

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
MEETING SUMMARY
OCTOBER 25-27, 1994**

I. Background

The National Environmental Justice Advisory Council (NEJAC) held its third meeting on October 25-27, 1994, at the Hyatt Regency Hotel in Herndon, Virginia. EPA convened the meeting to discuss environmental justice issues and concerns. NEJAC was created by EPA under the authority of the Federal Advisory Committee Act to provide independent expert advice and counsel to the Agency on policy matters related to environmental justice.

NEJAC is comprised of a parent Council (Council) and four Subcommittees. The Council is authorized to have up to 25 members who may also serve on one of the Subcommittee. The Subcommittees are Public Participation and Accountability, Enforcement, Waste and Facility Siting, and Health and Research. NEJAC's members include representatives of academia; industry; community groups; nongovernmental organizations; state, tribal, and local governments; and environmental organizations.

On October 25, the Council was convened for a brief plenary session to review the agenda and to discuss the press coverage which resulted from the August 3-5 meeting in Albuquerque. The new chair, Richard Moore, discussed the need to set a positive tone of working together and building consensus. After the session, the subcommittees convened for the remainder of the day, and again on the 26th to complete work on specific work products related to their areas of responsibility. The full Council reconvened on the afternoon of the 26th and the 27th. Public comments were received on the 26th from 11 a.m. to noon and again from 6:30-7:30 p.m.

Following is a summary of the Council's discussions and resolutions, which are organized by subject area. Also included is a summary of the public's oral comments. [Note: See the individual "Subcommittee Notes" for a summary of each Subcommittee's meeting.]

II Opening Remarks

The meeting began with a general welcome to all Council members by the Council Chair, Mr. Richard Moore, who then acknowledged three new Council members: Gail Small, Velma Veloria, and Baldemar Velasquez. Mr. Moore's opening remarks covered the past and future aims of the Council, emphasized the Council's guiding principles, and addressed recent developments.

The objective of NEJAC is to develop an agenda of environmental justice recommendations for EPA's Administrator, Carol Browner, and EPA's staff. Mr. Moore reiterated NEJAC's commitment to working with EPA regional offices to bring justice to many

of the communities represented on the Council. The Chair emphasized that this environmental justice agenda will be developed with integrity, honesty, and a sharing of ideas. Because NEJAC is tackling questions of democracy that have been difficult to deal with for many years, the Council can expect to hear a number of different view points. Further, many Council members are obligated to speak on behalf of the large constituent groups they represent. Mr. Moore explained that although some Council members may feel uncomfortable, the Council must accept these facts and unite to create an environmental justice agenda to develop safer and better environments for all communities. The Chair reminded the Council of the need to continue moving forward and the need to emphasize NEJAC's accomplishments and successes to members of the press and the general public.

The Chair shared with the Council the substance of a meeting last week with Carol Browner in which she reaffirmed her commitment to environmental justice and her commitment to support NEJAC. She has approved two recommendations made by the Council during its second meeting held in Albuquerque, New Mexico on August 3-5, 1994: the recommendation that NEJAC be allowed to create two additional Subcommittees, dependent upon availability of funds. The two subcommittees will focus on Native Americans and on NAFTA. The second recommendation approved is to appoint a labor representative to the Council and to each of the subcommittees. The NEJAC will decide the priority for subcommittees given current budget constraints.

III. Cross-Cutting Issues

Subcommittee Chairs reported cross-cutting issues raised in Subcommittee meetings to the full Council. The full Council then discussed these cross-cutting issues.

Waste and Facility Siting Subcommittee

- Charles-Lee reported on the issues discussion of the Waste and Facility Siting Subcommittee and suggested that this Council explore ways to effect interaction among NEJAC Subcommittees since these issues are at the heart of environmental justice. The Subcommittee Chair identified the following three issues as among those on which the Council should focus.
 - An implementation framework that helps people understand cross-cutting issues from a long-term and short-term perspective.
 - A strategic plan to establish an infrastructure fostering partnerships with community groups, labor, and other stakeholders. Fostering partnerships requires a real paradigm shift.
 - A training program, particularly for EPA personnel, to highlight the importance of environmental justice and the extent to which all cross-cutting issues (such as peace-time conversion, cultural diversity, and

international issues) fit into the environmental justice implementation framework.

Public Participation and Accountability Subcommittee

The Public Participation and Accountability Subcommittee discussed how to institutionalize public participation in EPA and other federal agencies' activities and the necessity of examining process and structure. The Subcommittee developed a model that it would like to see incorporated into a model public participation program. The Subcommittee would like to link its project with other Council initiatives.

Health and Research Subcommittee

- The Health and Research Subcommittee did not discuss new cross-cutting issues in its meeting. Bob Bullard, the Subcommittee Chair, said that the issues discussed at the Albuquerque meeting serve as a template for a full Committee discussion on Health and Research's issues. Dr. Bullard identified the following three categories:
 - Cross-cutting issues affecting ORD and OPPTS.
 - Evaluation, research, and standards needed to examine models and data collection.
 - Issues larger than EPA involving the Interagency Workgroup (IWG).

Enforcement Subcommittee

- The Enforcement Subcommittee concluded that it would be useful to evaluate what triggers should generate enforcement responses. The Chair, Deohn Ferris, expressed concern over whether there is sufficient risk assessment data available to generate enforcement responses. The Subcommittees should pay attention to the federal, state, and local relationships and how these relationships affect enforcement.
- This Subcommittee also identified access to information and employment diversity as cross-cutting issues.
- Cindy Thomas added that Tribal governments have a role in enforcement. In some cases, Tribal governments need assistance; in others, these governments need expanded authority.
 - Bob Bullard talked about the usefulness of establishing priorities on cross-cutting issues. EPA should create a regional initiative that avoids isolating

programs by Subcommittee issues. The Agency must distribute money so that true partnership, not resource allocation, can be the focus.

- Charles McDermott agreed that establishing priorities is fundamental, but emphasized that in establishing a framework for the twenty-first century, the real issue is coordination among government agencies. All federal agencies should act together in a unified strategic plan.
- Hazel Johnson commented on the difficulty in getting government agency staff in Chicago to talk to each other.

Comments on NEJAC Interaction with IWG

- Dr. Bullard said that there has been no exchange of information between NEJAC and IWG, and wondered how to encourage communication between the groups given the infrequency of NEJAC meetings. Without interaction, the Council generally agreed that NEJAC and IWG may duplicate efforts. IWG might deliberate without ever hearing from the Council.
- Kathy Aterno explained that the IWG is just getting started. She said that over the next two months, the Council and IWG will interact. NEJAC will see products from other federal committees and EPA can facilitate communication. However, Ms. Aterno noted that there are more than two hundred federal people serving on eight different task forces and that Council interaction with all of them is unrealistic.
 - Ms. Aterno stated that in a recent cabinet meeting, the Administrator had informed the heads of other federal departments and agencies that NEJAC was available to assist in environmental justice activities.
 - In response to a question raised by Cindy Thomas concerning the NEJAC reviewing the IWG materials, Kathy Aterno emphasized that NEJAC is an advisory council to EPA and has no jurisdiction to either request or review materials from federal task forces.

Comments on Council Interaction and Participation

- The Council agreed that discussion and understanding between NEJAC members has improved since the Albuquerque meeting. People are working together despite their differences. Ms. Ferris noted that this improved relationship is a natural progression, not a miracle. Members are getting to know each other. Jean Sindab added that this progress is part of a larger evolution since the Council first met in Washington.

