

MEETING SUMMARY

of the

AIR AND WATER SUBCOMMITTEE

of the

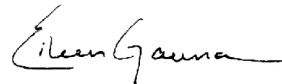
NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**December 5, 2001
Seattle, Washington**

Meeting Summary Accepted By:



**Alice Walker
Co-Designated Federal Official**



**Eileen Guana
Vice Chair**

**Wil Wilson
Co-Designated Federal Official**

**CHAPTER THREE
MEETING OF THE
AIR AND WATER SUBCOMMITTEE**

1.0 INTRODUCTION

Exhibit 3-1

The Air and Water Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Wednesday, December 5, 2001, during a four-day meeting of the NEJAC in Seattle, Washington. Ms. Annabelle Jaramillo, Benton County Board of Commissioners, continues to serve as chair of the subcommittee. Ms. Alice Walker, U.S. Environmental Protection Agency (EPA) Office of Water (OW), and Dr. Wil Wilson, EPA Office of Air and Radiation (OAR), continue to serve jointly as the Designated Federal Officials (DFO) for the subcommittee. Exhibit 3-1 presents a list of the members who attended the meeting and identifies the member who was unable to attend.

This chapter, which provides a summary of the deliberations of the Air and Water Subcommittee, is organized in five sections, including this *Introduction*. Section 2.0, *Activities of the Subcommittee*, summarizes the discussions about the NEJAC strategic plan and the activities of the work groups of the Air and Water Subcommittee. Section 3.0, *Presentations and Reports*, presents an overview of each presentation and report delivered during the subcommittee meeting, as well as a summary of relevant questions and comments of members of the subcommittee. This section also includes a summary of the discussions about the draft fish consumption report prepared by the Fish Consumption Work Group. Section 4.0, *Significant Action Items*, summarizes the significant action items adopted by the subcommittee.

2.0 ACTIVITIES OF THE SUBCOMMITTEE

This section discusses the activities of the subcommittee, including discussions about the NEJAC strategic plan and the activities of the work groups of the Air and Water Subcommittee. Members of the subcommittee also discussed concerns associated with the adequacy of the staffing of the work groups of the subcommittee.

2.1 NEJAC Strategic Plan

Ms. Jaramillo commended the lead authors of the NEJAC strategic plan – Ms. Wilma Subra, Louisiana Environmental Action Network; Mr. Kenneth Warren, Wolf Block Schorr and Solis-Cohan LLP; and Ms. Veronica Eady, Commonwealth of Massachusetts – for their efforts. She suggested that the members of the subcommittee review Section VII, *Organization*

AIR AND WATER SUBCOMMITTEE

**Members Who Attended the Meeting
December 5, 2001**

Ms. Annabelle Jaramillo, **Chair**
Ms. Eileen Gauna, **Vice-Chair**
Ms. Alice Walker, **Co-DFO**
Dr. Wil Wilson, **Co-DFO**

Dr. Elaine Barron
Ms. Daisy Carter
Mr. Daniel Greenbaum
Mr. Kenneth Manaster
Mr. Leonard Robinson
Ms. Wilma Subra
Mr. Damon Whitehead
Ms. Marianne Yamaguchi

**Member
Who Was Unable To Attend**

Dr. Michel Gelobter

and Procedure Goal, of the report which sets forth the framework for the responsibilities of the NEJAC subcommittees. She noted that recent meetings of the Executive Council of the NEJAC had evolved from a meeting at which a broad range of subjects was discussed to a meeting at which the members focused on a specific theme. The use of a “roundtable” discussion format that was designed to promote dialogue among the members of the Executive Council about the issues being discussed, reflected continued improvements to the process, she continued.

Ms. Jaramillo commented that the new approach to conducting meetings had enhanced the productivity of the Executive Council. She added that the strategic plan also had established an expectation that each of the subcommittees would develop a work plan for its activities. Since its inception, the Air and Water Subcommittee had been attempting to cover “the whole waterfront” of issues, from permitting to urban air toxics to fish consumption, she observed. In light of the requirement for work plans, Ms. Jaramillo asked that the work groups conduct similar planning during their meetings. She encouraged the work groups to focus on several key issues and propose schedules for their work.

Dr. Elaine Barron, Paso del Norte Air Quality Task Force, stated that it is important that the NEJAC continue to evaluate its effectiveness in increasing the

influence of the public on EPA's policies and procedures. She asked that the members of the NEJAC identify successes and failures so that lessons are learned.

