

EXECUTIVE SUMMARY

INTRODUCTION

This executive summary provides highlights of the sixteenth meeting of the National Environmental Justice Advisory Council (NEJAC), held December 11 through 14, 2000 at the Hyatt Regency Crystal City in Arlington, Virginia. Each of the six subcommittees met for a full day on December 13, 2000. On December 11, the NEJAC hosted a public comment period that focused on the progress the Federal government has made in integrating environmental justice into its policies, programs, and activities. On December 12, the NEJAC hosted a second public comment period to receive comments about general environmental justice issues. Approximately 425 persons attended the meetings and the public comment periods.

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. Mr. Haywood Turrentine, Birmingham Urban Impact Board, serves as the chair of the Executive Council of the NEJAC. Ms. Peggy Shepard, Executive Director, West Harlem Environmental Action Inc., serves as the vice-chair of the Executive Council. Mr. Charles Lee, Associate Director for Policy and Interagency Liaison, EPA Office of Environmental Justice (OEJ), serves as the Designated Federal Official (DFO) for the Executive Council. Exhibit ES-1 lists the chair, the vice-chair, and the DFO of the Executive Council, as well as the persons who serve as chair and vice-chair of the six subcommittees of the NEJAC and the EPA staff appointed to serve as the DFOs for those subcommittees.

OEJ maintains transcripts and summary reports of the proceedings of the NEJAC meetings. 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-language versions.

Exhibit ES-1

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL CHAIRS AND DESIGNATED FEDERAL OFFICIALS (DFO)

Executive Council:

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

Air and Water Subcommittee:

Ms. Annabelle Jaramillo, **Chair**
Ms. Alice Walker, **co-DFO**
Dr. Wil Wilson, **co-DFO**

Enforcement Subcommittee:

Mr. Luke Cole, **Chair**
Ms. Savonala Horne, **Vice-Chair**
Ms. Shirley Pate, **DFO**

Health and Research Subcommittee:

Dr. Marinelle Payton, **Chair**
Ms. Rose Marie Augustine, **Vice-Chair**
Ms. Brenda Washington, **co-DFO**
Ms. Aretha Brockett, **co-DFO**

Indigenous Peoples Subcommittee:

Mr. Tom Goldtooth, **Chair**
Ms. Jennifer Hill-Kelly, **Vice-Chair**
Mr. Daniel Gogal, **DFO**

International Subcommittee:

Mr. Arnaldo Garcia, **Chair**
Mr. Alberto Saldamando, **Vice-Chair**
Ms. Wendy Graham, **DFO**

Waste and Facility Siting Subcommittee:

Ms. Vernice Miller-Travis, **Chair**
Mr. Kent Benjamin, **DFO**

REMARKS

Mr. Steven Herman, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA), noted that the meeting marked the last meeting of the NEJAC during the Clinton administration, under which the NEJAC had been conceived. Continuing, he stated that, for all the persons who had created the NEJAC and worked with it over the preceding seven years, that effort had brought great joy and satisfaction -- in the

nature of the work and the people that that effort had brought together, in the very difficult issues that the NEJAC had taken on, and in the victories and the frustrations all involved had experienced together.

Mr. Michael McCabe, Deputy Administrator, EPA, began his presentation by expressing his appreciation to Mr. Turrentine and the members of the NEJAC for their time and commitment. He then remarked that the pending change in administrations is an opportunity to celebrate successes, solidify gains, and reaffirm commitments. While the Clinton administration may not have moved as rapidly or acted as comprehensively as some may have wished, he observed, its commitment to the cause never wavered. Staff of EPA take their responsibility very seriously, he continued.

Mr. McCabe stated that EPA was to continue to review and revise its administrative procedures related to public involvement in policymaking. Commenting on the progress made during the preceding six years, Mr. McCabe stated that interagency integration of environmental justice is becoming a reality and that the Interagency Working Group on Environmental Justice (IWG) had made substantial progress. He then stressed that, to maintain the momentum of the preceding six years, Federal agencies must continue to work in partnership. Through partnerships, he pointed out, EPA is: (1) making great strides in protecting the health of children and communities, (2) working with community-based public health partners across the country to help diagnose and treat asthma, (3) revitalizing communities and creating jobs through its Brownfields Revitalization Initiative, and (4) addressing public health and the environment in urban areas.

Mr. McCabe acknowledged that maintaining momentum under the new administration would be a challenge. He stated, however, that both he and Ms. Carol Browner, EPA Administrator, would communicate to the new president that it is essential that the agency maintain its commitment to environmental justice and to the communities that EPA serves.

Mr. Brad Campbell, Regional Administrator, EPA Region 3, expressed his gratitude to members of the NEJAC, past and present, for their contribution not only to the work of EPA, but also to his work in prior positions at the White House and the U.S. Department of Justice (DOJ). He said that, while there is a sense of "winding down" as the current administration prepares for transition, EPA is committed to "keeping the bar high" until the very last day of that administration.

