

MEETING SUMMARY

of the

HEALTH AND RESEARCH SUBCOMMITTEE

of the

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

**December 11, 2002
Baltimore, Maryland**

**Brenda Washington
Co-Designated Federal Official**

**Pamela Kingfisher
Vice-Chair**

**Gary Carroll
Co-Designated Federal Official**

**CHAPTER FIVE
MEETING OF THE
HEALTH AND RESEARCH SUBCOMMITTEE**

1.0 INTRODUCTION

The Health and Research Subcommittee of the National Environmental Justice Advisory Council (NEJAC) conducted a one-day meeting on Wednesday, December 11, 2002, during a four-day meeting of the NEJAC in Baltimore, Maryland. Ms. Jane Stahl, Connecticut Department of Environmental Protection and chair of the subcommittee, was unable to attend the meeting. Ms. Pamela Kingfisher, Indigenous Women's Network and vice-chair of the subcommittee, presided over that day's session. Ms. Aretha Brockett, Office of Pollution Prevention and Toxics (OPPT), U.S. Environmental Protection Agency (EPA) and Ms. Brenda Washington, EPA Office of Research and Development (ORD), continue to serve as the co-Designated Federal Officials (DFO) for the subcommittee. Mr. Charles Lee, EPA Office of Environmental Justice (OEJ) and DFO for the NEJAC Executive Council, was present and participated extensively in the discussions.

After welcoming the members of the subcommittee, Ms. Kingfisher informed the group that Mr. Franklin Carver, North Carolina Central University and a member of the subcommittee, recently had resigned as a member of the subcommittee. Exhibit 5-1 identifies the subcommittee members who attended the meeting and the member who was unable to attend.

This chapter, which summarizes the deliberations of the Health and Research Subcommittee, is organized in four sections, including this *Introduction*. Section 2.0, *Activities of the Subcommittee*, summarizes the discussions about the activities of the subcommittee, including its deliberations about the subcommittee's strategic plan and procedures for reviewing and approving NEJAC reports. Section 3.0, *Presentations and Reports*, presents an overview of each presentation and report made during the one-day meeting, as well as a summary of relevant questions and comments from the subcommittee members regarding those presentations and reports. Section 4.0, *Significant Action Items*, summarizes the significant action items adopted by the subcommittee.

2.0 ACTIVITIES OF THE SUBCOMMITTEE

This section summarizes the discussions about the

activities of the subcommittee, which included deliberations about the Health and Research Subcommittee Strategic Plan, the Framework for Cumulative Risk Assessment, and the process for reviewing and approving NEJAC reports.

2.1 Update on the Health and Research Subcommittee Strategic Plan

Ms. Kingfisher reminded the subcommittee members present that the strategic plan was created in response to a request from the NEJAC Executive Council. She noted that the document outlines the activities planned for the subcommittee for the next two years. She also noted that a copy of the plan was included among the meeting materials.

During the discussion about the strategic plan, the members of the subcommittee agreed that the plan should be kept simple and focus on attainable goals. Subcommittee members expressed the need to ensure that:

- Goals articulated at previous sessions of the subcommittee are reflected in the strategic plan

Exhibit 5-1

HEALTH AND RESEARCH SUBCOMMITTEE

**Members Who Attended the Meeting
December 11, 2002**

Ms. Pamela Kingfisher, **Vice-Chair**
Ms. Brenda Washington, **Co-DFO**
Ms. Aretha Brockett, **Co-DFO**

Mr. Mark Armentrout
Ms. Valerie Jo Bradley
Mr. Lawrence Dark
Mr. Richard Gragg III
Mr. Walter Handy
Ms. Lori Kaplan
Reverend Adora Lee
Ms. Laura Luster
Mr. Mark Mitchell
Ms. Dorothy Powell

**Member
Who Was Unable To Attend**

Ms. Jane Stahl, **Chair**

Schedules are realistic and meet the needs of the subcommittee

- Goals and objectives are consistent with one another

After reviewing and discussing the draft strategic plan, the members agreed to revise the goals of the strategic plan as follows:

- Provide comments to the Framework for Cumulative Risk Assessment to EPA through the NEJAC Executive Council by July 15, 2003
- Prepare a research and programmatic agenda about environmental stressors and health disparities

The members also expressed the need to expand the language used to describe the goals. They agreed to form a workgroup that would be tasked to develop language that would reflect the intent of the members of the subcommittee. Exhibit 5-2 lists the members of the subcommittee who agreed to serve on the Strategic Plan Workgroup.