- Subcommittee members described a feeling of compression because of the stringent deadlines under the Executive Order. Ms. Ferris said that the press of time did not allow her Subcommittee much opportunity to work through issues requiring face-to-face interaction.
 - Conference calls are insufficient, one member said.
 - Another remarked that something will be forgotten or insufficiently discussed in haste.
- Jean Sindab encouraged the Council to remember that the environmental justice movement has community-based momentum, and that irrespective of Executive Order deadlines, the movement will continue.
- Richard T Lazarus expressed fear that the Council's efforts may be paper exercises only unless greater focus was given to implementation.
- Industry representatives on the Council said that some other Council members may suspect industry motives. Some Council members added that often semantic differences make communication and understanding difficult.
 - Other Council member statements showed where industry and community interests found common ground.

Comments on Public Participation

- Jose Bravo stated that environmental professionals may not be real stakeholders where environmental justice is concerned. An IWG Task Force is proposing to convene an environmental justice summit with agency science managers. There must be a way to ensure stakeholder participation in this summit and other IWG work.
- Connie Tucker, a subcommittee member, suggested that each Council Subcommittee send a letter to the Administrator stating its concern over apparent lack of public participation in other agencies' environmental justice activities.
- Ms. Aterno said that when the issue of public participation came up at the cabinet meeting, the department and agency heads agreed that each federal agency should implement its own public participation strategy. The Administration did not want to dictate how federal agencies should involve the public.

IV. Reports From the Subcommittees

- **Public Participation and Accountability Subcommittee** (Peggy Saika, Chair). Ms. Saika made the following recommendations, each of which the full NEJAC adopted.
 - The full NEJAC should endorse sending a letter to the Chair of the IWG Taskforce on Outreach to incorporate the content of a model public participation process drafted by the Subcommittee. Ms. Saika's Subcommittee specifically highlighted the concept of shared responsibility in leadership, planning, and implementation between the Agency and the community.
 - The full NEJAC should approve a demonstration project for a public participation meeting and funding for the project.
 - EPA should allow the Subcommittee to collect information, review, and critique any existing Agency public participation activities.
- **Enforcement Subcommittee** (Deeohn Ferris, Chair). Ms. Ferris asked for clarification of certain parts of the meeting minutes from the Albuquerque meeting. Then Ms. Ferris made the following recommendations.
 - The full committee should endorse sending a letter to Steve Herman, EPA's Assistant Administrator for Enforcement and Compliance Assurance, raising concerns about lack of diversity in this Office and asking for diversity statistics. Ms. Ferris also recommended that each Subcommittee send a similar letter to the EPA manager with responsibility for each subcommittee's areas of responsibility. The full NEJAC adopted the recommendation that the Enforcement Subcommittee send such a letter.
 - The Subcommittee should send a draft letter to its counterpart on the Interagency Task Force on Enforcement for including communities of color in enforcement actions. The full NEJAC postponed the vote until the letter was prepared.
- **Health and Research Subcommittee** (Bob Bullard, Chair). Dr. Bullard reported that the Subcommittee was in the process of drafting three documents that will include specific recommendations and changes in the draft Environmental Justice strategy for the Office of Research and Development (ORD). The Subcommittee will ask the full NEJAC to vote on these documents later. Topics will include high priority areas of environmental contamination defined by demographics; development of a research strategy; enforcement; risk communication; training; outreach; pollution prevention, and community participation in policy evaluation.

The main theme will be to develop a strategy for "health and research" that will be useful for the IWG. The Subcommittee Chair also made the following comments.

- Pollution prevention will be a priority area for environmental justice research.
- Risk assessment should include a matrix of vulnerability factors.
- A research strategy should be developed for various agency workgroups to use in health research.
- **Waste and Facility Siting Subcommittee** (Charles Lee, Chair). Mr. Lee recommended the Ten-Point Implementation Framework of the OSWER Environmental Justice Task Force Draft Report and received approval from the council of its basic points and to proceed with its further development. Some of the major topics of the Ten-Point Recommendations are as follow.
 - The OSWER Environmental Justice Task Force Final Report should be made into a "living document."
 - A comprehensive interactive outreach, communications and community participation strategy is the-hub of environmental justice implementation. A community driven, i.e., designed by community based environmental justice groups, development of curricula and educational materials on environmental justice for federal agency personnel is essential as a first step.
 - Environmental justice strategies need to focus on building short-term and long-term infrastructure for doing environmental justice.
 - An integrated Environmental Justice Model Demonstration Program approach should be used as a template for pilot project design and evaluation.
 - The key areas for further recommendations will include the health needs of impacted communities, economic redevelopment, and siting criteria.
- Mr. Lee noted that there was a presumption with respect to environmental justice that needs to focus on the need to ensure projects and programs which "start with the community and end with the community." The points in the implementation framework are being offered as tools for implementation of all environmental justice programs, in OSWER, throughout EPA and other federal agencies. They are being offered as a way to evaluate program, project and grant initiatives, to help determine whether or not projects and grants planned or initiated as environmental justice projects are in fact such.

- Mr. Lee noted that this Subcommittee had the benefit of the program office which developed a comprehensive environmental justice strategy.
- Mr. Lee said that ecosystem management should be integrated into environmental justice and that the ecosystem was composed of four environments: natural, built, social, and spiritual.
- Several Council members addressed the relationship between public agencies and the communities.
 - Ms. Thomas stated that the federal, state, and tribal bodies should be included in environmental protection processes, because each is a sovereign governmental body. Further, she said that policies must be translated into a community's common language.
 - Dr. Sindab emphasized the importance of leadership starting within the community. Further, Dr. Sindab stated that the NIMBY (Not In My Back Yard) approach to problem solving is no longer an acceptable policy, because no backyard should be susceptible to environmental injustice through siting of chemical and toxic waste dumps.
 - Ms. Tucker noted that state involvement with communities will allow greater participation and implementation of the OSWER Environmental Justice Task Force Draft Report as a living document.
 - Ms. Thomas stated that neither environmental contamination nor populations stop at state borders. The EPA Regions must be targeted along with states.
 - Ms. Tucker agreed and pointed out that the fact that EPA's regional offices have disparate resources may reflect actual discrimination.

Written Submissions:

This section of the notes describes the different submissions by each of the Subcommittees at the NEJAC October 26, morning session.

- The Enforcement Subcommittee submitted a letter to Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance, U.S. EPA.
 - The letter identified the need for EPA to diversify its workforce to increase the number of persons of color employed by the Office of Enforcement and Compliance Assurance, particularly in supervisory positions.

- The letter requested statistics regarding persons of color, their supervisory responsibilities, and the procedures the Office of Enforcement and Compliance Assurance has adopted to increase workforce diversity.
- The Public Participation and Accountability Subcommittee submitted a paragraph to be included in a letter to Steven A. Herman.
 - The paragraph recommended the incorporation of the model for community participation in the decision-making process, with specific emphasis on involving communities in co-sponsoring and co-planning public events.
- The Public Participation and Accountability Subcommittee submitted recommendations to the full NEJAC, including guiding principles and critical elements for meetings involving public participation. The Subcommittee also submitted a draft model for such meetings, guidelines for meeting preparation, participants, logistics, and mechanics.
- The Waste and Facility Siting Subcommittee submitted a draft of ten points and recommended full implementation of the OSWER Environmental Justice Task Force Report.
 - A Subcommittee Ad Hoc Work Group recommended that OSWER take its recommendations, institute process and protocols for proper implementation, and develop concrete workplans. In the first three months, OSWER might conduct a feasibility analysis with costing and prospective implementation frameworks. In six months, OSWER could develop a guide for initial implementation workplans.

V. Completion of Old Business

- The Council discussed the issues raised during the Albuquerque meeting that still require Council action. These issues included the following.
 - Past recommendations that still required full Council vote.
 - Council review of the IWG Implementation Task Force's environmental justice process development checklist.
 - Council review of the IWG Outreach Task Force's public participation checklist.

Recommendations From the Albuquerque Meeting

Richard Moore informed the Council that only eight of the 23 Council members voted by mail on the recommendations from the Albuquerque meeting, which is why there needs to be another vote today.

