

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
Public Teleconference Meeting
September 11, 2008

Approved: Richard Moore
Richard Moore, Chair

Charles Le
Charles Lee, DFO

On September 11, 2008, the National Environmental Justice Advisory Council (NEJAC) held a two-hour public teleconference call. Mr. Charles Lee, Director, U.S. Environmental Protection Agency (EPA) Office of Environmental Justice (OEJ) and Designated Federal Officer for the NEJAC, opened the meeting by reviewing the agenda for the call. Agenda items included:

- Review of the 2008 October NEJAC meeting agenda;
- Update on the Goods Movement Work Group recommendations report;
- Report from the Nationally Consistent Environmental Justice Screening Approaches Work Group;
- Review of the initial findings from the State Environmental Justice Collaborative Agreement Initiative Work Group;
- Review of the draft letter from the Green Business, Environmental Justice, and Sustainability Work Group; and
- Public comment period.

Review of the October 2008 NEJAC Meeting Agenda

The draft agenda for the October NEJAC meeting, scheduled for October 21 through 23, 2008, at the Ritz Carlton in Atlanta, Georgia, focuses on environmental justice best practices and includes a public comment period. Highlights from the discussion of the draft agenda included:

- Best Practices Forum - For the first time, the NEJAC meeting will include a best practices forum, where winners of the Environmental Justice Achievement Award will discuss their projects and initiatives, which may serve as models for other environmental justice communities.
- Dialogue with Assistant Administrator (AA) of Office of Enforcement and Compliance Assurance (OECA) - The NEJAC members will engage in a dialogue with Mr. Granta Nakayama, AA, OECA, and have the opportunity to provide feedback to EPA's senior management.
- Goods Movement Final Report - The Goods Movement Work Group will present the recommendations report for review and comment from the NEJAC members.
- Differential Impacts of Climate Change Panel - An expert panel will discuss the differential impacts of climate change with respect to varying socioeconomic brackets and environmental justice. A tentative list of speakers includes: Mr. Jim Sadd, Occidental College, Ms. Rona Bernbaum, EPA Office of Atmospheric Programs, Mr. Peter Captans, an Alaskan native, who will provide a tribal perspective, Ms. Wynetca Fisher, City of New Orleans Office of Environmental

**NEJAC members in
Attendance**

Richard Moore, Chair

Chuck Barlow
Sue Briggum
Jolene Catron
Jodena Henneke
Christian Holmes
J. Langdon Marsh
John Ridgway
John Rosenthal
Donele Wilkins
Omega Wilson
Elizabeth Yeampierre

Affairs, and Mr. Bill Gallegos, Communities for a Better Environment, who will provide insight from the community perspective.

- Public Comment - There will be a public comment period on Wednesday, October 22nd from 6:30 pm. to 9:30 pm.
- Nationally Consistent Environmental Justice Screening Approaches (NCEJSA) Work Group Report - The NCEJSA Work Group will report on progress regarding recommendations around a set of principles, which will inform the development of environmental justice screening and analytical tools.
- Disproportionate Factors Panel - EPA staff will present information about methodologies and factors used to identify and address disproportionate impacts, which will help inform the future vision of the environmental justice program at EPA.
- NEJAC Recommendations in Action - In order to illustrate how NEJAC's recommendations have influenced and changed the way in which EPA does business, a presentation will be provided on EPA's Brownfields Program, which was developed based on a NEJAC recommendation.

Following the review of the agenda, the NEJAC members provided the following comments and questions.

- In response to a question from Mr. Omega Wilson, President, West End Revitalization Association, requesting clarification on pre-registration for the public comment period, Ms. Victoria Robinson, National NEJAC Program Manager, EPA OEJ, explained that the announcement for the upcoming meeting will be sent out shortly and that the public comment period registration is conducted in conjunction with the larger meeting pre-registration process. She noted that Ms. Lisa M. Hammond, Environmental Justice Specialist, EPA OEJ, could answer additional comments regarding the NEJAC registration.
- Mr. J. Langdon Marsh, Fellow, National Policy Consensus Center, asked whether community groups from EPA Region 4 would be presenting during the Best Practices Forum. Ms. Robinson stated that Ms. Cynthia Peurifoy, Environmental Justice Coordinator, EPA Region 4, has invited several community groups to participate in the NEJAC meeting and noted that all sessions of the NEJAC meeting are open to the general public.
- Ms. Elizabeth Yeampierre, Executive Director, UPROSE, requested that environmental justice community groups receive priority during the public comment period. Ms. Robinson noted that the NEJAC by-laws outline the public comment period process, which is "first come, first serve."

Update on Goods Movement Work Group Report

Ms. Robinson provided a brief update on the status of the recommendations report, entitled *Providing for Environmental Justice – Reducing Air Emissions from Goods Movement*. The report is currently undergoing final revisions, which incorporates NEJAC's comments on the principles and key recommendations presented at the June NEJAC meeting. Goods Movement Work Group will be participating in conference calls to review and finalize the report over the next month with the goal of providing the final report to the NEJAC members by the beginning of October. The NEJAC members will then have an opportunity to discuss the report during the October 2008 NEJAC meeting.