2.2 Status of the Framework for Cumulative Risk Assessment

The Health and Research Subcommittee held an extensive discussion about EPA's draft Framework for Cumulative Risk Assessment (Framework), the first step in a long-term effort to develop Agency-wide cumulative risk assessment guidance. According to information posted on the EPA Risk Assessment Forum Internet web site <<http://cfpub.epa.gov/ncea/raf/recordisplay.cfm?deid=54944>>, the Framework is "intended to foster consistent approaches to cumulative risk assessment in EPA, identify key issues, and define terms used in these assessments. The Framework identifies the basic elements of the cumulative risk assessment process and provides a flexible structure for conducting and evaluating cumulative risk assessment, and for addressing scientific issues related to cumulative risk. Although the Framework report will serve as a foundation for developing future guidance, it is neither a procedural guide nor a regulatory requirement within EPA, and it is expected to evolve with experience. The Framework is not an attempt to lay out protocols to address all the risks or considerations that are needed to adequately inform community decisions. Rather, it is an information document focused on describing various aspects of cumulative risk."

Mr. Lee clarified the relationship between the terms "risk" and "impact," explaining that risk is defined as the probability of harm or adverse effects while "impact" is defined as the resulting harm or adverse effects. He explained that with the development of a scoping and planning memorandum in 1997, EPA began working to develop a cumulative risk assessment framework. The draft cumulative risk assessment framework had been prepared by EPA in 1999, he said, and had been subject to three peer involvement meetings and two consultations with the EPA Science Advisory Committee in 2001. Mr. Lee explained that the framework document had then undergone external peer review in June 2002 and that EPA plans to release the published version of the document by the end of 2003.

Mr. Lee explained that the framework document is intended to provide an overview of the parameters constituting cumulative risk and impacts and cumulative risk assessment. The framework document will serve as a base for development of case studies and issue papers on specific topics related to cumulative risk and cumulative risk assessments, he explained. These case studies and an issue paper will be developed during 2003, he said, and presented to the members of the NEJAC at the next NEJAC meeting. After receiving input from the NEJAC members on these items, EPA would start developing guidelines for cumulative risk assessment.

After some discussion about the document, the members agreed that in some instances, data collected as part of a cumulative risk assessment will reveal issues considered more pertinent by an affected community, than concerns about the actual or potential exposures to toxic chemicals. For

Exhibit 5-2

MEMBERS OF HEALTH AND RESEARCH SUBCOMMITTEE WORKGROUPS

Strategic Plan Work Group

Ms. Dorothy Powell
Ms. Lori Kaplan

Cumulative Risk Work Group

Mr. Lawrence Dark
Mr. Richard Gragg, III
Ms. Pamela Kingfisher
Laura Luster

example, community concerns about the lack of access to healthcare may outweigh immediate concerns about potential exposure to toxic chemicals, they said. Socioeconomic issues such as an increased exposure within communities should be evaluated in a cumulative risk assessment, the members said. Ms. Dorothy Powell, Associate Dean, College of Pharmacy, Nursing and Allied Sciences, Howard University and a member of the subcommittee, agreed to draft a white paper that strengthens the discussion about environmental stressors and health disparities for inclusion in the NEJAC draft report titled *Advancing Environmental Justice Through Pollution Prevention* (draft pollution prevention report)