Mr. Damon Whitehead, Earth Conservation Corps, recalled that, several years ago, the Executive Council had considered the issue of self-evaluation. He asked whether the details of the process had been completed and, if not, whether the process could be "jump-started" again. He added that after the Public Participation and Accountability Subcommittee had disbanded several years earlier, it was not clear how considerations related to public participation were to be incorporated into the discussions of each of the remaining subcommittees.

Mr. Charles Lee, EPA Office of Environmental Justice (OEJ) and DFO of the NEJAC, responded that, in 1998, the NEJAC had established an Assessment Work Group to address the issue of evaluating the effectiveness of the NEJAC. He stated that the work group had been established to ensure that all stakeholder groups were involved, including such representatives of EPA as Mr. Rob Brenner, EPA OAR, and Ms. Laura Yoshii, EPA Region 9. Mr. Lee said that the work group had prepared a report that served as the basis of the discussions conducted during the facilitated dialogue meeting of the Executive Council of the NEJAC that took place in August 2001.

Mr. Lee reported that one of the findings of the work group was that the NEJAC appears to represent "many things to many people." For example, he said, the NEJAC is regarded as a platform through which the public could gain access to the government. Continuing, Mr. Lee reported that every comment made at meetings of the NEJAC, had received a response, such as referral of the issue to the appropriate EPA office. He acknowledged, however, that there was a question about whether a number of such actions had brought about real, meaningful progress. Mr. Lee commented that many people think of a meeting of the NEJAC as a conference at which the audience makes presentations rather than a meeting at which the members discuss issues. He emphasized the importance of recognizing that the purpose of NEJAC meetings is to provide recommendations to EPA, with planned follow-up on the implementation and evaluation of those recommendations.

Mr. Lee said that the key issue to be considered in 2002 is how the subcommittees of the NEJAC can be most effective. He stated that, until that issue has been clarified, it would be difficult to begin evaluating

the work of the subcommittees. He observed that the assignment to each meeting of a specific theme would improve opportunities for discussion and collaboration among the members of the NEJAC. Mr. Lee emphasized the importance of establishing a collaborative framework among:

- OEJ and the program offices
- NEJAC and EPA (including OEJ and the program offices)
- Members of the NEJAC
- NEJAC and environmental justice communities

Mr. Lee also stated that members participating in the August 2001 facilitated dialogue meeting of the NEJAC had identified five elements of a successful subcommittee:

- A strong, committed, and knowledgeable DFO appointed by the sponsoring program office
- High-quality leadership that encourages participation
- High-quality membership that eagerly participates and is knowledgeable about the subject matter
- Support from the sponsoring program office
- A strategic plan to guide the activities of the subcommittee

Mr. Lee said that the NEJAC Assessment Work Group planned to establish a set of guidelines for the strategic plans of the subcommittee. Pointing to the National Advisory Council for Environmental Policy and Technology (NACEPT), of which Ms. Subra is a member, he noted that the NACEPT has been designed as a standing committee with ad hoc work groups that are established to address a single issue. Continuing, Mr. Lee stated that, by December 31, 2002, he expected that the NEJAC will have adopted a modified version of that structure. He added that he and Mr. Barry E. Hill, director of EPA OEJ, had been meeting with the assistant administrators of EPA, emphasizing that each program office must provide leadership and direction to the subcommittees its sponsors. Mr. Lee said that he and Mr. Hill had stressed that the NEJAC exists to serve the EPA program offices and that those offices should provide guidance to help the subcommittees retain focus and be productive.

Mr. Lee stated that, during the coming year, one goal of the NEJAC would be to strive to make the work groups more efficient. He acknowledged that the members of the subcommittees and work groups

were conducting their work for the NEJAC on their own time. He added that his goal was to allay fears that serving on the NEJAC was an “all-consuming commitment.”