Mr. Campbell then highlighted a few areas in which EPA Region 3 is moving forward, adding that he believed that the initiatives reflect the larger agenda that lies ahead. First, he said, Region 3 is continuing its efforts to better integrate EPA's mission with that of other agencies, recognizing that it is not sufficient to take the position that a particular problem confronting a community is not within the jurisdiction of EPA. Second, Mr. Campbell continued, Region 3 is continuing its efforts to improve the health data that are available to communities. Finally, Mr. Campbell stated, EPA region 3 is continuing its efforts to highlight the links between the environmental problems suffered by low-income and minority communities and the economic opportunities that the process of addressing those problems might create.

Mr. Barry E. Hill, Director, OEJ, began his presentation by welcoming all participants to the current meeting of the NEJAC. He read the statement of the issue which was to be the focus of the meeting: "What progress has the Federal government made toward integrating environmental justice into its policies, programs, and activities, consistent with existing laws and of Executive Order 12898." The meeting, he emphasized, was designed to be not only retrospective, because it provides all participants with the opportunity to look back over the preceding six to eight years, but also prospective, because it provides an opportunity to look forward and to develop strategic plans to be implemented in the future.

Mr. Hill pointed out that the policy question speaks to the basic purpose of government and the important role that government plays in the lives of all citizens and residents of the nation. Mr. Hill declared that residents of every community throughout the country, as citizens of this democracy, are entitled to clean air, clean land, and clean water and that it is the responsibility of the government to secure, preserve, and protect that fundamental right.

He then explained that the underlying question the panelists and the members of the NEJAC should consider is whether the Federal government, as a public servant, is serving the public effectively and efficiently by ensuring clean air, land, and water for everyone in the nation. Concluding his remarks, Mr. Hill noted that the IWG represents a clear effort to bring about fundamental change in how the government operates and

provides effective services and resources to the public to ensure clean air, clean land, and clean water. However, he acknowledged, the government is not perfect in the performance of its duties. Therefore, EPA and the other members of the Federal family have asked the members of the NEJAC to provide their advice and recommendations about how the government can serve the public better.

PANELS ON FEDERAL AGENCY INTEGRATION

The NEJAC, in its continuing efforts to provide independent advice to the EPA Administrator about areas related to environmental justice, focused its 16th meeting on federal efforts to integrate environmental justice into its policies, programs, and activities in a manner consistent with the provisions of existing laws and of Executive Order 12898 on Environmental Justice. On Monday and Tuesday, December 11 and 12, 2000, the members of the NEJAC listened to a series of panels made up of various federal stakeholders. The panel discussions were designed to provide insight into issues and concerns related to integration of environmental justice concerns by Federal agencies (Section 3 of Chapter 1 of this meeting summary presents a detailed description of the presentations made by each panel). The panel presentations included:

- *Panel 1: Executive Order 12898* – Mr. Gerald Torres, University of Texas Law School, discussed the historical context in which Executive Order 12898 on Environmental Justice originated. He provided an independent analysis of areas of significant progress as well as those of significant deficiency, related to the implementation of the Executive order. Mr. Torres also offered recommendations for strategies for future integration of the principles of environmental justice into the policies, programs, and activities of Federal agencies.
- *Panel 2: Discussion of the Interagency Working Group on Environmental Justice and the Integrated Federal Interagency Environmental Justice Action Agenda* – The members of the panel provided a discussion of the formation of the IWG and an analysis of progress in integrating the principles of environmental justice throughout the Federal government. The members of the panel also stated that the Integrated Federal Interagency Environmental Justice Action Agenda (action agenda) brings a “new sense of direction, innovation, and vigor” to environmental justice throughout the Federal family. The panelists noted that the action agenda provides a “living” framework through which Federal agencies can develop and expand upon collaborative, multiparty environmental justice initiatives. The approach to environmental justice taken by the Action Agenda, they said, is to view distressed communities “in a holistic way” and to develop strategies that address the environmental, public health, economic, and social concerns of such communities in an integrated manner.
- *Panel 3: Individual Federal Agency Panels* – Representatives of 11 Federal agencies made presentations about the implementation of Executive Order 12898 on Environmental Justice by their respective agencies. Presentations were made by DOJ, the U.S. Department of Defense (DoD), the U.S. Department of Energy (DOE), the U.S. Department of Transportation (DOT), the U.S. Department of the Interior (DOI), the U.S. Department of Labor (DOL), the National Institute of Environmental Health Services (NIEHS), the U.S. Department of Health and Human Services (HHS), the Agency for Toxic Substances and Disease Registry (ATSDR), the U.S. Department of Agriculture (USDA), and the U.S. Department of Housing and Urban Development (HUD). The presentations were intended to be both retrospective and prospective. The presentation emphasized lessons that could be learned to shape recommendations for better and more effective integration of the principles of environmental justice in the policies, programs, and activities of the various Federal agencies represented. Each panelist also provided recommendations on strategies that could be pursued to incorporate environmental justice more fully into the mission, as well as for better integration in all Federal agencies.
- *Panel 4: Integrated Interagency Demonstration Projects* – The panel consisted of a variety of non-Federal partners involved in several of the 15 integrated interagency environmental demonstration projects currently underway. The panelists reported that the demonstration projects focus on various areas, such as environmental protection, economic development and community revitalization, improvement of public health, and community education and capacity-building.

