

**National Environmental Justice Advisory Council
Washington, DC
June 10 through 12, 2008**

Meeting Summary of the Executive Council

Exhibit 1

The twenty-second meeting of the Executive Council of the National Environmental Justice Advisory Council (NEJAC) was held June 10 through 12, 2008 at the Washington Court Hotel in Washington, DC. Mr. Richard Moore, Executive Director, Southwest Network for Environmental and Economic Justice served as the Chair of the Executive Council. Mr. Charles Lee, Director, U.S. Environmental Protection Agency (EPA or the Agency) Office of Environmental Justice (OEJ) is the Designated Federal Officer (DFO) for NEJAC. Exhibit 1 lists the members of the Executive Council that were in attendance, as well as those that were unable to attend the meeting.

This synopsis provides highlights from the meeting presentations and discussions and is organized in eight sections: 1.0 Welcome and Introductions, 2.0 Dialogue with the EPA Administrator, 3.0 Dialogue with EPA Senior Management, 4.0 Work Group Presentations, 5.0 EPA Environmental Justice Achievement Awards Update, 6.0 NEJAC Recommendations in Action: EPA's CARE Initiative, 7.0 Closing Dialogue, and 8.0 Summary of the Public Comments.

1.0 Welcome and Introductions

Mr. Lee, Mr. Moore, and Ms. Lynn Buhl, Deputy Assistant Administrator (DAA), Office of Enforcement and Compliance Assurance, provided opening remarks for the meeting. Key points included:

- Mr. Lee commented on the current momentum around environmental justice and that OEJ is evolving into a substantive results-orient program. He pointed out that NEJAC has played a substantial role in the program's transformation, with their recommendations helping to institutionalize environmental justice throughout the Agency.
- Mr. Moore discussed the recent environmental justice-related successes including the *State of Environmental Justice in America Conference* held at Howard University and the Alternative Dispute Resolution (ADR) training conducted in Puerto Rico. While there have been many recent successes, there is still an urgent need to continue address environmental justice issues.
- Ms. Buhl congratulated the EPA regional offices for proactively discussing and addressing environmental justice issues. She added that other EPA offices are consulting with OEJ on several rulemakings to help ensure that environmental justice is considered in the rule-making process.

2.0 Dialogue with the Administrator

Mr. Stephen Johnson, Administrator, EPA, stated that the recommendations and advice provided by NEJAC are invaluable to him as a decision-maker as well as the Agency. For example, NEJAC's recommendations and advice in the *2005 Gulf Coast Hurricanes and Vulnerable Populations – Recommendations for Future Disaster Preparedness/Response* improved the Agency's incident response capabilities. The implementation of NEJAC's recommendations helped improve the effectiveness of

NEJAC Executive Council

Members in Attendance

Mr. Richard Moore, **Chair**
Mr. Charles Lee, **DFO**
Mr. Chuck Barlow
Ms. Sue Briggum
Ms. Kathryn Brown
Mr. William Harper
Ms. Jodena Henneke
Mr. Christian Holmes
Mr. J. Langdon Marsh
Mr. Gregory Melanson
Mr. Paul Mohai
Mr. Shankar Prasad
Mr. John Ridgway
Mr. John Rosenthal
Ms. Patricia Salkin
Mr. Omega Wilson

Members not in Attendance

Ms. Jolene Catton
Ms. Joyce King
Ms. Donele Wilkins
Ms. Elizabeth Yeampierre

EPA's natural disaster response. The idea behind the Community Action for a Renewed Environment (CARE) Program was a NEJAC suggestion in the 2004 report, *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*. To date, the program has funded 48 community projects that address environmental justice concerns and led to the Agency's Memorandum of Understanding (MOU) with the Centers for Disease Control (CDC) to improve coordination on health care and health surveillance.

Administrator Johnson remarked that his primary goal is to deliver measureable results to all Americans. To achieve this goal, he directed all EPA staff to integrate environmental justice considerations into the Agency's core planning and budgeting processes. In the 2005 Agency-wide memorandum, Administrator Johnson outlined eight national environmental justice priorities to strengthen the integration of environmental justice. Starting in 2009, EPA will conduct the first round of environmental justice reviews, which are intended identify opportunities within a program, policy, or activity to address environmental justice concerns.

3.0 Dialogue with EPA Senior Managers

Ms. Buhl moderated a discussion among the following senior managers:

- Mr. Robert Brenner, Director, EPA Office of Air and Radiation's Office of Policy Analysis and Review (OAR)
- Mr. Jim Jones, DAA, EPA Office of Prevention, Pesticides, and Toxic Substances (OPPTS)
- Ms. Catherine McCabe, Principal DAA, EPA OECA
- Mr. Granta Nakayama, DAA, EPA OECA
- Mr. Russell L. Wright, Jr., Acting Deputy Regional Administrator (DRA), EPA Region 4
- Ms. Laura Yoshii, DRA, EPA Region 9

A summary of the panel discussion, which focused on three questions, is presented below.