Ms. Daisy Carter, Project AWAKE, emphasized that members of community groups appear before the NEJAC to voice their concerns directly to representatives of EPA. She added that such individuals expect EPA to help solve their problems. She asked whether that was indeed the case. Mr. Lee responded that the Federal Advisory Committee Act (FACA) requires that a public comment period be held during each meeting of the NEJAC. He confirmed that any person can attend a meeting to voice his or her concerns during the public comment period. However, he observed, because so many issues are raised during any given public comment period, it has become evident that another forum is needed in which people can voice their concerns and receive direct responses from agency representatives. Mr. Lee pointed to the proposed idea of conducting regional clinics or listening sessions at which members of communities can speak out fully about their concerns. Mr. Kenneth Manaster, Santa Clara University School of Law, asked that EPA inform members of the NEJAC about the dates and locations of the regional listening sessions, so that those members can attend the sessions.

Pointing to the many committees formed by federal agencies under the FACA legislation, Dr. Barron suggested that they also should be examined for effectiveness, so that the NEJAC can identify the lessons learned and, in turn, advise communities about how to be more effective in interacting with local governments. She explained that members of communities must be empowered locally because their concerns should be sent “to the top” (for example, to EPA) as well as “to the bottom” (for example, to local municipalities). She added that public officials tend to listen to their constituents rather than to those above them.

Ms. Gauna recalled the comments made on the previous day by Mr. Richard Moore, Southwest Network for Environmental and Economic Justice and former chair of NEJAC. He had observed, she said, there is a pervading perception that the NEJAC is not fulfilling its mission. Ms. Gauna stressed that the NEJAC always offers advice to EPA, as it has been charged to do. If EPA does not accept the recommendations of the NEJAC, that circumstance is a failure of EPA rather than the NEJAC, she continued, adding that EPA must provide assurance that it is taking the recommendations of the NEJAC seriously.

Mr. Lee acknowledged that there is a perception that the NEJAC is ineffective, as well as concerns that the process of developing the strategic plan had been closed. He explained that the views of the public were solicited to the broadest extent possible, but that many community members who were invited to comment were not available or did not wish to do so. Mr. Lee added that public participation will be encouraged during the implementation of the plan over the coming years.

2.2 Activities of the Work Groups

This section discusses the activities of the work groups of the Air and Water Subcommittee. The Permitting and Public Utilities Work Groups held a joint breakout session, during which the two bodies were merged permanently into a single work group.

2.2.1 Fish Consumption Work Group

Mr. Leonard Robinson, TAMCO, provided an update on the activities of the Fish Consumption Work Group. He stated that the Fish Consumption Work Group plans to (1) review the document and provide comment on it and (2) identify and recommend individuals to serve on various EPA stakeholder work groups and as technical consultants for the issuance of fish advisories. Those goals, he added, are to be accomplished by December 2002.

Mr. Robinson also reported that Mr. Jeff Bigler, EPA Office of Science and Technology (OST), had made a presentation to the work group about the plans of EPA OW to revise Volume IV of EPA’s *Guidance Document for Assessing Chemical Contamination Data for Use in Fish Advisories*. That volume, which focuses on risk communication, will be revised to incorporate awareness of issues of environmental justice, he said. Mr. Bigler explained that EPA is developing a second edition of the document because comments that received by the agency have suggested that the existing guidance could be improved by incorporating an awareness of environmental justice. Comments also suggested the report should acknowledge that contaminated fish exist in many areas of the United States.

During his presentation, Mr. Bigler also had described three technical groups that will be coordinated by EPA OW:

- The Stakeholder Work Group would be tasked to provide technical input, project leadership, and decisions regarding recommendations of the guidance document. Members will include tribal

leaders and representatives of cultural and ethnic groups and state government agencies.

- The National Stakeholder Work Group would be tasked to address issues related to EPA's national Fish and Wildlife Contamination Program (NFWCP). Membership would consist of representatives of federal, state, and tribal agencies who would serve in an advisory capacity to the NFWCP. Exhibit 3-2 describes the activities of the NFWCP.

Exhibit 3-2

NATIONAL FISH AND WILDLIFE CONTAMINATION PROGRAM

The U.S. Environmental Protection Agency's (EPA) National Fish and Wildlife Contamination Program (NFWCP) provides technical assistance to states, tribes, and federal agencies for matters related to the assessment of health risks associated with exposure to chemical contaminants in fish and other wildlife. Specifically, the NFWCP conducts the following ongoing activities:

- Issues national guidance documents, including the *Guidance Document for Assessing Chemical Contamination Data for Use in Fish Advisories*
- Conducts national forums, workshops, and conferences, such as the 2001 National Risk Communication Conference in Chicago
- Conducts national outreach to medical communities in conjunction with the U.S. Department of Health and Human Services
- Conducts special studies, such as the studies of Cook Inlet in Alaska and the Mississippi delta
- Provides assistance in preparing federal advisories
- Issues the online *News Service on Contaminants in Fish*

Products prepared by NFWCP are available electronically at: <www.epa.gov/ost/fish>.