Regarding the role of the NEJAC in assisting EPA in the development of guidelines for cumulative risk assessment, Mr. Lee reported that a NEJAC workgroup on cumulative risk would be created in Spring 2003 as part of the NEJAC's planning efforts for the April 2004 meeting of the NEJAC. The policy topic for that meeting would be "Cumulative Risk and Cumulative Risk Assessment, he said. Working in partnership with EPA program and regional offices, other EPA advisory committees, and other federal agencies, the workgroup would develop a draft report and consensus proposal to be presented at the April 2004 meeting of the NEJAC, he continued. Mr. Lee provided examples of the issues that the workgroup would be charged to address, including:

- Exploring how cumulative risk assessment can be better grounded in a real-life context of disproportionately impacted communities and tribes
- Determining practices for ensuring stronger community involvement in the planning, scoping, and problem formulation phase of cumulative risk assessment
- Addressing how the concept of vulnerability can be incorporated into the cumulative risk assessment process
- Identifying methods for more effective use of information obtained from a cumulative risk assessment.

The subcommittee requested that a member of the subcommittee be appointed to participate on the work group. The subcommittee also formed an internal workgroup to evaluate and prepare comments to the draft Framework for Cumulative Risk Assessment document. Mr. Martin Halper, Senior Science Advisor, EPA OEJ, agreed to assist with the workgroup. Exhibit 5-2 lists the members of

the Cumulative Risk Workgroup.

2.3 Discussion about the Process for Reviewing and Approving NEJAC Reports

The members of the subcommittee discussed the process for reviewing and approving reports generated by the NEJAC, noting that the process is fluid and often cannot adhere to a specific schedule or model. When a document like the draft pollution prevention report is prepared, the audience for which the document is written should be clear, they said.

New members of the subcommittee requested a flow chart of the report review and approval process. Ms. Marva King, NEJAC Program Manager, EPA OEJ, indicated such a flow chart had been included among the materials prepared under the General and Administrative tab of the meeting binder that had been distributed to all conference attendees. The subcommittee concluded that approval and implementation of proposals or recommendations outlined in reports like the draft pollution prevention report depend either on which proposals or recommendations are adopted by the NEJAC or on those for which a consensus is reached. Once proposals or recommendations are adopted by the NEJAC, EPA decides which ones can be implemented, they said.

3.0 PRESENTATIONS AND REPORTS

This section summarizes the presentations made and reports submitted to the Health and Research Subcommittee. Specific presentations included an overview of the draft pollution prevention report, an overview about EPA's Response to the World Trade Center Attack, and a discussion about interagency participation and communication.

3.1 Overview of Draft Pollution Prevention Report

Ms. Sharon Austin, EPA OPPT and DFO of the NEJAC Pollution Prevention Workgroup, provided an overview of the draft pollution prevention report.

Ms. Samara Swanston, The Watch Person Project, provided an explanation of her role in the development of the draft pollution prevention report. She noted that she had been contracted to work with the workgroup, taking the various "issue papers" that had been prepared by the individual stakeholder subgroups and integrate them into a cohesive document. Ms. Swanston indicated that pollution prevention can be a potentially significant tool for environmental justice because most projects do not

reflect a true relationship among communities, business, and government. Communities often are willing to address issues facing them; however, resources may not be available to allow them to devote the time needed to address those issues, she said.

Ms. Austin stated that written comments to the pollution prevention report should be forwarded to her at:

Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, MC 7406M
Washington, D.C. 20460
Telephone: (202) 564-8523

3.1.1 Chapters 1 and 2, Stakeholder Perspectives and Consensus Recommendations

Ms. Austin noted that Chapter 1 of the draft report described the perspectives of various identified stakeholder groups, including impacted communities, all levels of government, and business and industry. Recounting the process used by the workgroup to develop its advice and recommendations, Ms. Austin explained that the 21 members of the workgroup, who represented various stakeholder groups, were interviewed about their concerns, expectations, and ideas for the workgroup. Many areas of common interest as well as areas of difference were revealed during that process, she said. The interviews then were used to structure the face-to-face meeting of the workgroup members that had been held from July 22 through 25, 2002, she continued. A key outcome of the face-to-face meeting was the formation of subgroups to identify specific topics of interest, including community perspectives, tribal perspectives, business and industry perspectives, government perspectives, critical areas and emerging directions, and multi-stakeholder efforts. Those perspectives then were delineated in subsequent chapters of the draft report.