Vote on Process for Communicating with the IWG

- Mr. Moore reviewed the four proposed options for developing a process for working with and communicating with the IWG. Cindy Thomas provided a brief review of the newest proposed option, Option IV. Ms. Thomas explained that Option IV essentially was a combination of proposed Options I and II. This new option would allow EPA and IWG to share the responsibility for communicating and distributing information.
- Dr. Gaylord highlighted the differences in the four options and opened the floor for discussion. Dr. Beverly Wright stated that it would be most efficient for NEJAC and IWG to share documents. Drs. Herman Ellis and Richard Lazarus both agreed that the Council itself must decide what it wants to review. Charles Lee commented that none of the four proposed options addressed the role of NEJAC's Protocol Committee.
- John O'Leary made a motion to adopt Option IV as the NEJAC's process for communicating with IWG. Cindy Thomas suggested amending Option IV to ensure quick information distribution. This amendment would change the process so that information would be distributed to each Council member as soon as it was received, and guidance on the information would be distributed once it was available. The Council adopted Ms. Thomas's amendment.
- Richard Moore accepted the amendment to Option IV and asked the Council to vote on the four proposed options. The Council adopted the motions to accept an amended Option IV as its process for NEJAC and IWG interaction.

Vote on Recommendations from February 1994 Health/Research Symposium

- Dr. Bullard restated the issue of whether the Council should accept the recommendations from the "Health Research and Needs to Ensure Environmental Justice" February 1994 Conference as a model for forming environmental justice research policy.
 - Richard Lazarus stated that better enforcement of the statutes is essential to ensuring environmental justice. Charles Lee questioned whether the Council would approve the actual language of the recommendations if it voted to accept the recommendations conceptually. Dr. Bullard assured the

Council that the recommendations would be used only as a model and that the Council would not be approving the exact language.

- Dr. Bullard made a motion to accept the recommendations from the Conference on "Health Research and Needs to Ensure Environmental Justice." Dr. Wright seconded the motion. The Council adopted the motion that the NEJAC accept the recommendations as a model for forming environmental justice research policy.
- Because the Council approved the recommendations, Dr. Bullard asked NEJAC to decide whether it should send the information to one or all of the following organizations.
 - EPA's Office of Research and Development.
 - The Environmental Justice IWG.
 - The President's Council on Sustainable Development.
 - All federal government agencies.
- Kathy Aterno suggested that the Council may want to amend the list to include all relevant offices and agencies.
- A motion was made to forward information as appropriate to all federal government agencies, the President's Council on Sustainable Development, and all other relevant agencies or offices. The motion was seconded. The Council adopted the motion as amended. Information will be forwarded to the above as appropriate.

Vote to Approve NEJAC's Letter to EPA's Administrator Concerning Improving EPA's Workforce Diversity

- The last recommendation from the Albuquerque meeting was a vote to determine whether NEJAC should accept the draft letter from Richard Moore to the Administrator offering NEJAC's assistance in identifying candidates for several political appointments or major Office appointments at EPA.
- Cindy Thomas questioned the meaning of the last sentence in the letter. The sentence read, "Thank you for your attention to this issue which is crucial both to our people and to the mission of EPA." Dr. Bullard said that this letter was originally drafted to refer to "our people" as "people of color." Baldemar Velasquez requested that "our people" be changed to "our peoples" to underscore NEJAC's diverse constituency. Several Council members stated that they could not speak for their people unless they were given direct authority. Cindy Thomas recommended that the sentence be rewritten to eliminate the phrase "our people."

Peggy Saika recommended that the letter emphasize the entire environmental justice movement.

- A motion was made to approve the letter after amending the last sentence to read, "Thank you for your attention to this issue which is crucial to the environmental justice movement and to NEJAC and EPA" The motion was seconded, and the Council adopted the motion.

Council Review of the IWG Implementation Task Force's Environmental Justice Development Process Checklist

- Dr. Gaylord highlighted the major elements of the Implementation Task Force's checklist. She asked Council members to review the letter and the thirteen steps for clarity.
- Deohn Ferris questioned whether the Task Force intended to include worker's issues when it made references to human health and the environment. Dr. Gaylord responded that she believed worker's issues were included.
- Cindy Thomas recommended revising the letter to address the role of Tribal governments. Kathy Aterno responded that the checklist was developed as a model and was not exclusive.
- Charles Lee recommended revising the checklist to emphasize the need for public participation at the beginning of the planning phase.
- Baldemar Velasquez commented that on October 25, the Subcommittees discussed at great length the need for early public participation. He questioned whether any of the Subcommittee recommendations had been integrated into this checklist, and Dr. Gaylord responded that the recommendations have not been integrated.
- A motion was made and seconded to postpone a vote on the Implementation Task Force's checklist until the checklist has been revised to reflect NEJAC Subcommittee recommendations made on Public Participation. Dr. Gaylord stated that she will integrate the Subcommittee recommendations into the checklist.

Council Review of the IWG Outreach Task Force's Environmental Justice Public Participation Checklist

- Dr. Gaylord asked the Council to review the Environmental Justice Public Participation Checklist developed by the IWG Outreach Task Force.
- Several Council members expressed concern about voting on the checklist before it has been revised to incorporate NEJAC Subcommittee recommendations.

- Nathalie Walker recommended revising checklist items number three and four to include 'Empower communities to' and 'Ask stakeholders to' at the beginning of the sentences respectively. Ms. Walker also recommended that checklist item number four be revised to include "preferably through personal consultation" at the end of the second sentence.
- A motion was made and seconded to defer a vote on the Outreach Task Force's Public Participation Checklist until the checklist has been revised to incorporate the October 25, 1994 NEJAC Subcommittee recommendations. The Council adopted the motion to defer a final vote on this checklist. Dr. Gaylord stated that she will integrate the Subcommittee recommendations into the checklist.

VI. New Business - Oral Presentations

Richard Moore introduced the five speakers scheduled to make oral presentations to the Council.

Common Sense Initiative

- Elliott Laws, Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER), presented an overview of EPA's Common Sense Initiative. EPA launched this program last year to change the way the Agency addresses human health and environmental protection through an industry-by-industry approach to environmental policy. Mr. Laws stated that this program incorporates the new way of thinking within the Agency and in corporations across the country. He emphasized that the program encourages flexibility and innovation in protecting human health and the environment.
- EPA identified six industry sectors (auto manufacturing, computers and electronics, iron and steel, metal plating and finishing, oil refining, and printing) to include in the first phase of this initiative. The Agency selected these six industries because of demonstrated industry commitment to improve environmental performance through the Common Sense Initiative. Teams of industry executives; environmental and community representatives; and federal, state, and local officials will convene to identify ways to improve the environmental regulation of, and performance in, the six targeted areas. These areas are regulation, pollution prevention, reporting, compliance, permitting, and environmental technology.
- Mr. Laws stated that he will be meeting with NEJAC members on November 3, 1994 to discuss cross-cutting environmental justice issues before the Common Sense Initiative group holds its first formal meeting.

- Deoohn Ferris expressed concern about EPA's willingness to accept NEJAC recommendations. On behalf of the Council, Ms. Ferris stated that she has repeatedly tried to obtain information from EPA concerning the Common Sense Initiative. She has found EPA's response unsatisfactory. Mr. Laws responded that he personally will ensure that NEJAC receives all the information it has requested.
- Richard Lazarus asked Mr. Laws to inform EPA that NEJAC has not had the chance to address environmental justice issues raised in the pending rulemaking on cement kiln dust. Mr. Laws responded that EPA has extended the public comment period for comment concerning the human health risks posed to subsistence farmers and fisherman. The new comment closing date is November 10, 1994, and NEJAC may use this extension to its benefit. Mr. Laws will tell his Office that NEJAC has not commented on the environmental justice issues posed by the proposed rule.

