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Working Toward Solutions

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PREFACE

November 1997 will mark the fifth year since the inception of the Office of Environmental Justice (formerly Office of Environmental Equity) at the U.S. Environmental Protection Agency (EPA). The office, originally established to conduct education and awareness programs, received a broader mandate in 1993. In addition to educating all stakeholders about environmental justice, the office is charged with developing and implementing a national platform for action. Guided by the 1994 President's Executive Order on Environmental Justice and stakeholders' advice from the National Environmental Justice Advisory Council, EPA has evolved a strategy with commitments to ensure environmental protection for all communities, irrespective of race and/or income.

The environmental justice movement was started by people, primarily people of color and low-income communities, who needed to address the inequity of environmental protection services in their communities. Grounded in the struggles of the 1960s civil rights movement, these citizens from every facet of life, emerged to elucidate the environmental inequities facing millions of people. These communities rose to articulate and raise concerns about public health threats posing an immediate danger to the lives of their families, their communities, and themselves.

Environmental justice is about local people facing local problems and designing practical solutions to address challenging environmental issues. The environmental justice movement advocates programs that promote environmental protection within the context of sustainable development. Utilizing various methods, including traditional knowledge about the ecosystem and community mobilization, the environmental justice community has become a formidable force in the protection of both the urban and rural environments.

This report provides an overview of more than four years of EPA's environmental justice program, with a focus on the successes, failures, and advances towards a more effective program. The title of the report: "Working Towards Solutions" is suggestive of the fact that, while much has been accomplished, we at EPA believe that environmental justice is still in its infancy with respect to its potential impact on EPA's programming for improved quality of life for all Americans.

EPA continues to seek objective and cost-effective ways of facilitating new stakeholders approaches, evaluating programs, establishing realistic expectations, and measuring success. This report is consistent with the Government Performance and Results Act of 1993 which is intended "...to improve public confidence in federal agency performance by holding agencies accountable for achieving program results...". This report attempts to capture some successful examples of environmental justice efforts. Without being exhaustive, it focuses on those initiatives, programs and practices which have had both adverse and positive results on sustainable economic and environmental activities. Beyond highlighting existing Agency programs and projects, this report outlines major initiatives that were supported by EPA.

In the final analysis, the success of this office will be demonstrated by its ability to give a voice to communities who historically were voiceless, and to develop policies which empower local institutions to address environmental issues, and translate pollution concerns into environmental regulations to protect the health and safety of all communities including low-income populations and communities of color.

Clarice E. Gaylord, Ph.D.
Director, Office of Environmental Justice

EXECUTIVE SUMMARY

This report, "Working Toward Solutions", summarizes environmental justice activities and programs of the U.S. Environmental Protection Agency (EPA). As the lead agency under the President's Executive Order on Environmental Justice, EPA seeks to develop and implement a national objective to ensure that all people, regardless of race, ethnicity, culture or income status, live in a healthy, safe and sustainable community.

Implementing environmental justice programs at EPA has required modifying the Agency's approach to educating its officials to recognize that certain populations who are disproportionately impacted by environmental pollution are excluded from the decision and policy making process. Achieving a successful environmental justice program requires the presence of senior management commitment; environmental justice guidance for all staff; environmental justice training; a cross-media team approach; coordination with states, Indian tribes, industry, and all stakeholders; resources devoted to program implementation; systematic review and integration of environmental justice priorities into activities; establishment of pilot projects; and development of measurement tools for accountability.

The report addresses successful programs as well as present and future challenges. It reviews a number of environmental assessment methods, including geographic information systems, the Toxic Release Inventory, LandView II and the Integrated Data for Enforcement Analysis system. EPA's role in assisting other federal agencies on environmental justice issues, federal reinvention initiatives, regional environmental justice programs and sustainable development is discussed.

The report outlines the role and importance of the National Environmental Justice Advisory Council as a stakeholder group to give advice and guidance to the Agency on effective environmental justice strategies. The Council has had positive influences on how the Agency approaches public policy development, health and research issues, international concerns, enforcement remedies, and environmental justice integration into program operations.

Public participation and meaningful involvement are the cornerstones to effectively address environmental justice issues. The report describes the Agency's outreach activities to the broadest audience possible, and pays particular attention to the need to enhance cultural diversity in all phases of the Agency's operation.

Paramount to resolving local environmental problems is the Agency's effort to support sustainable economic and redevelopment efforts. Urban revitalization projects, the Brownfields Initiative, and Empowerment Zone/Enterprise Communities present opportunities to create jobs and business opportunities for communities dealing with urban degradation and blight. Financial and technical assistance programs have been important efforts in building capacity for stakeholder groups to ensure fairness and equity under environmental laws.