A group of technical consultants who will provide technical advice, project management, and logistical support to EPA and develop and revise new materials under the direction of the Stakeholder Work Group.

Mr. Bigler presented the following process by which the revised guidance will be developed: (1) consultants and stakeholder groups develop outlines, (2) consultants and stakeholder groups develop

drafts, and (3) EPA reviews and publishes the revised document.

During its deliberations, the Fish and Consumption Work Group had developed a preliminary list of recommendations:

- Both EPA proposed work groups should review the Fish Consumption Report before asking the NEJAC for comments related to fish consumption and water quality\
- Guidance on fish consumption advisories should:
 - Convey to communities the relevant criteria used to develop fish consumption advisories
 - Consider making guidance on fish consumption advisories mandatory
 - Involve the target audience in the design and goal-setting stages
 - Target the message to ethnic health groups and healthcare providers
 - Help affected communities become empowered to affect the situation
 - Condense the recommendations in the guidance to avoid repetition and overlap, striving for "simplicity"
 - Explore and discuss comparative dietary risks
 - Offer alternatives or options for affected communities
 - Explore best practices through research on international entities
 - Maintain sensitivity to sovereignty and the cultural way of life of tribal populations
 - Include the temporal component of advisories and their effects on communities
- Membership of the proposed EPA stakeholder work groups should:
 - Include on the Stakeholder Work Group representatives of the environmental justice team of the U.S. Fish and Wildlife Service, the Latino community, the Seattle Public Utilities, and the Air and Water Subcommittee of the NEJAC
 - Include on the National Stakeholder Work Group a member of the NEJAC

Mr. Robinson noted that the terms of three members of the Air and Water Subcommittee who also serve on the Fish Consumption Work Group would expire December 31, 2001. Dr. Barron asked how the institutional knowledge of the current members of the work group would be passed along to new work group members. She asked whether the departing

members could be called upon in the future to provide advice. Ms. Jaramillo responded that the NEJAC could decide whether to appoint them to serve as members of a work group. Ms. Marianne Yamaguchi, Santa Monica Bay Restoration Project, explained that, even after the Fish Consumption Work Group has ceased functioning, the former members can be asked to serve in a different capacity. Ms. Jaramillo commented that, once a person becomes a resource, he or she always will remain a resource.

Ms. Yamaguchi asked that the work group consider water permitting issues in the future given that the Permitting Work Group primarily was addressing permitting issues from a perspective of air quality. She suggested that another work group be created to address permitting issues from the perspective of water quality. Ms. Jaramillo agreed, adding that total maximum daily loads (TMDL) and confined animal feeding operations (CAFO) are issues the new work group should consider. She said that, when the Fish Consumption Work Group completes its work on the report, it could turn its attention to general issues related to water quality. Ms. Gauna asked that the subcommittee consider changing the name of the work group if it is to take on such additional issues.

Dr. Barron expressed concern that EPA has no program office that addresses the issue of water supply. She stressed that water supply is an important issue in arid tribal areas.

2.2.2 Permitting and Utilities Work Group

Mr. Daniel Greenbaum, Health Effects Institute, reported that the Permitting Work Group, which had merged with the Public Utilities Work Group, would continue focusing on three issues: (1) reviewing EPA's White Paper No. 3 on flexible permitting, (2) reviewing EPA OAR's new source review study report that is expected to be issued in January or February 2002 and that will present recommendations for changing the protocol for conducting new source reviews, and (3) developing a document on "best practices" for permitting that are sensitive to issues of environmental justice.

Mr. Greenbaum explained that EPA's new source review study report consisted of a 90-day study described in President George W. Bush's energy plan. He observed that the report originally had been due on August 15, 2001, but that its issuance had been delayed to coincide with the promulgation of stringent emissions reductions requirements for electrical utilities.

Ms. Gauna stated that the "best practices" guide would include a discussion of alternative site analysis and alternative production processes. She added that the report also would examine EPA's statutory authority to require measures and incentives in the permitting process that encourage facilities to "go above and beyond" the regulatory requirements. The document also would provide information about public participation strategies and empowering communities to monitor the activities of facilities in their vicinity. She stated that she anticipated the potential for collaborative efforts with other work groups of the NEJAC, the Clean Air Act FACA committee, or other groups addressing permitting issues.