- *Panel 5: Stakeholder Perspectives on Integrated Interagency Strategies* – The panel included representatives of communities; academia; industry; civic and philanthropic organizations; and state, tribal, and local governments. The panelists presented their views about the viability of the action agenda, particularly as it applies to their various constituencies. The members of the panel also offered recommendations for future development of integrated interagency strategies.

PRESENTATIONS

The members of the Executive Council received the following presentations:

- Mr. Damu Smith, GreenPeace International, provided an update on activities related to the investigation of dioxin exposures in Mossville, Calcasieu Parish, Louisiana that had been carried out since the May 2000 meeting of the NEJAC. Mr. Smith stated that, since that meeting, a number of meetings had been held in the community among representatives of the communities; staff of OEJ, including Mr. Hill; representatives of EPA Region 6; and representatives of ATSDR. Representatives of EPA, ATSDR, the Louisiana Department of Environmental Quality (LDEQ), and the Louisiana Department of Health and Hospitals (LDHH) also had visited Mossville to meet with the community and its experts. Mr. Smith stated, “We are a long way from where we need to be, but we are certainly a long way from where we were in May.”
- Mr. Hill made a presentation on EPA’s draft national environmental justice policy guidance document titled “A Guide to Assessing and Addressing Allegations of Environmental Injustice.” He explained that the purpose of the guidance document is to provide a conceptual framework for explaining environmental justice as both a civil rights and an environmental issue and, consequently, to develop sound policy in that area.
- Mr. Jack McGraw, Deputy Regional Administrator, EPA Region 8, provided an overview of the activities of the Environmental Justice Training Collaborative (EJTC). The EJTC is a national network of EPA staff who work in partnership with stakeholders to develop environmental justice education tools, meet crucial information needs, and facilitate dialogue to advance environmental justice through training workshops.
- Mr. Anthony Guadagno, Office of General Counsel (OGC), EPA, presented a legal memorandum titled “EPA Statutory and Regulatory Authorities Under Which Environmental Justice Issues May Be Addressed in Permitting” that OGC had distributed to the NEJAC on December 1, 2000. Mr. Guadagno explained that the memorandum identifies opportunities to promote environmental justice under EPA permitting programs, specifically under programs conducted under the authority of the Clean Water Act (CWA), the Clean Air Act (CAA), Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), and Title I of the Marine Protection, Research, and Sanctuaries Act (commonly referred to as the Ocean Dumping Act).
- Mr. Brandon Carter, EPA Office of Solid Waste and Emergency Response (OSWER), provided an update on the activities of the NEJAC Federal Facilities Working Group. He stated that the members of the working group had been identified and that a memorandum of understanding (MOU) had been signed to formalize the Federal partnership with the working group. Mr. Carter explained that communities and the public would have significant opportunity to participate in the activities of the working group. He informed all present that the working group was accepting requests for proposals for potential case studies to be reviewed by the working group.
- Ms. Barbara Arnwine, Executive Director, Lawyer’s Committee for Civil Rights Under Law (lawyer’s committee), provided a retrospective view of missed opportunities for advancing environmental justice through environmental litigation. Reflecting on the current state of environmental justice, Ms. Arnwine discussed the challenges the committee had addressed through litigation and the successes and failures all parties involved in the environmental justice movement had experienced in their efforts to advance the issue.
- Mr. Marty Halper, Senior Science Advisor, EPA OEJ, presented a report on the Community-Based

Health Research Model. He explained that, in response to issues discussed at the May 2000 meeting of the NEJAC, a 20-member work group had been formed to develop a draft proposal that was distributed to the Executive Council of the NEJAC in October 2000.

PUBLIC COMMENT PERIODS

The NEJAC hosted public comment periods on December 11 and 12, 2000. Approximately 40 people participated in the two public comment periods. Significant concerns expressed during the public comment periods included:

- Several commenters continued to express concern about failure to enforce Title VI of the Civil Rights Act of 1964 as it pertains to the siting of facilities.
- Several commenters recommended increased involvement of citizen groups with the Federal Facilities Working Group.
- Several commenters expressed concern about the lack of action on the part of EPA to address issues related to multiple chemical sensitivity (MCS), an acquired disorder characterized by recurrent symptoms that occur in response to exposure to various chemically unrelated compounds at doses far below those determined to cause harmful effects in the general population. Commenters recommended that government agencies create a disease registry for those who suffer from MCS.
- Many commenters continued to express concern about environmental justice issues associated with Federal facilities. Commenters explained that many people of color and low-income communities suffered adverse effects from actions carried out at Federal facilities throughout the United States.
- Several commenters requested that EPA (1) fund research on the environmental damage to the island of Vieques, Puerto Rico; (2) deny the U.S. Department of the Navy (Navy) its National Pollution Discharge Elimination System permit because of harmful noise pollution, the spreading of existing toxins by inert bombs, and past violations; and (3) closely monitor the cleanup of Vieques to ensure that no hazardous material is left behind. Every effort should be made to restore the land completely so that the community of Vieques may have future access to and use of the part of the island affected by Navy operations, the commenters emphasized.