Protecting public health and safety have taken on a new urgency in high-risk communities. The Agency's new cumulative exposure project, human exposure assessments, and urban risk assessments have only recently begun and will continue for many years to evaluate links between toxic exposure and subsequent health effects in disproportionately affected populations.

Utilization of a variety of legal and enforcement tools offers one important way for advancing public policy and practices to ensure that environmental laws are implemented and enforced in low-income communities and minority communities. Cases are currently being tried in the courts, administrative

complaints are being filed with EPA and other agencies, and national policies are being created or modified. However, success ultimately revolves around mutually acceptable local solutions to local problems.

On the whole, environmental regulations and enforcement remedies are complex multidimensional subjects with a matrix of consequences to different communities and populations. One of the challenges facing the nation is the creation of an acceptable balance between employment-related issues, public health and welfare issues, and technology and development issues. The people bearing the brunt of environmental pollution are frequently the voiceless and disadvantaged.

CITIZENS FREQUENTLY DEMONSTRATE THEIR CONCERN THROUGH EFFORTS SUCH AS THIS ONE.

Equity is essential for integration of the aspirations and the hopes of low-income populations and communities of color, and for promoting the sustainable health of the earth's environment in formulating regulations and policies that have enduring benefits for all mankind. Recent ecological research and global meteorological studies show that the earth is a global village. Pollution in one community will ultimately contribute to the pollution in other communities through the air, the water, and the food chain. This report seeks to outline efforts to provide environmental justice for all people.

CHAPTER 1
Introduction

Solutions to the disproportionate impact of environmental actions on low-income populations and communities of color are based on factors that are characteristic of environmental justice. The goal of environmental justice is to ensure that all people, regardless of race, national origin, or income, are protected from disproportionately high and adverse impacts to human health and the environment. Environmental justice communities are generally residents who are of a minority and/or low-income group; excluded from the environmental policy setting and/or decision-making process; subject to a disproportionate impact from one or more environmental hazards; or experience a different implementation of environmental regulations, requirements, practices and activities in their communities. Inequality in the application and enforcement of environmental laws and regulations are due to several factors, such as:

- Government officials lack awareness about the disparate levels of environmental protection exist in low-income communities and communities of color.
- Communities most affected by environmental burdens are not included in public policy and environmental processes.
- Minority and/or low-income communities lack adequate access to public information.
- Data, risk, and health effect assessments are not designed to evaluate multiple risks, or cumulative and synergistic effects.
- Legal tools and enforcement remedies are not effectively used to redress environmental inequity problems.
- Conditions associated with discrimination in housing, employment, and education aggravate disparity.
- Urban economic redevelopment programs are inadequate for low-income and minority populations; they may heighten environmental problems, as well.
- Lack of workforce diversity in senior or key management positions in federal, state, and local governments.

Chapter 2 focuses on the steps U.S. Environmental Protection Agency (EPA) and other federal agencies have taken to more effectively address environmental justice concerns. Subsequent chapters focus on EPA's outreach efforts to stakeholders; the conduct of environmental assessments; the enhancement of cultural diversity; support for economic and/or redevelopment efforts; utilization of legislative and judicial remedies; and concern for the public health and safety of all populations.

CHAPTER 2
Advancing Environmental Justice in the Federal Government

IMPLEMENTING ENVIRONMENTAL JUSTICE AT EPA

> ***"EPA is making extra efforts to reach out to communities which may have environmental justice concerns to ensure that they are fully informed and able to participate in decisions."***
>
> ***Carol Browner, EPA Administrator***

Raising Awareness

To effectively address environmental justice concerns, EPA has focused on changing the Agency's approach to educating staff on the importance of recognizing that certain populations are disproportionately impacted by environmental pollution and that this affected population also has been excluded from decision and policy-making processes. Training courses, workshops, and seminars have been offered to EPA and other federal, state and local officials over the last four years. Many environmental justice awareness training courses have become institutionalized in regional and program offices and are offered at regular intervals. These courses routinely cover the historical perspective of environmental justice, the events that led to EPA's involvement and the Agency's responsibility to ensure that fairness and justice for all populations are integrated into environmental programs, policies and activities.

The goals of EPA training programs are to make environmental justice an integral part of the day-to-day activities of each employee. Environmental justice training is multi-media and interdisciplinary, addressing such issues as air and water regulations, hazardous waste transport, storage and disposal problems, pesticide and hazardous chemical exposures, public health effects in sensitive populations, and enforcement and compliance issues. Environmental justice training has been integrated into various courses, such as, inspector training, public outreach training for Resource Conservation Recovery Act (RCRA), risk assessment, and enforcement targeting training. A series of environmental justice seminars are being offered through EPA's National Enforcement Training Institute. Post course evaluations have been favorable and staff have acquired a better understanding and awareness of disparate environmental hazards and their impacts on low-income populations and communities of color. Environmental justice concerns are being raised and addressed much more frequently.