Mr. Greenbaum added that Mr. Manaster had agreed to serve as vice-chair of the new Permitting and Public Utilities Work Group. He added that another issue on the work group's agenda is upcoming legislation related to mercury. Expected in January 2002, the legislation would include a proposal for reducing the amounts of mercury used in power plants, he said.

Ms. Gauna then repeated her concern that the work group was not staffed adequately to deal with all the issues it has under consideration.

2.2.3 Urban Air Toxics Work Group

Mr. Whitehead informed the subcommittee that Mr. Peter Murchie, EPA Office of Air Quality Planning and Standards (OAQPS), had presented to the Urban Air Toxics Work Group an overview of EPA's air toxics program. Mr. Whitehead said that Mr. Murchie had described EPA OAR's *Work Plan for the National Air Toxics and Integrated Air Toxics Strategy*, a major document that was to provide the framework for the activities of the program. Mr. Whitehead reported that the work plan had been completed at the end of October 2001 and that EPA plans to implement the work plan by 2003.

Mr. Whitehead stated that Dr. Barron; Dr. Michel Gelobter, Redefining Progress and former chair of the Air and Water Subcommittee; and Mr. Bunyan Bryan, University of Michigan, serve on the Clean Air Act FACA committee. Continuing, Mr. Whitehead said that the work plan would have a significant effect on the way in which EPA deals with the issue of "hot spots" under its urban air toxics strategy. He reported that, during the public comment period of the previous day, it had been revealed that EPA had been examining local-scale assessments of "hot spots." Mr. Whitehead explained that EPA had said it would use local data and provide incentives and support for conducting such assessments. Mr. Whitehead

added that he would like the Urban Air Toxics Work Group to prepare comprehensive comments to the work plan, before the next meeting of the NEJAC.

2.3 Staffing of Work Groups

Ms. Gauna expressed concern that subcommittees and work groups may not be staffed adequately to accomplish their goals. Specifically, she commented that the Permitting Work Group was understaffed severely. Dr. Wilson explained that the EPA program offices that sponsor the subcommittees decide how to staff a subcommittee. He added that, while there is no limit on the number of members who serve on a subcommittee, the amount of resources available from the program office could be a limiting factor.

Mr. Whitehead called the attention of the members to page 9 of the NEJAC strategic plan, which states that work groups can seek resources outside the agency. Ms. Gauna acknowledged that fact, but added that those individuals who are working with, but not assigned to, a subcommittee must pay for their own travel expenses. She commented further that resources are insufficient to allow the NEJAC to deal with the regulatory initiatives which she described as "daunting." She acknowledged that it is difficult to identify people who are familiar with air and water issues, as well as environmental justice. She stressed the importance of assigning to work groups individuals who can spend time reviewing regulations and guidance documents.

Mr. Lee acknowledged that, nationally, only three to six people are knowledgeable of issues related to environmental justice, as well as the technical issues of air permitting. He said that Ms. Gauna's concern point to a more extensive structural problem than merely that facing the NEJAC. It is, he noted, difficult to identify people who have the necessary expertise. Mr. Lee then said that the same individuals always are suggested. Mr. Bob Kellam, EPA OAQPS, agreed with Mr. Lee that only a handful of people in the country understand the complexities of several of EPA's programs and understand issues of environmental justice, as well. He encouraged the work groups to explore academic institutions as resources that can provide expertise.

Dr. Barron added that the subcommittee could "gather all the experts in the world" on any topic. However, she continued, if the subcommittee fails to include diverse opinions the NEJAC would fail in its charge. She pointed out that "it is not always the brains who have the expertise, but those people who can think outside the box."

3.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations and reports made to the Air and Water Subcommittee on the draft Fish Consumption Report and the role of the subcommittee in planning for the meeting of the NEJAC to be held in December 2002.