Farm Worker Protection Rule & Environmental Justice Implications

- Theresa Murtaugh, Special Assistant to EPA's Assistant Administrator for Prevention, Pesticides and Toxic Substances, Dr. Lynn Goldman, and Rhonda Norton of EPA's Office of Enforcement and Compliance Assurance, addressed the implementation and enforcement issues associated with the farm worker protection rule (commonly called the Worker Protection Standard) as it applies to nearly four million workers employed on farms and in forests, nurseries, and greenhouses. The rule is effective on January 1, 1995. Historically, farm workers have suffered from pesticide exposure, poor sanitary conditions, and a lack of safety equipment. Many of these workers are migrants who speak little or no English. The speakers identified the following three key elements of the rule.
 - Worker safety training that an employer must provide and workers must attend.
 - Employer-provided decontamination supplies and proper safety clothing.
 - Employer-posted reentry signs or verbal notice informing farm workers that pesticides have been applied, and verbal notice informing workers when they can safely reenter the fields.
- Currently, each pesticide manufacturer must revise its product labels to include standards in the rule. Ms. Norton stated that this rule will allow the Agency to take enforcement actions against both pesticide manufacturers who violate labeling requirements and employers who violate the worker protection standards.

- On October 13, the Agency issued a press release stating that it filed its first civil administrative case under the Worker Protection Standard against two of the Nation's largest pesticide manufacturers for misbranding or incorrectly labeling pesticides, and for posing a risk to worker health. The Agency is seeking \$2.125 million in penalties against the DuPont and Phone-Poulenc Corporations.
- Deoohn Ferris questioned whether EPA would use its own or OSHA inspectors to enforce this rule. Ms. Norton responded that the Agency plans to use EPA inspectors because OSHA has fewer inspectors than the Agency. Although EPA hopes to share information with OSHA, the agencies do not expect to share enforcement responsibilities.
- Several Council members believe that EPA will be unsuccessful in protecting farm workers unless a number of different agencies are involved. Baldemar Velasquez believes that although training may educate farm workers, these workers will remain exploited until they can participate in rulemaking. Mr. Velasquez commends EPA on efforts to do something, but finds training an ineffective means of protecting workers. During all his years in the farm worker community, Mr. Velasquez has never seen an EPA inspector. Further, Mr. Velasquez believes that EPA's proposed reentry sign (a drawing of a worker's face and a hand raised to signify a "stop" signal) will not keep workers out of the fields. Several members of the Council believe that a "skull and cross-bones" sign would be more effective. Ms. Murtaugh responded that the Agency seriously debated whether to adopt the "skull and cross-bones" sign and after lengthy discussions, decided to adopt the proposed sign.
- Several Council members expressed their concern that EPA is not addressing the effect of exposure to multiple chemicals. Many farm workers suffer exposure during pesticide application, because these workers live near the fields. Ms. Norton responded that anti-drift requirements must be included on the pesticide labels. Ms. Norton stated that as a next step in protecting farm workers, EPA will promulgate final hazard communications standards.
- To ensure that the farm workers are involved in future rulemakings, the Council moved to recommend that EPA immediately initiate dialogue with farm worker organizations. The motion was seconded and adopted.

President's Chemical Safety & Hazards Investigation Board

- Jerry Poje, a member of the President's Chemical Safety and Hazards Investigation Board (the Board), briefly described its objectives. The Board is authorized by the Clean Air Act Amendments of 1990 as an independent, full-time, five-person Board of experts who investigate serious chemical accidents, evaluate chemical safety performance, and recommend improvements that are in the National interest.
 - Currently, the U.S. Senate has confirmed only three of the five Board nominees.
- Mr. Poje identified the following five main responsibilities of the Board.
 - Develop its own rules of operation.
 - Delineate federal responsibilities.
 - Investigate serious chemical transportation accidents.
 - Review safety regulations for protection of human health and the environment.
 - Conduct research on safety issues associated with exposure to releases of hazardous chemicals.
- Deohn Ferris asked whether the Board will be working with local groups. Mr. Poje responded that the Board will develop contingency plans. Charles Lee informed Mr. Poje of the existence of the Chemical Energy Prevention Awareness Office and suggested the benefits of interaction between the Board and that office.

Office of Water's Rural Community Assistance Program

- Jim Horne of EPA's Office of Wastewater Management, Office of Water, described a partnership between EPA and the Rural Community Assistance Program (RCAP). This program was developed because many underserved minority communities lack access to basic water and wastewater treatment services.
- With grants from EPA, RCAP's objective is to demonstrate effective approaches for providing water and wastewater services to these underserved communities. RCAP plans 14 projects over the next 12 months.
- After a project is completed, RCAP must submit a report summarizing what happened and analyzing the National policy implications of the project.

- Mr. Horne said that although this program is not the solution for all of the problems in impoverished communities, it is a start and a way to develop policy that can be implemented across larger areas.
- Cindy Thomas said that one of the biggest issues facing Native lands is resource allocation. Noting the inequities of allocating more money to states than to trusts, Ms. Thomas questioned whether RCAP has funded projects to help Native Americans. Mr. Horne responded that at least two of the 14 projects target Native American communities.
- Charles Lee questioned whether EPA is funding projects to help rural Asian communities or communities on the Mexican border. Mr. Horne responded that one of the 14 projects targets Asian farm workers in Hawaii. However, because communities on the Mexican border are highly visible and are receiving assistance from other parts of EPA (such as the Office of International Activities), Mr. Horne stated that RCAP will not target these communities. The program objective is to reach communities that otherwise may be missed.

Workforce Diversity at EPA

- Clarence Hardy of EPA's Office of Human Resources Management, EPA addressed agencywide efforts to diversify its workforce. EPA's goals are to ensure that its workforce represents the civilian labor pool. EPA's plan is to focus on seven distinct, but interrelated strategies for leadership, education, accountability, development, evaluation, recruitment, and support systems.
 - The leadership strategy is to create and maintain an "organizational climate" that values diversity; and ensures involvement, effective utilization, and development for all employees.
 - To educate its employees on the value of diversity, EPA has developed the *EPA Insight Newsletter*, assessment workshops, and a training video titled "A Winning Balance." The Agency also established the EPA Institute.
 - To make offices within the Agency accountable, EPA has published the Administrator's directives concerning diversity, developed affirmative action policies and plans, and prepared cultural diversity surveys and quarterly reports.
 - To encourage diversity through staff development, EPA has created two programs: the Greater Leadership Opportunities Program and the Goalsetters Reaching for Opportunity Program.
 - To evaluate its success, EPA has developed policy directives, conducted special studies, prepared quarterly reports, and created focus groups.

- To encourage recruitment of people of color, EPA has created recruitment and relocation bonuses, and intern and coop programs.
- To better support its employees, EPA has created employee assistance programs and flex time-place programs.
- Mr. Hardy acknowledged that diversity and environmental justice are interconnected and related to EPA's mission. EPA believes that the Agency and NEJAC share a common interest in these issues, and that there are some real opportunities for the two groups to work together.
- The Agency acknowledges that it is behind other federal agencies in hiring a diverse workforce, and does not have a representative number of people of color in senior management positions. Like many other federal agencies, EPA is trying to diversify at a time when it must reduce its total number of management positions. However, by making diversity a priority, the Agency believes that it will be successful. For example, in the preceding six to eight months, EPA promoted many people of color.
- Several Council members expressed concern over the small representation of people of color in EPA senior management positions. Dr. Bullard said that EPA should identify the number of people of color by job description. He believes that workforce segregation and workforce diversity are issues of equal importance. Dr. Bullard added that EPA may not be increasing diversity in senior management, but merely maintaining the status quo. Mr. Hardy responded that EPA has data identifying the number of people of color by job description, and reasserted that EPA is on the right track to increase workforce diversity.
- Deeohn Ferris questioned whether EPA has created any economic incentives (e.g., pay increases) for hiring and promoting people of color. Mr. Hardy responded that EPA has collected information on hiring and promotions of people of color and has identified the gaps. Mr. Hardy stated that EPA has in place a system that includes feedback to managers.