Report from the Nationally Consistent Environmental Justice Screening Approaches Work Group

Ms. Sue Briggum, Vice President of Federal Public Affairs, Waste Management Inc. and Co-chair of the Nationally Consistent Environmental Justice Screening Approaches (NCEJSA) Work Group, explained that the NCEJSA Work Group has conducted a series of conference calls focused on understanding the protocols and database that EPA is developing as part of the Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT). In order to develop a better understanding of the practical applications of this screening tool, the Work Group is working with OEJ to setup an EPA-led, hands-on demonstration of how

the tool is used in the field. In addition, the NCEJSA Work Group is reviewing and comparing other screening tools and approaches, particularly their underlying methodology and application. Based on their research, the NCEJSA Work Group will develop a report, which will address the benefits, limitations, and appropriate uses for a screening tool or approach. Furthermore, the NCEJSA Work Group may draft supplemental procedures aimed at increasing the usability of EJSEAT.

State Environmental Justice Cooperative Agreement Initiative Work Group Discussion

Mr. John Ridgway, Manager of Information Management and Communications Section, Washington State Department of Ecology and Chair of the State Environmental Justice Cooperative Agreement Initiative (SEJCAI) Work Group, noted that the purpose of this discussion was to review and comment on the draft recommendations summary. This summary document provides a general outline for the letter that will be sent to EPA Administrator Stephen Johnson. In reviewing the preliminary findings, Mr. Ridgway stated that the SEJCAI Work Group believes that providing cooperative agreements to states is a good idea and could result in tangible improvements in environmental justice communities. Furthermore, states must leverage funding and resources to produce direct community benefits and generate measurable results for the project to be a success. Mr. Kent Benjamin, Associate Director of Communication, EPA OEJ, noted that the application materials are currently being drafted. OEJ will consider the SEJCAI Work Group's suggestions before finalizing the application in early December.

The SEJCAI Work Group has outlined a series of recommendations. The Initiative should:

- Target states with existing, proactive environmental justice programs. These states have vital infrastructure in place to better utilize the limited funding and produce measurable results.
- Support grassroots, collaborative projects. Within the requirements of the funding, administrative and overhead costs should be limited to ensure that funding is used to build capacity at the community level.
- Encourage the involvement of and collaboration with tribal organizations, state universities, and national non-profit organizations. In the spirit of collaboration, recipient states should coordinate efforts with a variety of organizations to achieve the best results.
- Support collaboration and training for local planners and zoning boards. Such entities are fundamental to addressing environmental justice issues created by incompatible land use decisions.
- Rank applications based on their demonstrated capacity to leverage resources from various sources.
- Should select applications that can serve as models for other states. Applicants should be required to demonstrate how their project can be successfully replicated in another community.
- Should select applications that foster a strong collaboration with EPA regional offices.

The NEJAC members provided the following comments and suggestions:

- Mr. Richard Moore, Executive Director, Southwest Network for Environmental and Economic Justice, commended the SEJCAI Work Group for integrating the suggestions from the previous NEJAC meetings and emphasized two key recommendations: (1) while tribal organizations cannot apply directly for these cooperative agreements, it is important to meaningfully involve and engage tribes; and (2) the need for collaboration, which is essential to the success of the Initiative, must be stressed throughout the application and the selection process. Collaboration must produce equal partnerships where all involved organizations, such as grassroots organization, universities, state and local agencies, and the public, can meaningful partake and contribute. He suggested that some of the funding be used to ensure that grassroots organizations are reimbursed for their time and expertise. Mr. Marsh echoed

Mr. Moore's comments; adding that the recommendation to work with grassroots organizations should be amended to ensure that funding is provided directly to the grassroots organizations.

- Responding to an inquiry regarding the Initiative's marketing and communication strategy, Mr. Benjamin noted that the Initiative is being advertised through regional environmental justice networks and that the EPA regional offices are educating potential applicants about the program. Additionally, EPA is currently working with states to develop draft concepts in order to apply for the Initiative.

After the discussion above, the NEJAC members voted to adopt the draft summary of recommendations in principle. The draft summary will be refined and presented in letter format for final discussion at the October 2008 NEJAC meeting.

Review of the draft letter from the Green Business, Environmental Justice, and Sustainability Work Group

Mr. Chuck Barlow, Assistant General Counsel, Environmental, Entergy Corporation, and Chair of the Green Business, Environmental Justice, and Sustainability (Green Business) Work Group reviewed the charge. The Green Business Work Group was tasked with developing a set of recommendations on whether and how EPA should engage industry and business in a dialogue on green business and sustainability, though the charge does not require the Green Business Work Group to define sustainability or green business. The Green Business Work Group has conducted several conference calls and has begun to examine the role environmental justice will play as part of a broader discussion around green business. The members of the Green Business Work Group agree that EPA can work to ensure that the ongoing discussion includes the environmental justice perspective.

