJ issues. The Subcommittee offered to provide guidance in the development of training related to the review of trade agreements.

The Joint Public Advisory Committee (JPAC) is conducting a 10-year assessment of the North American Free Trade Agreement (NAFTA). Subcommittee members offered to provide comments on the assessment to EPA within the next month.

Mr. Clifford explained that EPA OIA has an interest in addressing issues related to corporate responsibility such as hazardous waste disposal and green supply chains. Subcommittee members advised Mr. Clifford to simply ask corporations about their corporate operating procedures in their U.S. facilities and if and how they differ from their international operating procedures. The members also emphasized the need to integrate corporate responsibility into trade agreement negotiations.

EPA regions 6 and 9 led a discussion on their environmental justice activities related to the U.S.-Mexico border. At a recent EJ Listening Session, several items of interest were identified by border residents including the longstanding recommendation to create a U.S.-Mexico Border Commission specifically to address issues of concern to border residents. Jerry Clifford asked Jose Bravo to

gather community views and develop a concept paper on what such a commission would entail. Mr. Bravo agreed to provide this paper to Mr. Clifford in the near future.

Members discussed comments to be provided to OIA in response to its Environmental Justice Action Plan.

Following is a list of significant action items the members adopted during the subcommittee meeting:

EPA OEJ is developing internal environmental justice training for all EPA offices. Members of the subcommittee will conduct a review of the content of the training.

Members of the subcommittee will contact Mr. Charles Lee, Associate Director, EPA OEJ; Mr. Barry Hill, Director, EPA OEJ; and Ms. Phyllis Harris, Principal Deputy Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA) about the need to include environmental justice principles into all OEJ training curriculum developed by EPA.

The members of the subcommittee agreed to provide recommendations to JPAC related to the NAFTA 10-year anniversary assessment.

WASTE AND FACILITY SITING SUBCOMMITTEE

The Waste and Facility Siting Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Thursday, April 15, 2004, during a four-day meeting of the NEJAC in New Orleans, Louisiana. Members of the Waste and Facility Siting Subcommittee heard presentations and reports from:

- " Ms. Marjorie Buckholtz, Director, EPA Innovation, Partnerships, Communications Office, Office of Solid Waste and Emergency Response (OSWER), provided an update on the Five Priorities Work Group. She stressed that the underlying theme for the priorities is innovation, and that funding is available for testing pilot projects under any of the priorities.
- " Mr. Butch Wardlaw, WPI, provided a status update on the activities of the Unintended Impacts Work Group of the subcommittee. He stated that the Work Group developed a draft report, *Unintended Consequences of Environmental Redevelopment in Five Environmental Justice Communities: A Critical Exploration*, which analyzes five cleanups conducted at Superfund and Brownfields sites. Although EPA considered the cleanups successful, they had unintended impacts, such as displacement of residents.
- " Ms. Mildred McClain, Harambee House, Inc., provided an update on the status of the Federal Facilities Working Group. She stated that the Working Group developed a draft that provides five recommendations and three considerations to strengthen the role of community residents in the cleanup and disposition of Federal properties.
- " Members of the subcommittee heard presentations from representatives of EPA OSWER, including Ms. Pat Carey, Ms. Tammie Owen, Ms. Glynis Hill, Mr. Vemon Myers, and Mr. Kent Benjamin. They provided the following updates:
 - " Ms. Carey provided an update on the Superfund Relocation Policy. She stated that 19 relocations have occurred under the policy, while three currently are ongoing.
 - " Ms. Owen discussed the Hazardous Waste Targeting Project, which aims to provide incentives to companies for reducing the use of chemicals.
 - " Ms. Hill and Mr. Myers presented an update on the RCRA Demographics Study Findings, elaborating on the progress of the Government Performance Results Act (GPRA) at facilities permitted under RCRA.

- " Mr. Benjamin identified the accomplishments of OSWER in 2003, that included the Office of Underground Storage Tanks (UST) organizing its first roundtable discussion about environmental justice issues and OSWER awarding its first Annual Assistant Administrator's Environmental Justice Awards.
- " Mr. Andrew Sawyers, Maryland Department of the Environment and Michael Lythcott, The Lythcott Company, jointly moderated a discussion about the Subcommittee Strategic Plan. They discussed ways to improve the subcommittee processes and identified potential new projects for the subcommittee to consider.

During the one-day meeting, members of the subcommittee discussed the following issues.

- " In response to Ms. Buckholtz's update on OSWER's Five Priorities, members of the subcommittee discussed how the subcommittee can align their initiatives with those of OSWER. Specifically, they discussed the possibility of identifying pilot projects that can be funded by the Innovations Work Group under the Land Revitalization program and developing recommendations related to improving emergency response plans for chemical plants located in environmental justice communities.
- " Members of the subcommittee emphasized the need to develop outcomes that are tangible and measurable. They agreed that in order to make their initiatives more credible, they should identify metrics to measure their progress.
- " In response to Ms. McClain's presentation on the Federal Facilities Working Group's draft report, members of the subcommittee discussed the importance of inviting Federal facility representatives to participate in meetings with the Working Group. They expressed concern about the number of U.S. Department of Defense (DoD) sites that have environmental justice issues.
- " Some members of the subcommittee questioned the importance of the subcommittee's efforts and if they have been helpful to communities. Other members of the subcommittee mentioned that OSWER approves and supports the subcommittee's work, and that many of the products generated by the subcommittee are used by OSWER.

Following is a list of significant action items the members adopted during the subcommittee meeting:

Identify potential projects that can be conducted as pilot tests under the Five Priorities of OSWER and prepare proposals for the projects

Consider developing recommendations related to improving emergency response plans for chemical plants located within environmental justice communities

Review and provide comments on the draft report prepared by the Unintended Impacts Work Group

Respond to recommendations by the NEJAC Executive Council regarding the draft report prepared by the Federal Facilities Working Group

Update the Strategic Work Plan to cover up to the next 2½ years

Investigate ways for the subcommittee to interact with external associations, such as those associated with state and local governments, for the purposes of enhancing planning and product development by the subcommittee