VII. Other Discussions

- Ms. Ferris recommended that NEJAC issue a letter urging the Administration to sponsor legislation to implement the Basel Convention. Several Committee members wanted to read the Convention first, and Ms. Ferris asked the Chair to table her recommendation until the next meeting. The Committee asked EPA to distribute a copy of the Basel Convention to each member before the next meeting.

- NEJAC discussed a matter raised by counsel for Carver Terrace residents during the public comment segment of October 26, 1994. The Carver Terrace community in Texarkana has filed suit against EPA and the Army Corps of Engineers over the way federal officials handled the buy-out and relocation for the community. Carver Terrace was built over a hazardous waste site. NEJAC discussed the matter, raising the following six issues.
 - The propriety of NEJAC's commenting on a case in litigation.
 - Why EPA contracted with the Army Corps of Engineers instead of the Federal Emergency Management Administration (FEMA).
 - The way the Department of Justice is organized, the various Divisions have a tendency to not discuss common environmental justice issues, frequently resulting in too narrow a focus.
 - How NEJAC can integrate concerns pertaining to individual cases into an overall environmental justice strategy.
 - How Carver Terrace is indicative of the general problems of community relocation.
 - How "crisis cases" can be highlighted in the EPA-DOJ system to get a timely response.

VIII. New Business - Written Presentations

Richard Moore welcomed the presenters of the two written presentations submitted to the Council during the public comment period. The petitions were summarized by the presenters and discussed by the Council.

Imperial County Petition Using TSCA Section 21

- Jose Bravo, a representative of the Environmental Health Coalition, presented the Imperial County Petition and discussed the injustices created by the pollution of the New River.
 - The Imperial County, the Environmental Health Coalition, the Comite Ciudadano Pro Restauracion del Canon del Padre y Servicios Comunitarios, and the Southwest Network for Environmental and Economic Justice have filed petitions under the Toxic Substances Control Act, section 21, for cleanup of international pollution along the U.S.-Mexico border area, especially around the New River. In addition, Mexico, the city of San Diego, the State of California, and Congress, have

expressed their concern about multimedia international pollution control in the San Diego Tiajuana and Imperial County-Mexicali areas. The population exposed to this pollution consists primarily of Mexican-Americans and Native Americans.

- EPA and DOJ recently issued administrative subpoenas under TSCA, section 21, to 95 multinational industries in the border area to determine potential sources of pollution. Congress has appropriated money for sewage treatment, and EPA and California are working on a water quality program for the Tiajuana River and the New River.
- On September 21, 1994 the Environmental Health Coalition, the SouthWest Network for Environmental and Economic Justice, and the Comité Ciudadano Pro Restauración del Cañon del Padre y Servicios Comunitarios all withdrew their TSCA petitions in response to EPA's actions to address this matter. EPA's proposed the following actions.
 - Issuing the TSCA, section 21 subpoenas to U.S. companies owning subsidiaries in Mexicali, Mexico.
 - Enforcing the subpoenas if companies do not supply the required information.
 - Creating a Technical Assistance Grant (TAG) grant to allow for community involvement in activities designed to study and remediate the contamination of the New River.
 - Working with the Mexican government in a joint effort to bring environmental justice to this area through future actions, enforcement activities, or both.
- The Council believes that this petition identifies an important regulatory tool (i.e., TSCA, section 21) available to the public that opens dialogue with EPA.

Louisiana Energy Services Impact

- Mildred McCain, a petitioner against the siting of a Louisiana uranium facility, expressed her concerns regarding the environmental injustices that would occur if a proposed uranium production facility was built in a small rural area of Louisiana.
 - The proposed facility should produce up to 40,000 tons of radioactive waste per year. Petitioners claim that the environmental impact statement (EIS) submitted for this facility inadequately address the environmental justice issues. Two communities of color will be adversely impacted by

this facility. Because the residents of these two communities are poorly educated, the facility owners operators probably will not hire them; therefore, the community will not receive the benefits arising from employment at the facility. The petitioners question the actual need for the facility.

- The petitioners have asked NEJAC to make recommendations to EPA's Administrator, Carol Browner, concerning the unsatisfactory EIS. In addition, the petitioners requested that NEJAC address the issue of need in its Waste and Facility Siting Subcommittee.
- The Council voted to recommend to EPA's Administrator that she delay making a decision on the submitted EIS until the Office of Environmental Justice has thoroughly reviewed the EIS with respect to complying with Executive Order 12898.

IX. Agenda for Meeting with EPA's Administrator, Carol Browner

- Richard Moore recommended that each Subcommittee Chair provide Administrator Browner with a brief report highlighting major issues discussed within the Subcommittee, and actions each Subcommittee plans to take in the near future. He stated the importance of showing the Administrator that the Council and its Subcommittees have a concrete plan now and for the future.
 - Richard Moore reminded the guests that the environmental justice movement is different from any other movement; therefore, this Council would be different from any other Council.
- Richard Moore suggested that the Council raise with the Administrator NEJAC's recommendation on behalf of a small rural community in Louisiana. The Council previously voted to recommend that Ms. Browner delay review of the EIS for a proposed uranium facility siting in this community until EPA's Office of Environmental Justice has reviewed the EIS for compliance with Executive Order 12898.
- Additional agenda items suggested by Council members included the issue of the workforce diversity, the interaction between NEJAC and the IWG, the reorganization of EPA's Office of Environmental Justice, and EPA's plans to create Environmental Justice Centers for Excellence.

X. Discussion with EPA's Administrator

- Richard Moore welcomed Carol Browner, and thanked her for taking time to meet with the Council. Council members introduced themselves to Ms. Browner and identified the organizations that they represent.

- Carol Browner welcomed the new members of the Council on the third anniversary of the First People of Color National Summit. NEJAC members represent diverse interests and Ms. Browner commended the Council for demonstrating its willingness to work with the government and other groups to identify solutions for environmental justice. Ms. Browner gave special thanks for the work done by Richard Moore as NEJAC's Chairperson. She believes that Richard Moore has demonstrated his skill to identify points of agreement and to solve points of disagreement.
- Ms. Browner believes that the good attendance at the October 24, 1994, Domestic Policy Council meeting at the White House demonstrated the interest across all federal agencies by the environmental justice movement. Agencies are assessing their own internal programs and are more willing to develop environmental justice projects that can be implemented across all agencies. Ms. Browner contends that environmental justice is a difficult issue that a lot of people do not understand. Therefore, the work being done within the agencies under Executive Order 12898 is significant. The Agency has reviewed some of the draft environmental justice plans submitted by other agencies and has offered guidance on these plans.
- Ms. Browner has promised other agencies that NEJAC or its recommendations, or both are available. Because the White House plans to reduce the number of federal advisory committees nationwide, many agencies may need to use EPA's NEJAC. Therefore; Ms. Browner believes that NEJAC will play a crucial role in helping EPA develop national policy and implement changes across the country, developing a framework responsive to the needs of all communities.
- Ms. Browner emphasized the need to move quickly and decisively to identify concrete measures to promote environmental justice. NEJAC's recommendations need to be broad enough so that they can educate other federal agencies and identify ways to measure federal Agency progress in achieving environmental justice.
- A major direction of the Agency is the need to involve stakeholders in resolving environmental justice issues. Effective participation must become a reality. Ms. Browner does not believe that EPA can be responsive to the needs of all people without NEJAC's help.
- Richard Moore asked the Council to comment on the relationship between NEJAC and IWG.
 - Cindy Thomas asked the Administrator why the IWG did not meet with the Council as planned. Ms. Browner responded that the IWG did not believe it was ready to meet with NEJAC, because IWG is in the process of completing its objectives. Many of the IWG members wanted time to talk with their cabinet members after the October 24 Domestic Policy Meeting. The Administrator acknowledged the Council's disappointment and said that some of IWG's

members present at this Council meeting may be willing to speak informally with individuals during the breaks.