OTHER CONCERNS AND COMMITMENTS OF THE NEJAC

During the meeting, members of the NEJAC:

- Requested clarification of the role of the NEJAC as an advisory committee to the EPA Administrator. Mr. Lee assured the members that the Agency considers the NEJAC an advisory committee, but stated that the definition of a federal advisory committee needs to be clarified and that this discussion should be continued.

(Note: Subsequent to the December 2000 meeting of the NEJAC, a special meeting has been scheduled for August 2001 of the Executive Council to meet with EPA to discuss the NEJAC role and responsibilities as a federal advisory committee.)

- Recommended that additional representatives of communities and community-based organizations be appointed as members of the NEJAC work group on Federal facilities.
- Questioned the effectiveness and strength of EPA's legal memorandum on enforcing environmental justice principles under existing laws and statutes. The members also expressed concern that EPA has not been more proactive in using existing laws to protect low-income communities and people of color from disproportionate effects of environmental contamination.
- Questioned why Federal agencies continue to fail to provide to communities opportunities for public participation related to assessing and addressing potential health effects caused by environmental

contamination. The members of the NEJAC reiterated that communities are in the best position to inform government agencies about issues related to public health that affect their communities.

SUMMARIES OF THE SUBCOMMITTEE MEETINGS

Summarized below are the deliberations of the members of the six subcommittees of the NEJAC during the subcommittee meetings held on December 13, 2000.

Air and Water Subcommittee

The members of the Air and Water Subcommittee heard presentations and reports from:

- Mr. David Rowson, Director of the Center for Healthy Buildings of the Office of Radiation and Indoor Air, EPA Office of Air and Radiation (OAR), who provided information about the agency's asthma initiative. He described (1) current research by EPA on the asthma epidemic and its effect on environmental justice communities, (2) challenges encountered in the effort to address asthma in those communities, and (3) EPA programs that conduct outreach and prevention activities related to asthma.
- Ms. Jeneva Craig, Office of Policy Analysis and Review, OAR, who provided an update on the agency's guidance on reducing toxic loadings. Ms. Craig noted that EPA had received comments on the guidance from members of the NEJAC and various stakeholders. Continuing, she reported that three primary concerns had been identified: (1) incentives are necessary to encourage communities to voluntarily develop toxics reduction plans; (2) EPA must provide additional direction for developing toxics emissions inventory and set a baseline for use in tracking progress; and (3) the provisions of the guidance must be tested in pilot studies.
- The members of the subcommittee met with their respective subcommittee work groups and then presented a status report on the deliberations of each work group.
- The members of the Work Group on Cumulative Permitting discussed four primary issues: (a) EPA OAR's draft guidance on reducing toxic loadings; (b) EPA Office of Civil Rights' (OCR) *Draft Title VI Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs* and the *Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits*; (c) EPA's White Paper Number 3, a draft guidance on designing flexible air permits; and (d) public participation requirements under EPA's Tier 2 gasoline rule.
- In 2001, the members of the Work Group on Fish Consumption are to address two primary tasks: (a) review of EPA's fish consumption report and (b) provision significant involvement in the planning of the next meeting of the NEJAC, to be held on December 3 through 6, 2001 in Seattle, Washington. The meeting will focus on risk communication and management in environmental justice communities in the areas of subsistence consumption and water quality standards.
- The members of the Work Group on Public Utilities discussed three action items of the work group: (a) develop a guide for environmental justice communities that will provide emissions data and information about the enforcement status of new and existing facilities; (b) review four items of proposed legislation intended to further reduce proposed air emissions; and (c) review programs of the Federal government that examine power demand for power, energy efficiency, and management of energy resources. The work group also stressed that issues related to Puerto Rico must remain on the agenda.
- The members of the Work Group on Urban Air Toxics discussed four primary issues: (a) the results of EPA's National Air Toxics Assessment that will be issued in early 2001; (b) information needed about the Agency's urban air toxics monitoring strategy; (c) the structure of state, local, and tribal programs that deal with urban air toxics; and (d) the proposed diesel fuel rule.
- The members of the subcommittee also established priorities among action items that were identified

during the meeting of the Air and Water Subcommittee that focused on power plants in Puerto Rico. At the meeting, held in New York, New York on October 18, 2000, participants examined air quality and human health issues that affect the San Juan, Puerto Rico metropolitan area and that may be attributable to various industrial and commercial activities.