Question 1. Since Administrator Johnson's November 5th memorandum titled, "Reaffirming the U.S. Environmental Protection Agency's Commitment to Environmental Justice," how has your regional office or program matured to address the issues of environmental justice?

- OECA has: (1) incorporated environmental justice principles into its National Program Manager Guidance; (2) developed program reviews; (3) rejuvenated the Environmental Justice Steering Committee; and (4) incorporated measureable goals into the Environmental Justice Action Plans.
- Region 9 requires Division Operational Plans to specify and prioritize their environmental justice issues. The regional office has created an environmental justice team to hold divisions accountable for addressing environmental justice issues.
- OPPTS is using new risk assessment protocols to capture the potential for disparate impacts and better integrate environmental justice concerns into its chemical safety decisions.
- OAR has worked to foster better community involvement within its Clean Air Program, including growing and expanding the CARE and Diesel Retrofit Programs. OAR is working to link its Diesel Retrofit Program with asthma awareness programs.
- Region 4 has reorganized its environmental justice, tribal, agriculture, state, and local offices to report directly to the Regional Administrator. Each of these offices is responsible for incorporating environmental justice and addressing issues relating to their office's mission.

Question 2. What changes have you made to your organization based on the issues that have arisen from NEJAC?

- At the suggestion of NEJAC, OECA changed its incident response process to include an Environmental Justice Coordinator. To increase Agency transparency, OECA posts NEJAC's recommendations and OECA's responses on its Web site. OECA plans to use the injunctive relief from settlements to complete additional supplemental environmental projects (SEPs).
- Region 4 has conducted several activities, including:
 - Developed a Worker Protection Standard to reduce pesticide exposure of migrant farm workers and a bilingual manual to help farmers comply with the new standard.

- Funded 108 anti-idling projects since 2001, which reduced the emissions from 21,554 diesel engines. The campaign to retrofit school buses has reduced hydrocarbon emissions by 75-80 percent and helped clean the air for 3.2 million students.
- Region 9 is proactively reaching out to the community to build local capacity through the CARE Program. Additionally, the regional office is working to ensure that all stakeholders are at the table during the decision-making process.

Question 3. What are the future opportunities and challenges for your organization or regional office?

- OAR has identified two major areas of focus: goods movement and climate change. OAR will continue to address the sector-based issue of goods movement with a focus on community impacts. Climate change will inevitably affect sensitive areas, including environmental justice communities. OAR is identifying best practices to minimize impacts on these areas. Additionally, OAR will need to be aware of legislative changes, which may have distributional impacts on environmental justice communities.
- OECA stressed the challenge and importance of obtaining measurable results from its initiatives.
- Region 9 plans to better align resources in order to institutionalize environmental justice and improve communication and outreach of national and local environmental justice achievements.
- OPPTS indicated that EPA needs to create better partnerships to improve the reproducibility and transferability of environmental justice solutions.
- Region 4 will continue to capitalize on several successes, particularly Brownfield redevelopments to revitalize environmental justice communities. The regional office will continue to look for opportunities to address environmental justice concerns within communities.

The following are highlights of the discussion with NEJAC.

- Environmental justice communities need guidance for engaging with local agriculture departments to mitigate the spraying of toxin-containing sludge and pharmaceuticals on food crops.
- NEJAC should recognize the intersection between environmental justice and land use planning and zoning. EPA should provide training to environmental justice communities and land use planning associations, such as the National League of Cities and National Association of Counties. Relevant permitting authorities should be involved in the training development efforts.
- NEJAC members encouraged EPA to invest resources to develop stricter standards for green labeling.
- Additional environmental justice listening sessions should be conducted.
- Institutionalizing progress is vital to maintaining momentum around the environmental justice at EPA.

4.0 Work Group Presentation

Four Work Groups presented to the NEJAC members, including: the Nationally Consistent Environmental Justice Screening Approaches Work Group, Goods Movement Work Group, Environmental Justice, Green Business, and Sustainability Work Group, and State Environmental Justice Grants Program Work Group. Highlights from each presentation are provided below.

4.1 Nationally Consistent EJ Screening Approaches

Ms. Sue Briggum, Vice President, Waste Management, Inc. and Ms. Eileen Gauna, Professor, University of New Mexico serve as the Co-chairs for the Nationally Consistent Environmental Justice Screening Approaches Work Group (NCEJSA). Mr. Mustafa Ali, EJ Training Program Manager, EPA, serves as the DFO for the Work Group.