- Jean Sindab asked the Administrator if IWG is having problems with the issue of environmental justice. Ms. Sindab asked why NEJAC has not been used to facilitate IWG's process of developing objectives. Administrator Browner responded that agencies are faced with the challenge of identifying statutes that can be used to achieve Agency goals. Ms. Browner believes that the reports developed by NEJAC Subcommittees will facilitate the development of objectives for other agencies. If NEJAC identifies a specific problem within an agency, NEJAC should include the problem in its reports to EPA. Because of the difficulties involved in convening the entire Working Group, Ms. Browner suggested scheduling meetings - between a few Council members and a few IWG members to create interaction between the two groups.
- Dr. Robert Bullard stated that it is very important for NEJAC to participate in IWG's process of developing protocols and strategy. The Administrator agreed that the groups should work together and was amenable to facilitating dialogue between the two groups.
- Charles Lee emphasized the need to focus on some cross-cutting issues. Due to time constraints, neither NEJAC nor IWG could identify every feasible project that should be implemented. Administrator Browner agreed with Mr. Lee, and stated that developing a set of shared principles and goals helps to bring about shared projects. The Administrator believes that the full Council should be addressing the over-arching issues so that the Subcommittees can address the specific issues.
- Richard Moore introduced the Subcommittee Chairs and asked each of them briefly to present their reports to the Administrator.
 - The first Subcommittee report was presented by Peggy Saika, Chair of the Public Participation and Accountability Subcommittee. She stated that the Subcommittee had an exceptional session with voices representing diverse communities and workers. The Subcommittee's goal was to identify a process for institutionalizing the public participation process. The Subcommittee identified the need for shared responsibilities in leadership, planning, and implementation between the Agency and local communities. Ms. Saika stressed the importance of maintaining honesty and integrity in the public participation process. The Subcommittee also identified the need for community education, regionalized materials, and sensitive facilitators trained in environmental justice issues.
 - The Administrator commended the Subcommittee for its achievements and asked it to include actual examples of successful efforts in its report.

- The second Subcommittee report was presented by Deoohn Ferris, Chair of the Enforcement Subcommittee. Ms. Ferris informed the Administrator that in its past two meetings, the Enforcement Subcommittee has been evaluating the performance of EPA's Office of Enforcement and Compliance Assurance (OECA) with respect to environmental justice. She stated that the Subcommittee should complete its first report by the end of November. The Subcommittee is looking for specific cases where the OECA was responsive to people of color. Ms. Ferris described the Subcommittee plans to address other topics. These topics included evaluating whether State funding for environmental agencies and targeting for enforcement actions is appropriate, and whether EPA's OECA is adequately supporting tribal governments and indigenous people in helping themselves. Another topic that the Subcommittee plans to address is developing a pilot program in which the federal government provides training to communities to foster industry-community partnerships. The Administrator stated that the Enforcement Subcommittee has developed an ambitious agenda. She encouraged the Subcommittee to produce its first report by the end of November-so that their input can be implemented before the Agency finalizes its plans for the next fiscal year. In addition, Ms. Browner emphasized the importance of evaluating the States' targeting objectives. The Administrator acknowledged that EPA's Office of Enforcement is in the midst of change. Only eight years ago, authority consolidated in the Office of Enforcement was scattered across the Agency.
- The third Subcommittee report was presented by Charles Lee, Chair of the Waste & Facility Siting Subcommittee. Mr. Lee explained the importance of developing an environmental justice infrastructure that permanently incorporates the community, provides for community training, and focuses on environmental protection in the twenty-first century.
- The Administrator agreed that groups must consider the future.
- The final Subcommittee report was presented by Dr. Robert Bullard, Chair of the Health and Research Subcommittee. The Subcommittee's goals include the following: to assist in developing a strategy to measure success; to develop a working definition of "environmental justice research;" to review major research priority areas, including multiple exposure pathways and non-cancer end points; and to develop models to be used to initiate community-led research. The Subcommittee's priorities in order of importance are: to provide EPA's Office of Research and Development with its workplan and strategy; to provide its workplan and strategy to the entire Agency; and to develop a workplan and strategy encompassing all federal agencies.
- Richard Moore introduced John O'Leary who presented the Council's recommendations concerning the siting of the Louisiana uranium production facility.

- John O'Leary expressed NEJAC's concern to the Administrator that the EIS for the proposed uranium production facility falls considerably short of the requirements of Executive Order 12898. NEJAC recommends that the Administrator defer a ruling on this EIS until the Office of Environmental Justice has thoroughly reviewed it. Mr. O'Leary commented that, as NEJAC understands it, potentially affected communities were not given a sufficient opportunity for participation in developing the EIS.
- In response, Ms. Browner said that EPA Region VI sent a letter to the Nuclear Regulatory Commission on October 25, 1994, taking issue with NRC's finding of no environmental injustice in the proposed uranium facility siting in Louisiana. The Administrator stated that the Council on Environmental Quality (CEQ) is developing guidance on integrating the Executive Order requirements into the NEPA and EIS process.
- Richard Moore opened the floor to Council members for discussion with the Administrator.
- Delores Herrera emphasized the need to promote people of color into senior management positions at EPA. Ms. Herrera believes that stakeholders need to see and to communicate with people of color at decision-making levels at the EPA. She stated that EPA must open the lines of true communication.
- The Administrator responded that the Agency is currently reviewing recommendations to improve the diversity of senior management. Before making any final decisions, Ms. Browner will talk with EPA employees who have been working on environmental justice issues for years. In addition, Ms. Browner stated that she would welcome recommendations from NEJAC as a whole or its members individually.
- Baldemar Velasquez stated that the Agency should put the burden of enforcement on local officials so that they will be forced to interact with the affected communities and workers. Mr. Velasquez underscored the importance of involving more than one agency to protect workers against environmental injustices.
- Ms. Browner recognized Mr. Velasquez's plight and agrees that the involvement of more than one agency is more effective.
- Dr. Beverly Wright asked the Administrator to put the proposal to develop Environmental Justice Centers for Excellence back on the table. Dr. Wright stated that EPA has ignored this proposal for over ten years and that reviving the centers for excellence would demonstrate EPA's commitment to the environmental justice movement.

- In closing, the Administrator stated that environmental justice problems will not be resolved until every agency focuses on the needs of its communities. She believes that the President signed the Executive Order because he recognizes that environmental justice should be addressed by the entire government. The Administrator stated that she was impressed with NEJAC's progress. She hopes that it continues to provide EPA with information and mechanisms allowing communities to feel a part of the decision making process.
- The following is a list of IWG members present during NEJAC's final plenary session.
 - Bob Faithful, Special Assistant on Environmental Justice, Department of the Interior.
 - Marsha Harley, Office of Environmental Justice, Department of the Interior.
 - Gungia Johnson, Department of Energy.
 - Marcia Lopez-Ofin, Nuclear Regulatory Commission.
 - Dan Rooney, Department of Commerce.
 - Julie Roque, Office of Science and Technology's Policy Executive Office.
 - Velma Shannon, Department of Agriculture.

XI. Review of EPA's Strategic Plan Outline

- Richard Moore asked the Council members to review EPA's strategic plan for tone and overall philosophy. Although specific edits were submitted, this write-up summarizes the general comments from the Council members.
 - Several Council members believe that the strategic plan should build a foundation for sustainable communities. EPA's document should mention the diverse nature of environmental justice issues. Topics to consider other than facility siting include equitable resource allocation and pesticide exposure.
 - The Council believes that public participation should be integrated in the structure of the strategic plan development.
 - Council members agreed that EPA must consider cumulative risk and synergistic risk during its risk assessments. Dr. Bullard suggested incorporating the actual risks posed to communities and individuals exposed to toxins, lead paint, and contaminated water. Dr. Bullard believes that EPA must focus on total health including categories of disease, nuisance reduction, and general quality of life.