- The members of the subcommittee discussed and made final its mission statement:

“The mission of the Air and Water Subcommittee is to identify, review, and recommend creative, sustainable, and environmentally just solutions so that informed policy decisions can be made. In all of its efforts, the Air and Water Subcommittee will encourage active stakeholder input.”

Enforcement Subcommittee

The members of the Enforcement Subcommittee heard presentations and reports from:

- Ms. Betsy Ryan, Senior Equal Opportunity Specialist, Office of Fair Housing and Equal Opportunity, HUD, who provided information about HUD’s implementation of Title VI of the Civil Rights Act of 1964 (Title VI). Ms. Ryan noted that 200 HUD inspectors have been trained to address issues related to Title VI.
- Mr. Marc Brenman, Senior Policy Advisor, Office of Civil Rights, DOT, who provided information about DOT’s implementation of Title VI. Mr. Brenman noted that the principles of environmental justice and Title VI are integrated into transportation planning. In addition, he reported, DOT has created a web site on environmental justice.
- Mr. Andy Strojny, Deputy Chief (Legal), Coordination and Review Section, Civil Rights Division, DOJ, who provided information about the activities of that division.
- Ms. Yasmin Yorker, OCR, who provided an update on EPA’s Title VI Work Group. Ms. Yorker noted that the revised draft guidance documents will be made final in 2001. She acknowledged that a heavy backlog of administrative complaints filed under Title at EPA remains to be addressed; however, she announced, OCR had hired four temporary employees to work to decrease that backlog.
- Ms. Deeehn Ferris, President, Global Environmental Resources, Inc., who provided a historical overview of Executive Order 12898 on Environmental Justice. Ms. Ferris then discussed her role in helping to influence public policy by working with state, regional, and community organizations on issues related to environmental justice.
- Mr. Herman, who discussed the ways in which the agency has improved its efforts in planning and targeting enforcement activities. He reviewed several examples of enforcement cases related to environmental justice.

During their meeting, the members of the subcommittee discussed the topics described:

- Ms. Zulene Mayfield, Chester Residents Concerned for Quality Living, and Mr. Torres, both members of the Enforcement Subcommittee, discussed environmental justice issues related to supplemental environmental projects (SEP). Ms. Mayfield cited several examples of SEPs that had been implemented in her community, Chester, Pennsylvania, and then discussed the problems related to the SEPs that her community had encountered. The members of the subcommittee then undertook a discussion that concluded with a recommendation that EPA provide assistance with or a program for community-based SEPs.
- The members of the subcommittee discussed at length with Mr. Herman enforcement issues related to environmental justice.
- The members of the subcommittee expressed concern about the lack of community representatives

among the new members of the subcommittee, as well as the process by which EPA is selecting a new chair of the subcommittee. The members also expressed concern that communities will lose their voice and continuity with the addition of five new subcommittee members who represent academia and industry. The members also requested that Mr. Herman provide assistance to ensure a smooth transition for the new members of the subcommittee. In addition, the members asked for Mr. Herman's assistance in identifying effective and collaborative mechanisms to address with OEJ and the Executive Council of the NEJAC issues related to the composition of the subcommittee.

Health and Research Subcommittee

Members of the Health and Research Subcommittee heard presentations and reports from several individuals representing Federal agencies who were asked to speak about the involvement of their agencies in (1) building healthy communities and (2) working in collaborative partnerships with other agencies to integrate the principles of environmental justice. The following individuals provided such presentations.

- Dr. William Sanders, Director, Office of Pollution Prevention and Toxics (OPPT), EPA, and Dr. Harold Zenick, Acting Deputy Assistant Administrator for Science, EPA Office of Research and Development (ORD), provided opening remarks related to environmental justice activities at EPA.
- Mr. Brenman and Mr. David Kuehn, DOT, stated that DOT not only regards health as a safety issue, but also recognizes the importance of transportation to low-income and minority communities, in which residents rely on public transportation to travel from their homes to their jobs and other places. Continuing, Mr. Brenman and Mr. Kuehn provided a brief update on DOT's ongoing efforts focused on low-income, minority, and tribal communities, including a disadvantaged business enterprise program for minorities and entrepreneurs; participation in a children's health interagency task force; and participation on a steering committee to eliminate health disparities among racial and ethnic groups. They also discussed three principal areas in which DOT is working to apply the principles of environmental justice: research, training and outreach, and program oversight.
- Mr. Robert McAlpine and Ms. Antoinette Sebastian, HUD, provided an update on HUD's efforts to improve the health of low-income and minority populations. Both pointed out that, although HUD's mission does not include the principles of environmental justice explicitly, HUD is involved actively in addressing issues related to lead-based paint, building healthy communities, and taking action under other initiatives designed to improve conditions in low-income and minority communities.
- Mr. Thomas Mela, Office of Civil Rights, U.S. Department of Education, noted that his agency originally was not identified in Executive Order 12898 on Environmental Justice; he explained that he did not know why the agency had not been listed. Mr. Mela then provided an overview of the department's activities related to civil rights and disabilities, which, he explained, are related to environmental justice.
- Ms. Heather Stockwell, DOE, provided a handout that summarized DOE's activities and urged members of the subcommittee to review DOE's web site to obtain detailed information about DOE's activities. Ms. Stockwell acknowledged that, while DOE has an Office of Environmental Justice and has made some progress toward achieving environmental justice, more remains to be done.
- Mr. Quentin Pair, DOJ, noted that the IWG had compiled an environmental justice directory. The directory, he said, is the beginning of an attempt to provide points of contact within Federal agency so that members of communities can determine whom to call to obtain answers to their questions or to discuss issues. Mr. Pair referred members of the subcommittee to the agency's web site to obtain details about DOJ's environmental justice activities. He then reviewed a lead-based paint initiative jointly implemented by DOJ, HUD, and EPA; DOJ's Weed and Seed program designed to improve conditions in low-income and minority areas; and a demonstration project in South Carolina in which HUD is working with the Office of the U.S. Attorney to augment services provided under the project.
- Ms. Patricia Reyes, DoD, explained that DoD does not have an office of environmental justice but has identified one person who is authorized to spend about 25 percent of his time on issues related to