ELEMENTS OF SUCCESSFUL ENVIRONMENTAL JUSTICE PROGRAM INTEGRATION

1. **Senior management commitment and strategy**
2. **Environmental justice policy directive given to all staff**
3. **Environmental justice training**
4. **Cross media teams approach**
5. **Resources devoted to program implementation**
6. **Systematic review and integration of environmental justice priorities into activities**
7. **Establishment of pilot projects**
8. **Establishment of measurement tools for accountability**

Integrating environmental justice within the Agency has been met with varying degrees of success. One of the first offices to introduce major changes was the Office of Solid Waste and Emergency Response (OSWER). In 1993, the Assistant Administrator issued a policy statement directing all OSWER staff to incorporate environmental justice goals in their project formulation and implementation. The Office established an Environmental Justice Steering Committee, introduced reforms in RCRA and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or Superfund regulation, developed an aggressive public outreach strategy in the Brownfields and Relocation programs, modified the Superfund technical assistance grants program, and published annual Environmental Justice Accomplishment Reports.

Other offices and regions that have made notable changes include the Office of Prevention, Pesticides, and Toxic Substances (OPPTS) and the Office of Enforcement and Compliance Assurance (OECA). OPPTS's cumulative risk assessment studies, the Worker Protection Standards and other farm worker outreach issues, the new agricultural feedlot project, and the Urban Pesticides programs show special commitment to environmental justice. In addition, OPPTS has implemented the Lead Residential Demonstration Initiative to show that an effective, well-planned program can significantly reduce blood-lead levels in underprivileged children. The Enforcement and Compliance Assurance Roundtable, risk-based targeting efforts, creative approaches to settlement provisions, and enforcement outreach projects demonstrate OECA's efforts to change behavior and practices. Regional programs and projects are described in Chapter 8 of this report.

Implementing Institutional Changes Through Executive Order 12898

It is not enough to sensitize EPA staff to environmental justice issues; EPA has to change the way it conducts business. Changes are necessary to emphasize the role of the affected public in the environmental process. They need access to accurate, timely information, and to have a fair opportunity to participate in the development of environmental policies, guidance, and activities.

In 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which requires "each federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies and activities on minority populations and low-income populations." In the memorandum that accompanied the Order, the President recognized the importance of procedures under the National Environmental Policy Act (NEPA) and directed "each Federal agency to provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents and notices."

The White House Council on Environmental Quality (CEQ), which has primary oversight of the federal

> ***"Environmental and civil rights statutes provide many opportunities to address environmental hazards in minority communities and low-income communities. Application of these existing statutory provisions is an important part of this Administration's efforts to prevent those minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects."***
>
> ***Excerpt from the Presidential Memorandum for Executive Order 12898 on Environmental Justice***

government's implementation of NEPA, developed a draft "Guidance for Addressing Environmental Justice under the National Environmental Policy Act" in l996. While the guidance has not been finalized to date, the use of NEPA as a tool to consider environmental justice issues, including adverse socioeconomic and cultural impacts in proposed federal actions, is a major step toward demonstrating the President's commitment to environmental justice. An example of the importance of environmental justice implications in the NEPA process is described in Exhibit 2-1.

Exhibit 2-1

SOUTH LAWRENCE TRAFFICWAY EXPANSION

The State of Kansas, with funding from the U.S. Department of Transportation's Federal Highway Administration (FHA), proposed to expand a two-lane roadway to connect two major interstate highways. The expansion would be adjacent to the Haskell Indian Nation's University in Lawrence, Kansas. Under NEPA, the department filed an Environmental Impact Statement (EIS) citing minimal biophysical harm to the community and surrounding wetlands. The EIS was challenged by Haskell students and staff because FHA had not adequately considered the highly adverse social impact on the spiritual and cultural use of the land. A Medicine Wheel, sweat lodges, and ancient burial grounds would be impacted by the proposed roadway expansion. With the EIS challenged on environmental justice grounds, Kansas decided to "de-federalize"the project and FHA withdrew the EIS. A grassroots organization comprised of Haskell staff, alumni and students, and local residents has filed suit in federal district court on this issue.

Concurrently with CEQ, EPA drafted its own "Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis." The guidance, issued in 1996, is designed to assist EPA in developing NEPA compliance documentation on environmental justice concerns. The guidance addresses key environmental justice terms, illustrates the relevance of environmental justice issues in environmental analyses, describes methods for communication with the affected population throughout the NEPA process, and emphasizes environmental justice as a primary consideration to the NEPA process. While these draft documents are being finalized, the principles have begun to impact the NEPA process.