- The Council members suggested that EPA's strategic plan should include pollution prevention, risk reduction, EPA compliance programs, monitoring, enforcement, health research, health care monitoring, and other techniques to mitigate problems.
- Several Council members believe that EPA should include long-term pollution control as one of its strategic goals.
- Council members raised the over-arching issue of using language in the strategic plan that stresses Agency involvement with all stakeholders in the community. Members suggested that EPA respect local knowledge, use the community's language, and ensure community participation in pollution prevention strategies.
- Several Council members believe that State agencies should be involved with environmental justice issues and with implementation of EPA's strategic plan.
- Cindy Thomas believes that EPA should consistently use the phrase "human health and the environment" when appropriate.
- Cindy Thomas commented that EPA will have a difficult time implementing federal policy on Tribal lands.
- Although EPA followed terminology used in the Executive Order, the Council recommended the use of correct terminology such as "people of color" instead of the word "minority." The Council also recommended that EPA use "culture" rather than "color" when describing communities.
- Charles McDermott recommended that EPA use terminology that avoids negative connotations. For example, the term "waste dump" should be replaced with the term "waste facility." Further, facilities should be classified as either active or closed.
- The Committee reconvened in the afternoon for a working lunch during which NEJAC continued page-by-page edits of the EPA Strategic Plan. Kathy Aterno said that EPA would look at NEJAC's comments, add regional comments, and complete the Strategic Plan around the 9th or 10 of November, 1994. Because of this time-line, Ms. Aterno asked for all comments from the Committee preferably by November 1, and not later than November 5, 1994.

XII. Action Items

- The Council adopted the motion to recommend sending the letter drafted by the Public Participation Subcommittee to the Interagency Task Force on Outreach.

- The Council adopted the motion to approve the model demonstration project for public participation and project funding requested by the Public Participation Subcommittee. The motion also called for a tie-in with any existing or planned activities of other Subcommittees.
- The Council adopted the motion to act on the Public Participation Subcommittee's recommendations to collect information and to critique existing EPA public participation activities.
- The Council adopted the motion to approve sending a letter drafted by the Subcommittee on Enforcement to Assistant Administrator Steven Herman regarding employment diversity issues in the Office of Enforcement and Compliance Assurance.
- The Council adopted the motion to empower the Subcommittee for Waste and Facility Siting to continue development of a ten-point framework for submission to OSWER.
- The Council adopted the motion to revise all documents previously developed by the Council to include the impacts to, and needs of, tribal governments and indigenous people whenever applicable.
- The Council adopted the motion to accept an amended Option IV that defines how NEJAC will communicate with the IWG.
- The Council adopted the motion to approve the recommendations from the Health and Research Conference as a model for forming environmental justice research policy. In addition, the Council recommended that information from the Subcommittee be forwarded to all federal government agencies, the President's Council on Sustainable Development, and all other relevant agencies and offices as appropriate.
- The Council adopted the motion to approve an amended version of the drafted letter from NEJAC to EPA's Administrator offering NEJAC's assistance in identifying candidates for several appointments open at EPA.
- The Council adopted the motion to postpone a vote on the IWG's Implementation Task Force's Development Process Checklist until it reflects NEJAC's Subcommittee recommendations made on October 25, 1994.
- The Council adopted the motion to postpone a vote on the IWG Outreach Task Force's Public Participation Checklist until it reflects NEJAC Subcommittee recommendations made on October 25, 1994.
- The Council adopted the motion to recommend that EPA immediately initiate dialogue with farm worker organizations to discuss the protection of farm workers.

- The Council adopted the motion to recommend to EPA's Administrator that she delay making a decision on the EIS submitted for the proposed Louisiana uranium production facility until the Office of Environmental Justice has thoroughly reviewed the EIS with respect to its compliance with Executive Order 12898.
- The Council tabled the sixth Carver Terrace issue until its next meeting, but asked EPA staff to draft a letter from NEJAC to the Department of Justice or the General Counsel of EPA. This letter should reference the Carver Terrace case, and raise NEJAC's concern that the environmental justice dimension of the case has been inadequately and inappropriately evaluated. The letter should note the overall problem of community relocation. The Council will review the draft letter.
- The Council adopted the suggestion to send a letter to the IWG drafted by its Subcommittee on Health and Research. The draft letter suggests that the Task Force on Health meet with its NEJAC counterpart.
- The NEJAC workgroup on the relationship between NEJAC and the IWG will meet to address the issue of NEJAC review of IWG documents. The working group will develop options, and submit these options to the full Council for a vote in mid-November.
- The Enforcement Subcommittee will continue developing its recommendations to EPA's Office of Enforcement. The document will be sent to NEJAC members in time for them to make comments before the final version is drafted around the end of November, 1994.
- NEJAC requested that it be briefed on two subjects. The National Environmental Policy Act (NEPA) and interaction between EPA and the Council on Environmentally Quality (CEQ). The other subject concerned issues affecting Tribal and indigenous people. The Council asked that Terry Williams and other Tribal or indigenous leaders provide the second briefing.

XIII. Public Comment Period

- **Beverly Johnson**

Ms. Johnson believes that the Council needs to: develop a definition of "partnership" that will be circulated publicly, review the concept of pollution prevention, and include more Council members from the New England states.

- **Pam Tau Lee**

- Ms. Lee expressed concern over the Occupational Safety and Health Administration's (OSHA) strategic plan to implement an environmental justice program for workers of color. She suggested that OSHA use the recommendations from the Health and Research Subcommittee. Ms. Lee also recommend that OSHA develop a register for workers at risk, aid in research, provide consultation

and training services, enforce training for workers of color, develop protocols for interagency agreement, and work with NEJAC to integrate environmental justice into the workplace.

- Ms. Lee submitted three names of candidates for NEJAC's labor representatives to the Council.

- **Mildred McCain**

Ms. McCain suggested that the Council address the regulatory role of EPA as it relates to DOE and DOD facilities, and review NEPA and its impacts on the EIS process. Ms. McCain believes that the public should be trained on public participation and that young people should be included on the Council.

- **Jerome Smith**

- Mr. Smith would like to develop a partnership between NEJAC and the National Organization of Blacks in Government. Mr. Smith believes that both organizations would benefit from the partnership. He believes that together they could develop national resolutions to further provide communities with environmental justice leadership. He believes that full realization of environmental justice could create an economic opportunity for people of color.
- Mr. Smith invited the Council to attend the third annual meeting of the National Organization of Blacks in Government scheduled to be held during the second week of August, 1995, in St. Louis, Missouri.

- **Damu Smith**

- Mr. Smith addressed the issues surrounding a proposed nuclear plant siting in Louisiana. Mr. Smith felt that the Council has an opportunity to prevent injustice before it starts.
- Mr. Smith is specifically concerned about the possibility of relocating communities instead of cleaning up hazardous waste sites. He believes that relocation is not a solution to the environmental justice questions involved. Mr. Smith hopes that more work is conducted to address this misuse of relocation.
- The Council asked Mr. Smith to expand his report on relocation and present it in writing to NEJAC's Waste and Facility Siting Subcommittee.

- **Steven Livengood**

- Mr. Livengood received funding from the Office of Environmental Justice to test a community-specific workshop utilizing designated tools to enhance public participation in the environmental justice decision-making process.

- Mr. Livengood discussed the need for direct interaction of environmental justice networks between NEJAC and the EnviroAction Project.