The goals of the Work Group are to: (1) develop “high level” policy recommendations that are crucial to the development of a nationally consistent environmental justice screening approach, and (2) provide feedback and advice on OECA’s Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT). According to the Work Group members, a good screening approach should have the following characteristics:

- Allow for identification of locally impacted areas and communities of concern;
- Be understandable by and useful to the public as well as policy makers;
- Be scientifically validated with clearly articulated strengths and limitations; and
- Have the potential to identify temporal changes as well as make national comparisons among communities, states, and other areas.

Based on initial discussions, the Work Group has identified both technical issues relating to EJSEAT and broader policy issues around the development of a screening approach. The Work Group will use these concerns to develop recommendations.

Highlights of comments from NEJAC members on the presentation are included below.

- An environmental justice tool or approach must identify the most intensely affected environmental justice communities of concern. Supplementing national data with state and local may effectively provide a level of detail sufficient for such a screening. However, there is concern as to whether national data can effectively represent communities of concern because census tracts, counties, and other data divisions may not coincide with actual community boundaries.
- The use of the term “screening” might connote certain public health aspects that are not intended, and should be clarified.
- EPA needs to better communicate its progress on this screening tool and other environmental justice issues to the public and community groups.

EPA will hold a public teleconference in August 2008 to share the Work Group’s progress.

4.2 Discussion about Goods Movement Draft Report of Proposed Recommendations

Mr. Shankar Prasad, Executive Fellow, Coalition for Clean Air, and Mr. Terry Goff,

Exhibit 2

Director, Policy and Regulatory Affairs – Power Systems, Caterpillar, Inc. serve as the Co-chairs for the Goods Movement Work Group (GMWG). Ms. Victoria Robinson, NEJAC Program Manager, EPA, serves as the DFO for the Work Group.

The presentation provided NEJAC with an update on progress made since the September 2007 NEJAC meeting with respect to goods movement, which encompasses all transportation modes, distribution centers, and infrastructure. The presenters reviewed the principles and recommendations created for each of the recommendation areas shown in Exhibit 2. Key principles from each of the focus areas are highlighted below:

- Regulatory and Enforcement Mechanisms – A strong regulatory approach is fundamental to the reduction of goods movement impacts and regional pollution levels that affect environmental justice communities.
- Land Use Planning – Decisions around goods movement infrastructure expansion should consider air quality, especially in non-attainment areas.
- Research and Education on Exposure and Health Effects – Studies are needed to determine the health impacts of near-road and near-facility exposure.
- Community Participatory Strategies – Affected communities must be engaged at all levels of the planning and decision-making processes for goods movement activities.
- Collaborative Governance and Problem Solving – Stakeholder alliances, partnerships, and collaborative governance approaches are needed to foster environmental solutions.

Recommendation Areas
<ul style="list-style-type: none"> ▪ Regulatory and Enforcement Mechanisms; ▪ Land Use Planning; ▪ Research and Education on Exposure and Health Effects; ▪ Community Participatory Strategies; ▪ Collaborative Governance and Problem Solving; ▪ Environmental Performance, Planning, and Management; ▪ Technology; and ▪ Resources and Financing

- Environmental Performance, Planning, and Management – Reduction in impacts to environmental justice communities is rare due to a lack of regulatory drivers and processes.
- Technology – EPA regulations, state implementation plan guidance, voluntary programs, and model rules should drive accelerated deployment of cost effective and technically-feasible improvements and technologies.
- Resources and Financing – Current resources are insufficient to address the impacts of goods movement-related emissions on environmental justice communities.

The Work Group will finalize their recommendations and present them to NEJAC in August or September.

Highlights of comments from the NEJAC members on the presentation are included below.

- NEJAC recognized that local monitoring is crucial to understanding the impacts of goods movement.
- The Work Group should consider addressing the potential health impacts of depositing dredge material on land.
- The Work Group should consider including emergency preparedness in its recommendations or as a footnote in its report to the Agency.
- The Work Group should differentiate recommendations that would be implemented by the Federal government and the states.
- Federal and state guidelines on grant funding should be revisited to improve flexibility and permit communities to benefit from participation in university research projects and other studies.
- The principles of collaboration developed at the Second People of Color Environmental Summit should be reviewed.
- The Work Group should find ways to integrate some of its recommendations into existing programs such as the National Diesel Campaign and SmartWay Transit Partnership.
- The integration of environmental justice in land use planning could be one of the key messages of the report.