EPA Reinvention Efforts in Support of Environmental Justice

In 1994, EPA initiated a new Regulatory and Policy Development Process which facilitated the integration of environmental justice into agency programs. In response to the National Performance Review, EPA reformed its rulemaking process by instituting a tiering process whereby high priority, cross-media policy initiatives would be automatically considered in Agency-wide policy and regulatory actions. Environmental justice was classified as one of the top priorities by the Administrator and is routinely analyzed for policy implications or precedents. Because of its priority status, environmental justice has been integrated into major Agency initiatives, such as the Clean Air Act program, the Worker Protection Standards, Permits Improvement, RCRA Reforms, and the Relocation Policy.

Conducting Assessments

The Agency has begun to collect data, define terms, and analyze information to determine the factors associated with high risk exposure to contaminants and to examine whether people of color and low-income populations are disproportionately impacted by environmental burdens. Using geographic information systems (GIS), the Agency analyzes demographic data around specific facilities to assess the risk to these populations.

Over the last four years, GIS analyses have been conducted to establish methods for identifying areas of potential concern based on factors such as facility location, Toxic Release Inventory (TRI) emission source data, population density, income status, race, ethnicity, and other census block data. A 1995 study by EPA combined TRI emissions data at the county level with county-level demographic data and noted possible inequities relative to low-income populations and people of color communities.

An earlier EPA study examined the correlation between concentrations of criteria air pollutants and demographic characteristics and noted:

> ***"...Despite the absence of systematically collected data, the weight of the available evidence supports two observations. First, many disadvantaged and minority groups live in areas with poor outdoor air quality, and these same groups may encounter high levels of certain indoor air contaminants (for example, aero-allergens, environmental tobacco smoke) in their residences and/or workplaces. Second, national data on health status provide clear proof that disease and death rates are related to social class and ethnicity/race. The extent to which exposures to air pollutants and other environmental agents contribute to these observed differences, however, is uncertain."***
>
> ***Ken Sexton***
> ***EPA Office of Research and Development***

While the GIS technology is being refined, risk-based targeting has only recently emerged as a promising tool in enforcement to help prioritize efforts to identify releases of chemicals from facilities and

agricultural activities that may cause disproportionate impacts. An agency-wide Risk-Based Identifications Workgroup is developing a discussion paper on technical and policy issues associated with environmental justice. The paper will help with the design and evaluation of studies that identify and assess potential adverse environmental and human health impacts. The paper is expected to be completed by the end of 1997.

An example of a risk-based targeting project is "Posted Streams" which is designed to screen federal, industrial, commercial and municipal facilities that contribute chemicals to waterbodies in communities disproportionately exposed to these chemicals. The results of this study will be used to initiate dialogue with EPA Program and Regional offices to develop enforcement and compliance strategies to minimize chemical loadings and to reduce human health and aquatic life impacts in these areas.

In another example, the Federal Facilities Enforcement Office (FFEO) is conducting a focused Environmental Justice Enforcement Initiative at Federal Facilities. This initiative uses the most current TRI data reported by Federal Facilities coupled with enforcement and compliance data to target facilities in low-incomes and minority populations for enforcement and compliance actions. ARCVIEW and LandView II GIS databases are used to analyze demographic information. Relative Risk Toxicity databases developed by OPPTS are used to analyze relative risk of contaminants at the facilities. As a result of maps generated at sites FFEO can use these documents as tools for planning and targeting inspections and related enforcement activities at Federal facilities. This initiative is expected to be a continuous effort as TRI information is reported annually by Federal facilities.

Recently, several outstanding user-friendly tools have been developed to make data and information more accessible to the public. For example, LandView II is a software package available on CD-ROM for use on personal computers. The data includes several EPA databases listing thousands of permitted facilities and Superfund sites, as well as socioeconomic data from the 1990 population census. The information is presented as an electronic atlas and can be used to help local communities evaluate environmental risks and identify areas of environmental justice concern.

LandView II is an innovative tool that makes it easier for the general public, the environmental community, local businesses and government agencies to have access and to examine "right-to-know" information as part of an assessment of environmental risk and environmental justice. With LandView II, the public can locate their own neighborhoods on detailed maps and evaluate related EPA and census information in the context of their own experience. (See Exhibit 2-2 for an illustration of a LandView II map.)

Another useful tool is the Integrated Data for Enforcement Analysis (IDEA), an interactive, high speed data retrieval and integration system that was developed by OECA. The system allows users to evaluate current and historical compliance and enforcement data from all regulated areas, obtain data on specific facilities, companies or corporations and determine facilities' compliance histories from a multi-media perspective.