Council Response to Mr. Livengood's Comments

- Dr. Bullard asked Mr. Livengood to explain the minority makeup of the EnviroAction group. Mr. Livengood responded that there were no minority members in Washington, D.C.
- Dr. Bullard questioned the direction of EnviroAction funding. Mr. Livengood provided a breakdown of where and to what projects the funding was distributed (e.g., 80% of the funds were directed towards Hispanic and African American firms).
- Charles Lee asked Mr. Livengood whether he knew there were grassroots environmental justice networks, and if so to define the term. Mr. Livengood did not answer but indicated that his organization, EnviroAction worked with a Latino group who to the best of his knowledge worked with some environmental justice groups. Upon questioning he named two community based groups but was not able to indicate any knowledge of what the working relationship was. Mr. Lee remarked that he did not think Mr. Livengood had answered either of the questions.
- **David Lennett**
 - Dr. Gaylord read into the record a statement from Dennis J. Lennett. The statement reported that cement kiln dust threatens human health and the environment, and that the dust, therefore, should be regulated under RCRA.
- **Bruce Terris**
 - Mr. Terris summarized the "injustice" resulting from the EPA/Corps of Engineer's purchase of Carver Terrace of Texarkana. Mr. Terris concluded that residents were threatened with condemnation of the property if they did not accept the governments offer price, and EPA knew the threats were illegal; the case presented a classic situation of environmental injustice, because the residents are African American, and because in similar situations, white communities did not experience such threats.
 - Mr. Terris wanted to notify NEJAC of the incident and to request assistance in informing the Administration of the Carver Terrace citizen's concern over the incident. Mr. Terris would like to have the case settled reasonably.

Council Response to Mr. Terris's Comments

- The Chair noted that the case was under litigation, and that EPA cannot comment on the incident. Mr. Terris said the EPA can comment, but will not.
- Dr. Bullard asked if Mr. Terris had taken the case *pro bono*. Mr. Terris said, yes, in the sense that there would be no fee unless the plaintiffs prevailed.
- **David Hams**
 - Dr. Gaylord read into the record a statement from Mr. Harris. (NEJAC decided not to have the entire statement read into the record.)
 - The essence of the statement was that (1) hog farm wastes create a concentrated organic matter which contaminates groundwater; (2) wastes are stored in unlined, uncovered and unfenced cess pools; and (3) the number of farms with large numbers of animals (in the thousands) has increased.
 - Mr. Harris requested regulation to protect rural citizens from this sort of environmental contamination.

Council Response to Mr. Harris's Comments

- Ms. Thomas noted that living near a facility with mass animal killing does have environmental contamination impacts, and noted that Alaska has similar sanitation concerns.
- **Jerry Poje**
 - Mr. Poje suggested that NEJAC recommend that the Subcommittee on Public Participation create a participation model for federal agencies with varying authority.
 - Mr. Poje suggested that people involved with federal decision-making should create a science summit. This idea was related to adopting certain recommendations derived from an environmental justice symposium/summit held earlier this year by an interagency Health and Research Conference. The recommendation was to involve residents of at-risk communities and at-risk workers in agency decision-making. The individuals responsible for this summit recommendation never intended to exclude the public from creating the forum. The goal of the forum would be to educate federal employees on how they can implement the environmental justice Executive Order.

Council Response to Mr. Poje's Comments

- Ms. Ferris agreed with Mr. Poje that stakeholder participation was critical. However, she was concerned that the IWG Health and Research Task Force conducted discussion without stakeholder participation. The Task Force members may not have been sensitive to stakeholder participation. Ms. Ferris asked if the speaker would take back to the IWG her concern with the lack of interaction between NEJAC and the workgroup.
- Ms. Walker asked what IWG Task Forces will do without public participation and NEJAC. Mr. Poje said that his recommendation was primarily designed to get agency heads to embrace the summit. His Task Force wanted senior management to support in a symposium dealing with public participation.
- Mr. Valesquez would like to see the IWG comment and modify some of its policies to address issues of concern in various communities represented by NEJAC members.
- **Don Chen**
 - Mr. Chen announced a Chicago conference on November 15, 1994, sponsored in conjunction with the Federal Transit Administration (FTA). The conference theme is transportation and environmental justice.
 - Mr. Chen was optimistic about the conference outcome, because Mr. Ferris and Dr. Bullard had encouraged his organization to get more people involved.
 - The conference workgroup will develop recommendations for transportation agency compliance with the Executive Order.
 - Mr. Chen believed in the sincerity of the FTA because that agency already has devoted resources to environmental justice.
 - Mr. Chen requested advice on structuring the conference and suggestions for people to serve as moderators.

Council Response to Mr. Chen's Comments

- One Council member asked what motivated Mr. Chen's organization to sponsor the conference. Mr. Chen viewed the conference as the beginning of a dialogue with FTA and the community. At the end of the conference, the participants will be able to assess FTA's strategy in addressing environmental justice issues as they pertain to transportation.

- Ms. Johnson asked how many community people are involved with the conference in Chicago. Mr. Chen did not know, but wanted the participation of as many community residents as possible. The NEJAC suggested contacting Hazel Johnson to help.
- Ms. Ferris noted communities of color were already involved in urban transportation issues. One of the issues in these communities is bus repair stations and bus routes located in minority communities. Ms. Ferris also commented that new buses serve white communities and not communities of color.
- **James Younger**
 - Mr. Younger commented that the meeting was an extraordinary event and commended NEJAC for work already done.
 - Mr. Younger stated that environmental justice initiatives will be best served by looking to the Regions to implement NEJAC objectives.
 - Mr. Younger noted that the Public Participation and Accountability Subcommittee should serve as a model for other Subcommittees.
 - Mr. Younger also noted that all Subcommittees could benefit by using a trained facilitator.
 - Mr. Younger commended the Council for addressing the issue of diversity in the workforce, but wondered whether EPA will take this issue seriously. He also noted that NEJAC should bring the Civil Rights Office into exploring the issue of workforce diversity.

Council Response to Mr. Younger's Comments

- The Chair commented that NEJAC planned to send a letter to EPA expressing the Council's concern over the lack of EPA workforce diversity. Mr. Younger said that Agency environmental justice coordinators should interact with NEJAC.
- Ms. Ferris thanked the speaker for raising the issue of workforce diversity. She asked if Mr. Younger had any advice about overcoming decades of resistance to diversifying the EPA workforce. Mr. Younger said that a plan would be needed to measure and monitor progress in diversifying the workforce.
- The Chair noted that diversity in the workforce was a cross-cutting issue.

- **Connie Tucker**

- Ms. Tucker complimented the Health and Research Subcommittee and directed her comments to it. She said that a neurotoxin database should be added to the Toxic Release Inventory (TRI) TRI system. Long-term environmental and sociological effects should be researched. Ms. Tucker also questioned whether there is a relationship between environmental neurotoxin exposure and criminal conduct.
- Ms. Tucker suggested exploration of immediate health care and monitoring concerns of communities. Health care should be established in communities already contaminated with toxic chemicals.
- Ms. Tucker also mentioned that contractors should be sensitive to environmental justice issues. The public should participate in developing environmental justice guidelines for contractors.
- Ms. Tucker was also concerned with the term "equal participation" in the Subcommittee draft letter, and suggested removal of the word "equal."

Council Response to Ms. Tucker's Comments

- One Council member noted that in defining "community," all Americans should be part of the affected community. But some communities may be disproportionately impacted by environmental contaminants.
 - Mr. Lee supported Ms. Tucker's concern about the word "equal." He suggested changing the phrase to read "partnerships."
- **Greenpeace**
 - Because dioxins disproportionately affect communities of color, the speaker requested data on the sources of dioxin. He announced that the comment period for an EPA action on dioxins would close January 13, 1995. He noted that public meetings concerning the dioxin issue were not being held in the south east part of the U.S. He asked if NEJAC could open up the comment process for the general community.