The Work Group should consider how climate change affects how EPA views goods movement issues.

4.3 Environmental Justice, Green Business, and Sustainability

Mr. Chuck Barlow, Assistant General Counsel, Environmental Energy Corporation serves as the Chair for the Environmental Justice, Green Business, and Sustainability Work Group. Mr. Victor McMahan, Environmental Protection Specialist, EPA, serves as the DFO for the Work Group.

The Work Group's objectives are to provide recommendations on how EPA can create opportunities to enhance the links between environmental justice, green business, and sustainability. A situation assessment is being conducted by a contractor (RESOLVE) to determine the potential for a national dialogue on the environmental justice implications of green business and sustainability. Initial analysis shows that there is momentum behind the issue of environmental justice and sustainability (e.g. green collar jobs, green communities, and green policy initiatives). Additionally, there is a strong desire for practical results and the creation of co-benefits.

The preliminary recommendations of the Work Group include:

- Increasing organization and coordination of existing EPA efforts (i.e., Smart Growth and job training);
- Encouraging EPA to educate other Federal agencies and to coordinate existing multi-agency efforts (Department of Energy, Department of the Interior, and Department of Housing and Urban Development);
- Facilitating national dialogue and education;
- Maximizing co-benefits of green business and sustainability efforts; and
- Encouraging active research into programs that maximize co-benefits.

NEJAC members provided the following input on these preliminary recommendations:

- The Work Group needs to define their niche within the broader concept of sustainability.
- Efforts concerning sustainability should come from a “bottom-up” rather than “top-down” approach, utilizing community resources and input.
- The Work Group should consider the unintended health of “going green.” For example, extremely air-tight buildings led to indoor air quality problems or “sick building syndrome” in the past.
- The Work Group should consider how businesses might encourage sustainability in individual households using transparent mechanisms, such as specifically indicating cost and energy savings on utility bills.
- The nationwide dialogue needs to focus on concepts rather than best practice examples or business case studies.
- The Work Group should carefully consider how “green jobs” are defined. For example, a job at a solar plant could be considered a “green job.” However, the employee may earn minimum wage with no health benefits despite being exposed to toxics and unsafe working conditions. Additionally, the plant is likely to be located in a low-income or minority neighborhood. The Work Group will need to consider the true community benefit of a “green job.”

4.4 EPA’s State Environmental Justice Grant Program

Mr. John Ridgway, Manager, Information Management and Communications, Washington State Department of Ecology, serves as the Chair for the State Environmental Justice Grant Program Work Group. Mr. Kent Benjamin, Acting Associate Director for Program Coordination, EPA, serves as the DFO for the Work Group.

EPA is developing a state environmental justice grant program to promote and integrate environmental justice at the state level. EPA recognizes that the states are an underutilized environmental justice partner and have a distinctive state role in supporting environmental justice. The grant program will capitalize on existing state efforts, and how to draw additional states into a proactive and coordinated role. Recipients of the grants will include state government agencies and their various entities. A total of five 3-year grants worth \$160,000 each will be awarded across the nation. EPA will award recipients based on measurable, results-oriented projects. The program is expected to award the first round of grants in the spring of 2009.

The purpose of the Work Group is to provide guidance on how EPA can structure a selection process, which results in the funding of results-oriented projects. By the end of the summer, the Work Group will draft a letter of recommendations to EPA. The recommendations will focus on potential outreach strategies, examples of funded activities, and program performance measures.

The following are highlights of the NEJAC discussion that followed the presentation.

- There is concern that tribal organizations would not be eligible for this funding.
- The creation of a state-based grant program may not result in community-based collaborative problem-solving or on-the-ground benefits.
- Community groups could help review applications.
- Request for Proposals should have a limit on administrative costs as well as require a funding match.

5.0 EPA Environmental Justice Achievement Awards Update

Mr. Lee provided a status update on the Environmental Justice Achievement Awards. The goals of the awards program are shown in Exhibit 3. The environmental justice review panel met in July and provided EPA with its recommendations for awardees in the six stakeholder categories, including community groups, academia, tribes, business and industry, non-governmental organizations, and state and local governments. The awards will tentatively be presented at the public NEJAC meeting next fall, since there will be a multi-stakeholder audience.

The 2009 Environmental Justice Achievement Awards will recognize multi-

Exhibit 3

stakeholder collaborations instead of individual stakeholders. This change will help exemplify the two core values of the environmental justice program: collaboration and partnerships. In addition, recognizing partnerships will help prevent any grievance that might occur by nominating an organization that has demonstrated significant environmental justice advances in one area but deficiencies in another area.