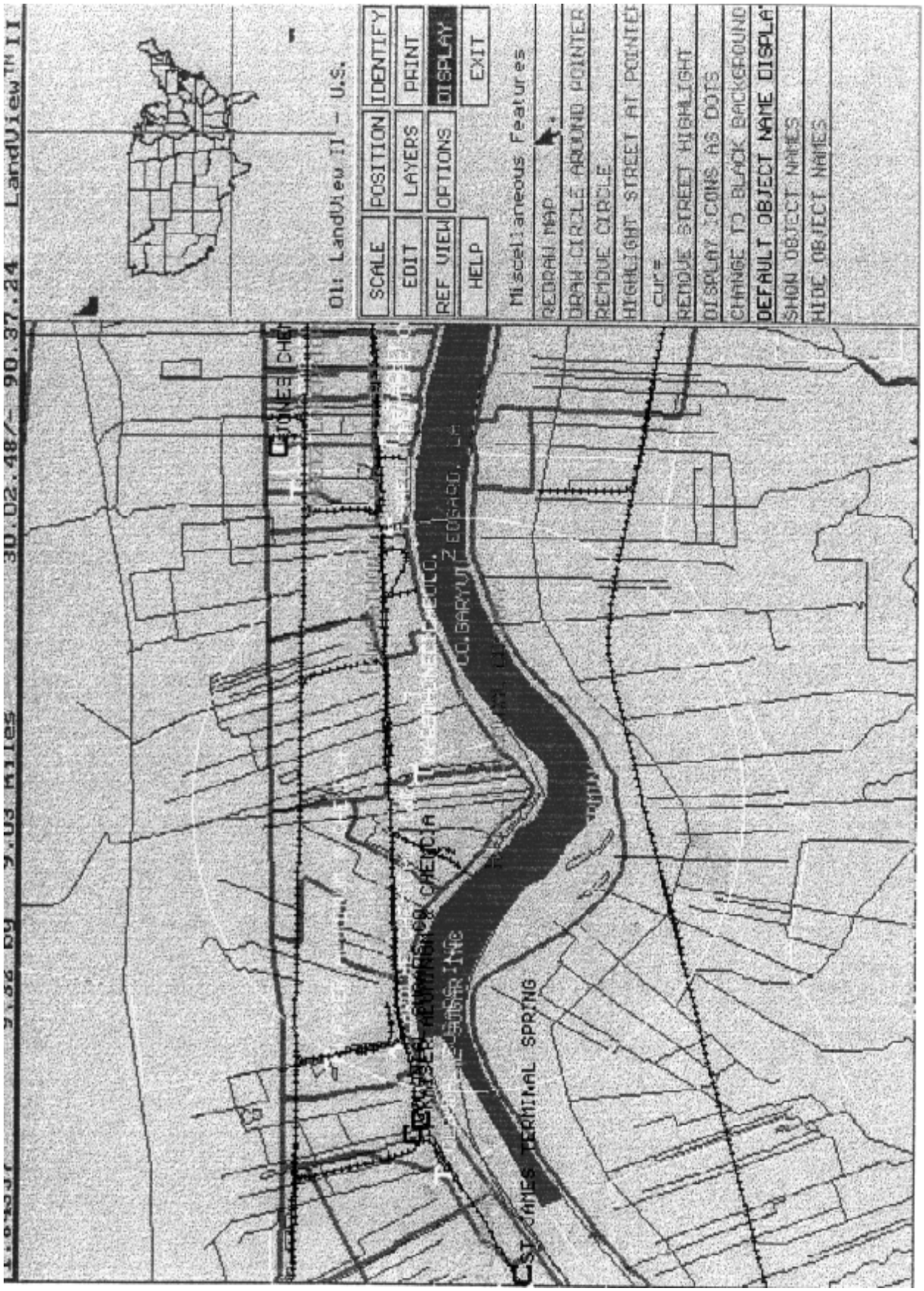
IDEA allows public access to compliance histories and environmental performance for facilities located or being permitted in certain neighborhoods. Information can be obtained on pollution sources, monitoring requirements, facility compliance status, spills or accidental releases of hazardous substances and any significant violator and/or penalty information. The information can give communities and other stakeholders the ability to track progress and compare enforcement and compliance data on similar facilities all over the nation.

Historically, most of EPA's exposure analyses and risk assessments has focused on single pollutants, single sources and single medium. This methodology does not recognize multiple pathway exposures to numerous pollutants originating from a variety of sources, particularly in disproportionately exposed communities. The National Cumulative Exposure Baseline Project originated by the Office of Policy, Planning and Evaluation is a broad-based examination of human health exposure which considers the various contributors to exposure in combination. The project's results are intended to enhance the consideration of cumulative exposure in the development of environmental policy.

The project is developing estimates of cumulative exposures by combining measured and modeled concentrations of pollutants in air, food and drinking water with human activity and consumption patterns. The proposed methodologies rely on existing data and methods, and will estimate national distributions of exposures across communities and demographic groups. In addition, the possibility of developing a multi-pathway exposure distribution, by integrating the results of the inhalation, food ingestion, and drinking water consumption analyses, will be considered.