Ms. Austin also noted that she anticipates that (1) discussions about the role of enforcement in a vigorous pollution prevention strategy; (2) the merits of relying on the "precautionary principle" (which states that the lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation), and (3) other science-based issues, should be included in the final version of the report.

3.1.2 Chapter 3, Community Perspectives

Ms. Connie Tucker, Executive Director, Southern Organizing Committee for Economic and Social Justice, provided a summary of Chapter 3, Community Perspectives, of the draft Pollution prevention report. She noted that the omission of information about the role of enforcement in a pollution prevention strategy "is a critical mistake." She also stated that because attendance at the previous day's NEJAC meeting was not as high as had been anticipated, the comments submitted during the public comment period by members of affected communities were not as "aggressive". Ms. Tucker also indicated that pollution prevention is a tool that can be used to integrate environmental justice into existing statutes. She requested that the members of the subcommittee provide her with comments to Chapter 3 at a later date. She also invited members of communities to review and provide comments about the draft report to her.

Ms. Powell asked who are the target audiences of the draft pollution prevention report. Ms. Austin replied that the immediate target audience is the EPA Administrator and EPA OPPT, which would be implementing the proposals in the consensus chapter. Ms. Tucker added that she considered the two primary target audiences to be the NEJAC and affected communities.

Ms. Powell recommended that the critical issues overlooked in the draft pollution prevention report be revisited and the report amended to reflect them so that the report would reflect a single voice. The report should not include a collection of minority or contradictory perspectives, she said. Ms. Austin and Ms. Tucker agreed that some issues should be made clearer in the final version of Chapter 2, Consensus Recommendations, of the draft pollution prevention report. They added that the Pollution Prevention Workgroup is expected to reconvene to revisit the issues at hand and subsequently provide a document about which the NEJAC could make a decision.

Other issues about the pollution prevention report that had been discussed by the subcommittee included the time frame for completing the report, obtaining a "true consensus in the consensus chapter," and defining such terms such as "tribes." Mr. Halper indicated that the time frame for completing the Pollution prevention report or any NEJAC report depends on several issues, including the number of recommendations identified. The process takes as long as is necessary to develop a document on which the NEJAC can agree, he said.

3.1.3 Chapter 4, Tribal Perspectives

Mr. Tom Goldtooth, Indigenous Environmental Network, summarized the issues confronting tribes, tribal communities, and tribal governments that are discussed in Chapter 4, Tribal Perspectives, of the draft pollution prevention report. He stated that the report must use consistent language when referring to tribes and tribal organizations. People living in the tribal communities also are concerned about the erosion of tribal sovereignty, he stated. In addition, Mr. Goldtooth requested the members of the subcommittee submit comments to the chapter on tribal perspectives.

Mr. Dean Suagee, Vermont Law School, also provided input about the tribal perspectives chapter of the report. He indicated that historically, tribal governments had not been included in discussions with other government bodies. Consultation with tribal communities is essential for getting tribal perspectives about pollution prevention initiatives, he said, explaining that consultation with tribal communities often is limited to brief discussions with people who work with tribal communities and not with the actual members of those communities. Mr. Suagee also stated that the final pollution prevention report should discuss solar and renewable energy, and alternative sources of transportation, so that people would not have to rely on cars.

3.2 Overview of EPA's Response to the World Trade Center Attack

Mr. Christopher Jimenez, On-Scene Coordinator (OSC), EPA Region 2, discussed EPA's response to the terrorist attack on the World Trade Center (WTC) on September 11, 2001. He stated that EPA's response activities had focused on addressing contamination and exposures to asbestos fibers, chemicals related to jet fuel and gasoline fuel, and particulate matter in ambient air that resulted from the collapse and destruction of the WTC towers. Mr. Jimenez added that real-time air monitoring and sampling had been conducted at the excavation site, throughout the five boroughs of New York City, in nearby towns in New Jersey, and at the Staten Island Landfill where debris from the excavation site had been taken for examination and disposal. The WTC response involved several federal, state, and local government agencies as well as contractors, he confirmed. He noted that work at the excavation site had continued through August 2002 and that work at the Staten Island Landfill had been completed two months later.