environmental justice issues. In addition, she noted, individual DoD staff around the country are “doing the right thing.” Ms. Reyes also described DoD’s efforts to assist in improving the health of communities, including indirect efforts, such as contributing resources for use in health clinics.

- Dr. Maria Morandi, University of Texas School of Public Health and a member of the Integrated Human Exposure Committee of EPA’s Science Advisory Board (SAB), provided information about the SAB’s review of methodologies for identifying disproportionate effects on communities.

Three community members also made presentations: Ms. Charlotte Keys, Jesus People Against Pollution, informed members of the subcommittee about an upcoming environmental justice summit planned for April 2000 and invited the members to attend; Ms. Patty Lovera, Center for Health, Environment and Justice, discussed the problem of the location of schools on contaminated property that poses health risks to low-income children and children of color; and Ms. Yvonne McSwain Powell, People Effective Against Chemical Eugenics (PEACE), expressed concern about contaminated drinking water in Richton, Mississippi.

During their meeting, the members of the subcommittee discussed the issues described below.

- The members of the subcommittee heard from various representatives of Federal agencies and discussed the necessity of identifying (1) whether environmental justice is incorporated in principle into the missions of each agency and, if not, why that is not the case; (2) to what extent Federal agencies have entered into partnerships with one another to address issues related to environmental justice; and (3) in cases in which agencies have successfully worked together on projects, the specific factors that were present that contributed to success. In addition, members of the subcommittee expressed a desire to know, in cases in which no progress has occurred, how Federal agencies plan to incorporate the principles of environmental justice into their missions and day-to-day activities.
- The members of the subcommittee discussed the problem of a lack of focus on and attention to issues of environmental justice at all levels within Federal agencies. The subcommittee agreed, therefore, to request that the Executive Council of the NEJAC recommend the initiation of a program to train “middle management” staff of Federal agencies in incorporating the principles of environmental justice into their day-to-day work. It was suggested that the program include a component that would allow the “educating” of staff in the Senior Executive Service, to raise their level of awareness of issues related to environmental justice. It was agreed that that educational component is needed because, although senior staff may not be responsible for carrying out day-to-day activities, they must understand what environmental justice is. The members stated that, to effectively facilitate change throughout each agency, senior managers must consider environmental justice a priority.
- A principal topic of discussion throughout the meeting was the way in which Federal agencies can collaborate specifically in the area of providing health services to low-income and minority communities. The discussion of the topic emphasized that agencies must look beyond the limitations and restrictions of their mandates and consider ways to share resources so that the health problems of communities can be addressed. For example, members stated, an agency that does not have in its mandate a clause that specifically allows the direct provision of health care may be able to share funds or other resources with an agency whose mission is to provide health care.
- The members of the subcommittee also agreed that many topics they had discussed were related to topics discussed during the May 2000 meeting of the subcommittee and are included in the subcommittee’s subsequent report on health issues. The members of the subcommittee therefore agreed to review that report in light of the current discussion and determine where and how the report should be amended to incorporate specific issues raised and suggestions made during the current meeting.

Indigenous Peoples Subcommittee

The members of the Indigenous Peoples Subcommittee heard presentations and reports from:

- Mr. Dean Suagee, Vermont Law School and member of the Indigenous Peoples Subcommittee, who reported on the recommendations developed at the Interagency Tribal Environmental Justice Roundtable held in Albuquerque, New Mexico in September 2000.
- Dr. Jeff Romm, College of Natural Resources, University of California at Berkeley, who discussed efforts related to the provision of meaningful consultation with the U.S. Forest Service, USDA, on better approaches to representing Native American populations in California who do not live on reservations.
- Mr. Scott Jones, Public Relations Director, Lower Brule Sioux Tribe, discussed issues faced by the Lower Brule Sioux Tribe in working with Federal agencies to protect natural and cultural resources on tribal lands.
- Mr. Robert Gough, Secretary, Intertribal Council On Utility Policy (COUP), and Co-chair, Native Peoples/Native Homelands Climate Change Workshop, discussed a proposal to produce electrical power at windmill farms on tribal lands in South Dakota.