The need for additional assessments and effective research is overwhelming. As the Agency deals with improving data quality and collection techniques, refining and standardizing definitions and survey methods, it will continue to investigate class and race differences as it relates to exposure, risk and health disparities. In the meantime, additional research needs to be done.

Exhibit 2-2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REMOVE CIRCLE
HIGHLIGHT STREET AT POINTER
CUT
REMOVE STREET HIGHLIGHT
DISPLAY ICONS AS DOTS
CHANGE TO BLACK BACKGROUND
DEFAULT OBJECT NAME DISPLAY
SHOW OBJECT NAMES
HIDE OBJECT NAMES
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EDGARD, LA

EPA'S ROLE IN WORKING WITH OTHER FEDERAL AGENCIES ON ENVIRONMENTAL JUSTICE ISSUES

The Agency recognized early that adverse environmental justice impacts were not solely an EPA responsibility. The Interagency Working Group (IWG) on Environmental Justice, discussed later in the Chapter, provides a forum for exchanging ideas and sharing experiences across agencies.

Technical Assistance to Other Federal Agencies

Many environmental justice problems cross federal jurisdictional lines. For instance, many residents living in highly concentrated industrial centers often complain about the siting of highways, airports, and other facilities near public or low-income housing units. The residents are often caught in a jurisdictional maze between various government agencies. One of the important components of implementing meaningful, significant changes in affected communities is working with other federal agencies.

As the lead Agency identified in Executive Order 12898, EPA manages the IWG. The IWG, created in 1994, is chaired by Administrator Browner, and comprises the heads of eleven departments/agencies and several White House offices.

Initially, a structure of eight task forces was established to cover the following areas:

- Research and Health
- Outreach
- Data
- Enforcement and Compliance
- Guidance
- Implementation
- Native American Issues
- Interagency Projects

After all required documents were assembled, the individual task forces were disbanded and absorbed into the Subcommittee on Policy and Coordination. The current IWG is depicted in the following chart. The Executive Order required two sets of documents from the IWG by April 1995. Each agency developed a strategic plan to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The IWG also submitted a report to the President on interagency environmental justice accomplishments and projects. In 1996, most of the task forces were phased out after producing final products, while other task forces were combined with an ongoing federal initiative. One significance of the IWG is that the group coordinates activities and shares environmental justice information on a regular basis.

In 1997, each agency submitted an implementation report on its environmental justice strategies and participated in coordinated activities which included the review of the CEQ's Draft Environmental Justice Guidance on NEPA, the Second Report to the President on Environmental Justice, the Mississippi Delta Project, the Institute of Medicine's clinical investigation of selected environmental justice communities in support of the Brownfields and relocation interagency initiatives.

Federal NEPA Oversight

Under Section 309 of the Clean Air Act, EPA has a key role in the overall implementation of NEPA by other federal agencies. EPA reviews and provides written comment on the environmental impacts of proposed federal projects. In conducting Section 309 reviews, EPA is directed by President Clinton's accompanying memorandum to Executive Order 12898 to ensure that agencies fully analyze the environmental effects of proposed actions on minority and low-income communities, including human health, social and economic effects.

EPA seeks to identify possible environmental justice concerns and offer alternative solutions or mitigation measures for unavoidable impacts. EPA works with other federal departments and agencies to ensure that environmental justice issues are addressed in their actions. While Section 309 gives EPA the ability to review other proposed federal actions, difficulties may arise regarding the integration of Executive Order 12898 with existing statutory authorities of other agencies. For example, problems occurred most recently with attempts to factor adverse social impacts into the NEPA review of mining practices on tribal lands under the 1872 Mining laws. Thus, a major challenge for the effective implementation of E.O. 12898 is to identify effective ways to integrate the Order in specific cases.

Regional Environmental Justice Interagency Groups

Just as the EPA Environmental Justice Office interacts with other departments and agencies through the formal Interagency Working Group, EPA encourages its ten regional offices to form similar groups at the regional level to identify roles and opportunities for federal offices to work together in field situations. Region VIII convened a Denver area Environmental Justice Interagency Task Force to initiate a dialogue with its local "federal family" to discuss common issues and to develop a shared vision to address public land management issues, conduct federal environmental justice training, and outreach to urban, rural and tribal stakeholders.

Federal Reinvention Initiatives and Environmental Justice

One effort that emerged from the government reinvention process was the "Common Sense Initiative". The strategy analyzes pollution on an industry-by-industry basis rather than using the pollutant-by-pollutant approach of the past. The "Initiative" tailors environmental protection policies to specific industries and involves teams of individuals from manufacturers to community organizations in fashioning new strategies and approaches that emphasize pollution prevention while providing cheaper, cleaner and smarter protection for everyone.