The recommendations outlined in the draft letter indicated that EPA should:

- Address differential impacts of climate change, particularly relating to environmental justice communities;
- Maximize the benefits of its existing climate change programs by increasing coordination among complimentary EPA programs;
- Maximize opportunities to achieve environmental and environmental justice co-benefits for all stakeholders in the areas of green business, sustainability, and climate change;
- Increase current research opportunities in this area;
- Use its mission to protect human health and the environment to strategically educate government agencies at all levels about sustainability;
- Continue to engage business and industry in meaningful dialogue;
- Consider the creation of a separate tribal-based green business and sustainability work group to provide the perspective of indigenous communities;
- Develop a toolkit for the purposes of educating business boardrooms and the broader community about the business-case for sustainability; and
- Review the unintended consequences of some green businesses, particularly businesses that produce green products.

Mr. Barlow noted a late addition to be considered for inclusion in the draft letter, which would be added to the beginning of the closing paragraph. It reads: "We believe that the ultimate goal of the dialogue should be to establish protocols through which business, government, and community organizations can collaborate to ensure all benefits from the emergent green economy."

The NEJAC members provided the following comments and suggestions:

- Mr. Wilson suggested that the letter clearly differentiate between environmental benefits and environmental justice benefits.
- Mr. Marsh suggested strengthening the recommendation regarding the unintended consequences of green industry. Furthermore, he recommended that a report be drafted and modeled after the United Church of Christ's Toxic and Race report. Mr. Barlow responded that the letter could be revised to suggest that EPA should "review and report on such issues."
- Ms. Briggum expressed concern over the resource implications of these recommendations, especially before key definitions have been adopted. Mr. Lee commented that these recommendations will be considered by EPA as part of a broader discussion. EPA will review the recommendations and weigh them based on resource consequences.

Following the discussion the NEJAC members voted to move forward on the letter of recommendations set forth by the Green Business Work Group. Additionally, the members approved the addition of the proposed sentence to the concluding paragraph.

Public Comment Period

The NEJAC members heard comments from three members of the public – two spoken comments and one written comment. The following are the highlights of that discussion:

Mr. Glenn Pratt, Indianapolis National Association for the Advancement of Colored People (NAACP), expressed concern over the lack of Federal pressure placed on states to address environmental justice issues. He noted that the Indiana Environmental Justice Task Force has not convened in four years. Additionally, senior state officials do not believe that an environmental justice program is necessary since all residents are treated equitably. In comparison, he commended EPA Region 5 for their dedication to addressing environmental justice issues, especially through the Community Actions for a Renewed Environment (CARE) Initiative. He recommends that EPA actively engage the states around the issue of environmental justice. Furthermore, he commented that EPA should require states to address environmental justice as part of the grant funding process.

The following are highlights from the NEJAC member discussion:

- Mr. Wilson asked if Mr. Pratt felt that environmental justice has been integrated into the processes of the state and national NAACP. Mr. Pratt noted the recent development of the local chapter's task force on environmental justice; however, he acknowledged that the NAACP needs to be more active on this issue and that environmental justice needs to become more of a national focus.
- Mr. Marsh suggested that Indiana look to other states in EPA Region 5 for best practices; adding that the more proactive environmental justice states could serve as mentors as Indiana builds its environmental justice program.

Ms. Yasmin Bowers, Co-founder, Consciously Rebuilding, encouraged the NEJAC to include the grassroots and community perspectives in its planning. She added that this perspective is especially needed when defining the impacts of green business. She suggested that the NEJAC reach out to community groups and invite them to participate in NEJAC meetings and teleconference calls.

The following are highlights from the NEJAC member discussion:

- Mr. Moore noted that the community perspective is actively sought by the NEJAC. He added that the NEJAC and its work groups contain members of grassroots organizations and that grassroots and community-based groups are invited to give comments during NEJAC's public conference calls and meetings.
- Mr. Wilson requested more information regarding the work that Consciously Rebuilding is doing in New Orleans. Ms. Bowers explained that Consciously Rebuilding is a non-profit organization that educates minorities, low-income residents, and seniors about environmental and health hazards. The organization hosts health fairs and demonstrations on lead poisoning and asthma. Additionally, the group is building awareness around energy efficiency issues.

In Ms. B. Sachau's written comment, she expressed concern regarding the effectiveness of the NEJAC. She noted that environmental justice issues still exist throughout the nation and are exasperated by socioeconomic polarization. Additionally, she expressed concern over the recent revisions to several Federal environmental statutes, including the Endangered Species Act.

In response to Ms. Sachau's comments, Mr. Wilson emphasized the need to communicate NEJAC's accomplishments to the general public. Mr. Moore added that a communication strategy has been discussed at previous meetings. He believes that the NEJAC and EPA can do a better job of getting information to the public. The NEJAC agreed to briefly discuss the development of a communication strategy at the October NEJAC meeting.

In closing, Mr. Moore thanked the public commenters and the NEJAC members for their participation and insight. He reiterated that the next meeting of the NEJAC is scheduled for October 21 through 23, 2008 at the Ritz Carlton in Atlanta, Georgia.