In addition, the Indigenous Peoples Subcommittee heard presentations and reports from representatives of various Federal agencies. Those individuals discussed (1) how Federal agencies are integrating the principles of environmental justice into their policies and programs and (2) how the activities of Federal agencies affect tribes and Alaska Native villages. The following representatives of Federal agencies made presentations to the subcommittee:

- Mr. Francisco Tomei-Torres, ATSDR
- Mr. Len Richeson, Office of Environmental Quality, Office of the Deputy Under Secretary of Defense for Environmental Security, DOD
- Ms. V. Heather Sibbison, Counsel to the Assistant Attorney General, Indian Resource Section, DOJ
- Ms. Valerie Hauser, Coordinator, Native American Program, Advisory Council on Historic Preservation (AHP)
- Ms. Elizabeth Bell, Counsel to the Assistant Secretary, Bureau of Indian Affairs (BIA), DOI
- Mr. James Floyd, HUD
- Ms. Dorothy FireCloud, Tribal Coordinator, U.S. Forest Service, USDA,
- Mr. Robert Ragos, Office of Civil Rights, U.S. Forest Service, USDA
- Mr. Derrick Watchman, Director of Indian Affairs, DOE
- Ms. Deldi Reyes, EPA Region 8
- Ms. Karen Suagee, Office of Education Research and Improvement, U.S. Department of Education

During their meeting, the members of the subcommittee discussed the presentations made by the representatives of Federal agencies. The members of the subcommittee then considered common themes in the agency presentations and the presentations made by Mr. Jones and Mr. Gough. The members of subcommittee then developed a list of draft recommendations related to the integration of the principles of environmental justice, indigenous peoples, and the activities of Federal agencies. This list was to be forwarded to the Executive Council of the NEJAC.

International Subcommittee

The members of the International Subcommittee heard presentations and reports from:

- Mr. Tseming Yang, Vermont Law School and member of the International Subcommittee, who led a discussion with representatives of the U.S. Department of State and the United States Trade Representative (USTR) about issues related to trade and the environment. Ms. Carmen Suro-Bredie, USTR; Mr. Dominic Bianchi, USTR; and Mr. Michael Shelton, U.S. Department of State, described the process by which each agency makes decisions about trade agreements.
- Mr. Alberto Saldamondo, International Indian Treaty Council and member of the International Subcommittee, who led a discussion of the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance with representatives of the White House Interagency Task Force on the United Nations World Conference Against Racism. Ms. Sharon Kotok, White House Interagency Task Force on the United Nations World Conference Against Racism, and Ms. Mary O'Lone, OGC, provided the members of the International Subcommittee an update on the activities of the World Conference Against Racism.
- Mr. Alan Hecht, Principal Deputy Assistant Administrator, EPA Office of International Affairs (OIA), who presented an overview of the Border XXI Program, as a program that not only is undergoing changes, but also is influenced by the new presidential administrations in both Mexico and the U.S.
- Mr. Gregg Cooke, Regional Administrator, EPA Region 6 and Ms. Olivia Balandran, Environmental Justice Coordinator, EPA Region 6, who provided the members of the International Subcommittee a brief presentation on recent accomplishments and activities related to pesticide prevention training in Region 6.
- Mr. José Bravo, Just Transition Alliance, who read a facsimile transmission from Mr. Cesar Luna, Environmental Health Coalition, who had been unable to attend the meeting. That document provided an overview of recent activities related to the Metales y Derivados site, a contaminated lead smelting site in Tijuana, Mexico.
- Ms. Delta Valente, EPA Office of Prevention, Pesticides and Toxic Substances (OPPTS) and Ms. Carol Parker, OPPTS, who provided an update on increased efforts by EPA to train workers and community members on issues related to pesticide prevention.
- Mr. Alan Sielen, Deputy Assistant Administrator, OIA, who provided an update on EPA's increased efforts to conduct outreach to tribal communities. He highlighted a new initiative under which his office conducts monthly conference calls with representatives of tribes that will provide to participants scientific information about an environmental topic, while also providing a forum through which EPA can gather information about that topic from tribal communities.
- Mr. Mark Kasman, OIA, and Mr. Lionel Brown, OIA, who provided an overview of both new and existing Internet projects related to the global environment.

During their meeting, members of the subcommittee discussed the issues described below.