Goals of the EJ Achievement Awards

- To promote positive behavior by all stakeholders
- Document EJ models of success
- Encourage achievement of environmental results at the community level
- Encourage collaborative problem-solving

The following are highlights of NEJAC's discussion, which followed the presentation.

- The Environmental Justice Achievement Awards should recognize the development and evolution of partnerships from conflict resolution to measurable outcomes.
- There should be a balance between recognizing all nominations that have good ideas and defining a standard of excellence in order to make the award significant.
- The term "partnership" needs to be defined; including whether or not a "partnership" requires the community.
- Some form of due diligence or background checks on the nominees should be required during the review process.
- The Work Group should look at who the award will be given to (i.e., will all members of the partnership receive the award or just the applicant?)

6.0 NEJAC Recommendations in Action: EPA's CARE Program

Mr. Benjamin, Ms. Marva King, CARE Program Manager, EPA, and Ms. Vernice Miller-Travis, Executive Director, Environmental Support Center, presented on the evolution of the CARE Program an overview of CARE Program's progress, and reflections on the interconnectedness between CARE and NEJAC.

The CARE Program is a community-based, community-driven, grant program created to build partnerships and help communities reduce their exposure. The program has provided grants to 48 communities for a total of \$7.8 million. The CARE Program began as a NEJAC recommendation from the 2004 report, *Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts* and is a direct response to Executive Order 12898, which requires EPA to incorporate environmental justice across all of the agency's operations. The program uses a two-level funding approach to build community capacity and implement solutions. In addition to monetary funding, recipients receive technical assistance and scientific support. The panel noted that many of the CARE Program applicants have received an Environmental Justice Small Grant or Environmental Justice Collaborative Problem-Solving Grant in the past. Additionally, approximately 90 percent of the recipients are working in communities with environmental justice concerns. CARE is a program that really works at the community level and is an excellent example of NEJAC's recommendations leading to tangible results.

7.0 Closing Dialogue

Ms. Robinson announced the tentative NEJAC schedule:

- July 2008 - public teleconference
- August 2008 - public teleconference
- November 2008 - public meeting
- January 2009 - public teleconference
- May 2009 - public meeting

Ms. Yoshii noted that she will bring NEJAC's insight to her colleagues through her report back to the Environmental Justice Steering Committee.

Mr. Lee reiterated that NEJAC needs to address climate change in a manageable and meaningful way through its dialogue and actions. Additionally, EPA needs to better move resources to address areas that need it most. EPA needs to provide measurable results, in the form of EJSEAT or other nationally consistent screening methods. Additionally, EPA hopes to strengthen the relationship between environmental justice and CARE Program.

Mr. Moore noted that: (1) NEJAC needs to reinstate environmental justice listening sessions and engage all stakeholders in those sessions, (2) NEJAC needs to reinstate environmental justice training sessions, (3) capacity building is crucial to success, and (4) EPA needs to be continued tribal representation on the work groups and NEJAC.

8.0 Summary of Public Comment Period

The NEJAC Executive Council conducted a public comment period on June 10, 2008.

- Mr. Michael Lythcott, Senior Associate, E2 (E Squared), briefed the NEJAC members on Technical Assistance to Communities (TASC) program. Mr. Lythcott stated that E2 is tasked by EPA with improving the process by which EPA provides technical assistance to environmental justice communities. E2 has developed a database that contractors may use to upload their qualifications information and answer questions that assess their cultural competence, thereby providing EPA with more information about the contractors' potential effectiveness in communities. If the contractors in the database cannot meet the community's needs, E2 trains technical experts in the required specialized environmental justice needs. The program currently has six active projects throughout the country.
- Ms. Wynecta Fisher, Director, City of New Orleans Mayor's Office of Environmental Affairs, discussed concerns related to "environmental consumerism." Ms. Fisher expressed concerns about the high concentration of discount chain stores in urban environments. She noted that these stores often sell substandard clothing and other items that contain harmful chemicals. Residents from environmental justice community purchase items, such as toxic toys, because of their availability and price without realizing the dangers. Ms. Fisher expressed concerns about the prevalent use of the "green" or environmentally-friendly label. Without proper standards and oversight, such terms may be abused, leading to harm for those in environmental justice communities that may not understand the term's limitations. In light of the recent food scares, Ms. Fisher spoke about food safety. Citizens in communities with environmental justice concerns are likely to consume the potentially harmful fruits and vegetables that have come from countries with lower standards. Ms. Fisher expressed concern regarding carbon trading and how it might affect communities with environmental justice concern. She noted that some companies, located in these communities, may choose to buy large numbers of credits rather than reduce their pollution, which could lead to pollution hot spots, areas of higher emissions and thus larger health impacts.