3.1 Draft Fish Consumption Report

Ms. Jaramillo congratulated the members of the Fish Consumption Work Group for its extensive efforts in preparing the draft report. She reported that the document is the product of 18 months of planning and development. She explained that a 30-day comment period had been held after the Fish Consumption Work Group had completed consideration of the focused recommendations that supported the recommendations that already had been presented to the Executive Council of the NEJAC. Ms. Jaramillo added that, after comments on the report have been addressed, the Executive Council of the NEJAC would vote to determine whether the document was ready for submission to the EPA Administrator. Ms. Jaramillo expressed her hope that the final recommendations would be sent to the Administrator by March 2002.

Mr. Robinson commented that the process of developing the report had been "very interesting and synergistic." He commended Ms. Walker and Ms. Yamaguchi for their contributions and efforts to coordinate activities with members of the Indigenous Peoples Subcommittee in developing the report.

Ms. Yamaguchi emphasized the importance of using the work of the Fish Consumption Work Group as a segue into planning for the December 2002 meeting of the NEJAC to be held in Baltimore, Maryland, so that the work that already has been completed will not be lost, she said. She expressed the hope that the "take-home" question raised by the report would be "Where is the regulatory or clean-up side of the fish consumption equation?"

Ms. Jaramillo then stated her belief that the current theme of fish consumption could bring about a smooth transition to the pollution prevention theme of the December 2002 meeting. Ms. Jaramillo then commented that the current meeting was focusing on the advisory aspect of the fish consumption issue and stated her expectation that the focus of the December 2002 meeting would examine the regulatory aspect of the issue.

Mr. Jim Hanlon, EPA OST, also commended the Fish Consumption Work Group for its efforts. He observed

that much thought had gone into the recommendations developed by the work group. However, he asked that members of the work group realize that some of their recommendations were "easier said than done." He commented that several recommendations, such as those for the elimination of sources and the selection of priority compounds, are relatively far-reaching. Mr. Hanlon asked that the work group assign priorities to each recommendation – for example, short-term or long-term or Tier 1 or Tier 2. He stated that it otherwise would be difficult for EPA to know where to begin. He also stated that most of what EPA could accomplish in implementing the recommendations would depend on available resources. He stated that he looked forward to working with the Air and Water Subcommittee to refine and implement the recommendations.

Ms. Subra, commented that other initiatives in progress could be useful as resources for EPA as it implements the recommendations of the NEJAC. For example, she said, in terms of phasing out chemicals and eliminating exposure to certain sources, EPA could look to the work of a tri-lateral trade council on which representatives of Mexico, the United States, and Canada had developed regional action plans for a select list of chemicals. Mr. Hanlon added that EPA also is involved in a bilateral agreement with Canada that deals with environmental issues in the Great Lakes region.

Ms. Gauna expressed her concern that EPA would focus on broad principles that could not be implemented under the current statutory circumstances, rather than turning its attention to specific recommendations that could be implemented. Mr. Greenbaum encouraged EPA and the work group to avoid "getting lost in the details." He suggested that EPA examine less detail in the recommendations, but instead focus on the more general comments.

Dr. Barron stated that she recognized that EPA would have great difficulty following up on every single recommendation. She asked, however, that the agency be aware that many affected populations would not change their practices, even though the health risks posed by the contaminants are known. She urged that EPA "see the bigger picture," that there is a need for clean ecosystems everywhere. Dr. Barron stressed that it had been shown repeatedly that the killing or contamination of animals and plants ultimately will harm humans. She stressed that EPA must work with other agencies that may have money to work with communities at high risk.

3.2 December 2002 Meeting of the NEJAC

The subcommittee discussed the meeting of the NEJAC scheduled for December 2002 that will focus on pollution prevention and environmental justice. Mr. Lee presented the policy issue and question that would be the theme of the December 2002 meeting:

How can EPA promote innovative approaches to pollution prevention to ensure a clean and healthy environment and improve the quality of life for all people, including low-income communities, minority communities, and tribes?

Mr. Lee stated that one goal of the meeting would be to present environmental justice and pollution prevention as a "win-win" strategy for all stakeholders. He provided one example topic, how EPA can promote innovative approaches to pollution prevention to address the concerns of environmental justice communities. Continuing, Mr. Lee said that the participants in the meeting would discuss the need to integrate pollution prevention into EPA's various programs, such as air, water, and solid waste management. He then stated that the participants also would explore obstacles to the integration of pollution prevention and environmental justice.