- In response to the presentations made by representatives of USTR and the U.S. Department of State, members of the International Subcommittee questioned the process by which public participation opportunities are provided during the trade policy decision-making process, both for the United States and for the respective trade partner. The members of the International Subcommittee and the representatives of USTR and the U.S. Department of State agreed to continue to engage in such discussions in the future.
- The members of the subcommittee provided a preliminary response to the request of representatives of the White House task force for comments on the following draft documents, *Excerpted Material Developed by the U.S. Interagency Task Force on the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance* and *UN World Conference Against Racism (WCAR) – The Environment Position Paper*. Members indicated that a definition of environmental justice that uses such language as “minority” or “disproportionate” is not appropriate in an international context. In such cases, the race of the polluter compared with the race of the victims might be a more accurate indicator of environmental injustice the members agree. In addition, members of the International Subcommittee expressed concern about countries that do not

acknowledge certain races living in those countries.

- In response to the presentations made by representatives of EPA on farm worker training initiatives, Tribal outreach programs, and global Internet technology pilot projects, the members of the International Subcommittee expressed their support and encouragement, as well as their interest in receiving further updates on such projects.
- In response to the public comment presentation of Ms. Betsy Boatner Amazon Alliance on the escalation of the herbicide spraying program of the government of Colombia, the subcommittee decided to request a general policy statement on the part of the NEJAC that sets forth the reasons for which the United States should not provide financing for aerial fumigation of drug crops with chemical herbicides that pose a serious threat to the health of indigenous peoples.

Waste and Facility Siting Subcommittee

The members of the Waste and Facility Siting Subcommittee heard presentations and reports from:

- Ms. Linda Garczynski, Director of Outreach and Special Projects Staff, OSWER, who presented information about the report *Environmental Justice, Urban Revitalization, and Brownfields: The Search for Authentic Signs of Hope*. Ms. Garczynski also discussed activities related to EPA's Brownfields Economic Redevelopment Initiative.
- Mr. Louis Kistner, Millennium Inorganic Chemicals, Inc., who provided information about "Responsible Care." The presentation focused his organization's participation in community outreach programs.
- Ms. Melissa Raack, OSWER, who provided information about SEPs. Ms. Raack also reviewed the seven categories of SEPs.
- Dr. Antonio Rivera-Castano, Committee For the Rescue and Development of Vieques, who provided an update on the Navy's bombing activities on the island of Vieques, Puerto Rico. Dr. Rivera-Castano expressed his belief that the people and the environment of the island are suffering adverse effects from the bombing.
- Reverend Curtis Dias, Calvary Pentecostal Church, who discussed issues related to environmental injustice that have arisen in East Freetown, Massachusetts. Reverend Dias explained that a small minority community has been suffered adverse effects brought about by the town's industrial zoning laws.
- Mr. Brian Holtzclaw, Environmental Justice Coordinator, Waste Management Division, EPA Region 4, who presented a brief historical summary of contamination at the Anniston Polychlorinated Biphenyls (PCB) Superfund Site in Anniston, Alabama. Mr. Holtzclaw also provided an update on the status of EPA's activities related to that site.
- Mr. David Ouder Kirk, OSWER, and Ms. Brenda Richardson, Women Like Us and member of the Waste and Facility Siting Subcommittee, who presented information about the Bridges to Friendship project in Washington, D.C. The program, he reported, is an Interagency Environmental Justice Demonstration Project. In addition, the project is a partnership of community stakeholders who have agreed to work together to achieve community revitalization, he said.
- Ms. Suzanne Wells, Director of Community Involvement and Outreach Center, EPA Office of Emergency and Remedial Response (OERR) and Ms. Pat Carey, OSWER, who updated the members of the subcommittee on EPA's Superfund relocation policy. They distributed copies of *Release of Appraisals for Real Property Acquisition at Superfund Sites Memorandum* to the members of the subcommittee.
- Mr. Bill Luthans, Deputy Director, Planning and Permitting Division, EPA Region 6, who provided information about the goals of EPA Region 6 related to permit oversight.

- Mr. Samuel Coleman, Director, Compliance Assurance and Enforcement Division, EPA Region 6, presented information about EPA's national oversight program.
- Ms. Jewell Harper, Deputy Director, Waste Management Division, EPA Region 4, and Mr. Harold Mitchell, Regeneration, Inc. and member of the Waste and Facility Siting Subcommittee, discussed environmental justice activities underway in Spartanburg, South Carolina.
- Ms. Noemi Emeric, Team Manager, EPA Region 5, presented information about the collaborative partnership model program in East St. Louis, Illinois.

During their meeting, subcommittee members discussed the following issues:

- Local land use and zoning issues related to facility siting
- An update on the status of EPA's brownfields program
- A report on the "Responsible Care" initiative provided a representative of the industry
- A report on SEPs

NEXT MEETING

The next meeting of the NEJAC is scheduled for December 3 through 6, 2001 in Seattle, Washington. The meeting will focus on fish consumption and water quality standards. Planned activities will include two opportunities for the public to offer comments. More information about the pending meeting, is available on the NEJAC's home page on the Internet at : http://www.epa.gov/oeca/main/ej/nejac/conf_ne.html or telephone on EPA's toll-free environmental justice hotline at 1 (800) 962-6215.