Mr. Jimenez stated that additional information about EPA's response to the WTC attack can be obtained

from:

Mr. Steve Touw, MS21
US EPA Facilities
Raritan Depot
2890 Woodbridge Avenue
Edison, NJ 08837-3679
Telephone: (732) 906-6900
E-mail: touw.steve@epa.gov

3.3 Discussion about Interagency Participation and Communication

Mr. James Tullos, Health Partnership Specialist, Division of Health Education and Promotion, Agency for Toxic Substances and Disease Registry (ATSDR), briefly discussed improving interagency participation and communication between the NEJAC and other federal agencies. He reported that ATSDR had established subcommittees and workgroups that are available to provide assistance to the Health and Research Subcommittee. Dialogue between individuals on the ATSDR subcommittees and the Health and Research Subcommittee is encouraged, he stated.

Issues raised during Mr. Tullos's presentation included how ATSDR views environmental justice, how ATSDR makes a determination of environmental justice in a community, and the need for a consistent definition of environmental justice among federal agencies. Mr. Tullos stated that the ATSDR Office of Urban Affairs (OUA) is responsible for making environmental justice determinations. Such decisions, which are made by the Director of OUA, are based on a policy signed by the Centers for Disease Control and Prevention and ATSDR. He agreed to provide a copy of the policy document to the NEJAC. Mr. Tullos further explained that ATSDR would like to (1) see how agencies can work together at the community level, (2) determine how many agencies are needed during an initial contact with a community, and (3) define how much information is needed during that first initial contact. He indicated that ATSDR is anticipating tasks on which ATSDR personnel can assist the Health and Research Subcommittee. Mr. Lee indicated that the NEJAC previously had worked with Dr. Faulk, Director of ATSDR, during the May 2000 NEJAC meeting that had been held in Atlanta, Georgia. Dr. Faulk is the ATSDR liaison for the NEJAC, Mr. Lee said.

Mr. Hal Zenick, EPA ORD, indicated that work is being done to establish a dialogue with and create an interagency relationship with Mr. Tommy G. Thompson, Secretary, U.S. Department of Health and Human Services. This effort had started in 2000

when the NEJAC Health Report was being prepared. Ms. Wilma Subra, Louisiana Environmental Action Network and member of the Air and Water Subcommittee, is working on a collaborative model for developing interagency partnerships not only with government agencies but also with the private sector, Mr. Lee reported.

The discussion ended with remarks by the Reverend Adora Lee, Director of Environmental Justice Programs, United Church of Christ and a member of the subcommittee, who indicated that the work of the NEJAC should culminate in tangible results for the people who provide comments to the NEJAC during the public comment period. Rev. Lee added that the most important work of the NEJAC is to have “real-life impacts” on communities, such as when it makes recommendations calling for the involvement of communities in planning and permitting.

4.0 SIGNIFICANT ACTION ITEMS

This section summarizes the significant action items adopted by the Health and Research Subcommittee.

- ✓ Recommend to EPA the name of a subcommittee member to serve as chair of the subcommittee
- ✓ Engage Ms. Powell to draft a white paper that strengthens the discussion about environmental stressors and health disparities for inclusion in the draft pollution prevention report
- ✓ Revise the Health and Research Subcommittee Strategic Plan to ensure that the goals articulated previously by the subcommittee are reflected in the strategic plan, that schedules are realistic and meet the needs of the subcommittee, and that goals and objectives are in tune with one another. In addition, expand the language used to describe the goals in the subcommittee’s strategic plan to more fully explain the subcommittee’s intentions.