Mr. Lee referred to a background paper developed by EPA's Office of Pollution Prevention and Toxics (OPPT) for the December 2002 meeting. The background paper opened with a quote of U.S. Representative John Conyers (D-Ohio): "Communities of color and low-income Americans seek not to redistribute pollution, from dirtier and overexposed areas to cleaner and underexposed areas. They instead seek to prevent pollution at the source so that all Americans can breathe clean air, drink clean water, and eat clean food" (April 1993).

Mr. Lee noted that examples of pollution prevention include diesel reduction in the amounts of diesel fuel used, product replacement, tribal solid waste cleanup plans, and energy efficiency. He referred to a group known as Janitors for Justice that deals with environmental products that such workers must use. He also referred to the success of EPA's Pollution Prevention for Environmental Justice program, which has allocated \$14 million in grants. Mr. Lee added that innovative approaches also include partnerships, citing the Houston Ship Channel Source Reduction Model and the Dow-Midland Model as examples.

Mr. Lee then announced that the NEJAC would like the Air and Water Subcommittee to play a role in organizing the December 2002 meeting. He said that

the Waste and Facility Siting Subcommittee, the Health and Research Subcommittee, and the Indigenous Peoples Subcommittee also would be represented in the planning process. He added that OEJ and the other program offices would provide staff support.

Ms. Subra reported that she and Mr. Warren, co-chair of the work group would work together to develop a strategy for planning the meeting. She said they would focus on exploring available opportunities for pollution prevention and share such information with environmental justice communities. Ms. Subra added that, with the help of the DFO of the Pollution Prevention Work Group, she and Mr. Warren would prepare a report on their findings. Members of the subcommittee requested that, in preparation for the next meeting, the newly formed Pollution Prevention Work Group examine issues related to (1) environmental restoration, (2) clean production, (3) low-impact development, and (3) the costs and benefits of pollution prevention.

Mr. Whitehead acknowledged that integrating the topics of "pollution prevention" and "environmental justice" would be a timely exercise. He asked for clarification of whether the term "pollution prevention" included the concept of clean production. He added that the subcommittee should consider an analysis of the economic benefit of pollution prevention and low-impact or retro-development. He encouraged the work group not to think of pollution prevention in a "limited box," which usually is thought of in the context of air and waste issues, he explained. Mr. Whitehead also asked that the work group consider issues related to water, as well. Ms. Jaramillo added that pollution prevention also includes environmental restoration.

Ms. Carter asked that EPA comment on the overlap and duplication of programs at EPA. She observed that several offices appear to deal with the same issues. She asked that EPA consider eliminating some of the overlap and allocating more resources to the offices that address a problem directly.

Mr. Greenbaum expressed concern about the efforts of the other work groups during the next meeting. Ms. Yamaguchi agreed that the issue should be discussed and expressed concern that participation in the meeting by subcommittee members who are not involved in planning the meeting may be limited. She stated that the goal should be to link existing work groups to the pollution prevention theme, as well.

4.0 SIGNIFICANT ACTION ITEMS

This section summarizes the significant action items adopted by the subcommittee.

- T Recommend that EPA OEJ coordinate with the various EPA program offices that sponsor NEJAC subcommittees efforts to adequately staff the work groups of the subcommittees, specifically the Permitting and Public Utilities Work Group.
- T Recommend that EPA consider ways to eliminate redundancy in programs that address the same issues, so that fewer resources will be spent on duplicate efforts and more resources can be allocated to the primary office or agency that addresses each issue.
- T Review and provide comment on the following documents:
 - EPA's Work Plan for the National Air Toxics and Integrated Air Toxics Strategy
 - Volume IV: "Risk Communication" of EPA's Guidance Document for Assessing Chemical Contamination Data for Use in Fish Advisories
- T Identify individuals to recommend for service on various EPA stakeholder work groups and for service as technical consultants to provide advice about the issuance of fish advisories.
- T Develop a document on "best practices" for permitting that are sensitive to issues of environmental justice and review and provide comment on EPA OAR's new source review study report that is to be issued in January or February 2002.
- T Encourage state and local governments to incorporate into their strategic plans a philosophy of awareness of environmental justice similar to that expressed in EPA Administrator Christine Todd Whitman's August 2001 letter that states EPA's commitment to environmental justice.
- T Recommend that, after completion of the fish consumption report, the Fish Consumption Work Group expand its scope to explore other issues related to water quality (such as TMDLs, CAFOs, and permitting related to water).
- T Recommended that EPA establish an organizational division to address issues related to water supply.