Interagency Working Group on
Environmental Justice
Chair: EPA Administrator
Cabinet Secretaries of DOC, DOD, DOE, DOI,
DOJ, DOL, DOT, HHS, HUD, and USDA
Heads of CEA, CEQ, DPC,
OMB, OSTP, NRC, NASA, FEMA

Subcommittee on Policy and Coordination Task Force
Co-Chairs from Agencies and Representatives
from White House Offices and Independent Agencies

The Initiative started by focusing on six pilot industries: iron and steel; electronics and computers; metal plating and finishing; automobile assembly; printing; and oil refining. Together, these industries account for one-eighth of all toxic emissions reported to EPA and are frequently located in low-income and people of color communities.

The teams are reviewing regulations to obtain better environmental results at less cost through increased coordination; seeking opportunities to give industry the incentives and flexibility to develop innovative technologies that meet and exceed environmental standards while cutting costs; looking at ways to change the permitting process; creating opportunities for public participation; and improving environmental reporting requirements.

While the Initiative is targeted toward the industrial sector, it does benefit environmental justice communities by requiring these industries to create and enhance opportunities for public participation in their operations. However, one of the lessons learned from this approach is that more effort needs to be made to ensure that the public has an early, meaningful and significant involvement in the process.

Our Common Future and Sustainable Development

The Brundtland Report describes "sustainable development" as a process which allows people "...to meet the needs of the present without compromising the ability of future generations to meet their own needs." The integration of economic, political and environmental factors is the essential catalyst for ensuring that local populations have the inter-generational resources to face future challenges. In this regard, the Agency has a number of programs in place to encourage local community organizations and other stakeholder groups to develop comprehensive strategies that incorporate sustainable economic development with sound environmental practices.

Pollution prevention promotes development of technologies and practices that prevent pollution. EPA is working with all stakeholders to help communities deal with emerging environmental issues by using pollution prevention, rather than simply pollution and waste control solutions. Pollution prevention seeks to reduce or eliminate pollutants before treatment or disposal. It is also commonly referred to as "source reduction." EPA further defines pollution prevention as the use of other practices that reduce or eliminate the creation of pollutants through 1) increased efficiency in the use of raw materials, energy, water, or other resources, and 2) protection of natural resources by conservation.

CHAPTER 3
Increasing Public Participation and Outreach

> ***" The integration of environmental justice into everything that our country does domestically and internationally can be the most important thing our government has ever done to make development sustainable."***
> ***Baldemar Velasquez, Chair, NEJAC International Subcommittee***

THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

To ensure that EPA was obtaining adequate stakeholder advice and making appropriate changes as it implemented a national environmental justice program, the agency chartered the National Environmental Justice Advisory Council (NEJAC) in l993. The Council, which is governed by the Federal Advisory Committee Act, provides independent advice to EPA on all matters relating to environmental justice. It consists of 25 members appointed from stakeholder groups including community-based organizations; business and industry; academic and educational institutions; state and local government agencies; tribal government and community groups; non-governmental organizations and environmental groups. (See Appendix I for charter membership).

Since its inception in September 1993, NEJAC has met eight times, sponsored a number of significant events, and produced a variety of reports and products to help EPA focus its environmental justice action efforts.

SIGNIFICANT EVENTS ACCOMPLISHED BY NEJAC

1. **Reviewed and helped to finalize EPA's Environmental Justice Strategy and Implementation Plan**
2. **Provided guidance on both CEQ's and EPA's Draft Environmental Justice Guidance for NEPA**
3. **Hosted five Brownfields Public Dialogue Sessions and produced a report**
4. **Conducted the agency's first public Roundtables--one on Relocation in Pensacola, Florida and one on Enforcement in San Antonio, Texas (proceedings from both meetings were published)**
5. **Developed and published a Model Plan for Enhancing Public Participation in environmental activities which was adopted by EPA and other federal agencies as the guide for conducting public meetings**
6. **Produced a report on the Enforcement Subcommittee's review of OECA programs**
7. **Submitted a paper on environmental justice opportunities in the permitting process**
8. **Produced a paper evaluating EPA's process under Title VI of the Civil Rights Act of 1964**
9. **Reviewed RCRA's technical location standards and facility siting criteria**
10. **Developed recommendations for health and research projects that have application to high risk communities (for example, lead and mercury poisoning in environmental justice communities)**

The Council has six subcommittees organized around themes to help develop strategic options for EPA. The subcommittees are: 1) Enforcement, 2) Health and Research, 3) Indigenous Peoples, 4) International Activities, 5) Public Participation and Accountability, and 6) Waste and Facility Siting. The subcommittees are co-sponsored by various program offices to ensure that specific program needs are met and that advice is received from all stakeholders on relevant environmental justice issues and effectively integrated into appropriate agency areas. Each subcommittee is sponsored by an EPA Program Office as shown below:

Enforcement	Office of Enforcement and Compliance Assurance (OECA)
Health/Research	Office of Research & Development and Office of Prevention, Pesticides & Toxic Substances
Indigenous	American Indian Environmental Office, Office of Water
International	Office of International Activities
Public Participation	Office of Environmental Justice, OECA
Waste/Facility Siting	Office of Solid Waste & Emergency Response

NEJAC's involvement in the Brownfields initiative and the Relocation Roundtable have had a major impact on new policy implications for environmental justice communities. (An example is found in Exhibit 3-1 on the following page)

The NEJAC makes a concerted effort to obtain information from the public and other stakeholder groups by scheduling public comment periods during their meetings and by conducting site tours of affected communities to their schedule. NEJAC finds it helpful to speak to residents and to see first-hand the condition of the environment. To ensure the use of appropriate techniques to involve communities in environmental discussions, NEJAC's Subcommittee on Public Participation and Accountability developed and widely distributed its "Model Plan for Public Participation" as a template for groups trying to conduct effective public meetings. The plan has been successfully implemented in seven public meetings and roundtables co-sponsored by EPA and NEJAC. The NEJAC continues to enhance the public's access to information through their Internet site at http://www.ttemi.com/nejac. The NEJAC Internet site is electronically linked to all EPA Internet sites regarding environmental justice issues.

Exhibit 3-1

NATIONAL RELOCATION PILOT

As a result of testimony given at a NEJAC Council meeting and a NEJAC public roundtable on Relocation, a predominantly black, low-income community of 358 residents is being relocated in Pensacola, Florida. The families live in close proximity to a toxic waste site leaching dioxin, arsenic, lead and other contaminants. The relocation site will be cleaned up, redeveloped and rezoned by the city for non-residential use. The Pensacola Relocation pilot will serve as a national model and has wide-ranging implications for modifying the agency's current policy on relocation.

ENHANCING PUBLIC PARTICIPATION AND OUTREACH

The success of any local environmental program depends on the early, meaningful involvement of an educated public. Special training programs must be developed for citizens and other stakeholders. Assuming that government officials, business and industry staff are conversant with environmental regulations, EPA concentrates on providing training to high risk communities on the role they could play in the environmental decision-making process at the local, county, state and federal government levels. Communities need to know how to exercise their rights and responsibilities under current environmental laws, guidance and policies in order to effectively interact with government agencies.

Once empowered, communities are in a better position to negotiate with other stakeholders for an improved quality of life and healthy sustainable environment. (The profile of an empowered community appears below).

Awareness training also was offered to the public to aid in their understanding of the diverse issues associated with environmental justice. To reach a wide audience, the Agency partially supported an environmental justice presentation in collaboration with Tuft's University Drama Department and Boston's Underground Railway Theater group. The presentation went on national tour in 1994-1995 performing to audiences in Boston, Washington, D.C., Chicago and New York. The presentation received rave reviews as it educated, enlightened and sensitized people to the importance of providing environmental protection to everyone. Post production audience participation, discussions, and evaluation surveys emphasized the effectiveness of this project as an educational tool. The Agency utilized a variety of methods to train and educate the public about environmental justice issues. However, the Agency's workforce must reflect the diversity of American society in order to adequately achieve our environmental mission. To achieve this goal, several programs are important.

AFFECTED COMMUNITIES

VULNERABLE	EMPOWERED
1. Unaware of rights and process	1. Environmentally literate
2. Unorganized	2. Organized
3. No representation	3. Champion/steward
4. Limited access to information	4. Access to public databases
5. Uninvolved	5. Community-Right-to-Know
6. Pollution sources increase	6. Pollution Prevention
7. Unwilling to partner	7. Partners with stakeholders

ENHANCING CULTURAL DIVERSITY

The Agency has a number of ongoing programs to help diversify the workforce and to help encourage students to enter the environmental field. Programs such as The East St. Louis Citizen's Academy and the Environmental Careers Organization's Internships help overcome barriers to ensuring cultural diversity in environmental policy and decision-making by increasing opportunities for students to pursue environmental degrees and/or careers. This special training program has successfully empowered hundreds of residents and increased citizen's participation on local, public and private advisory boards.

Since 1992, EPA has created and participated in a program through the Environmental Careers Organization to place over 2,000 students into paid internships at all EPA facilities, including program and regional offices as well as laboratories. A widely diverse group of student interns, gained valuable environmental training, research and field work experiences as well as interacting with community-based organizations. Surveys of former interns have shown that the internship experience has been worthwhile and has encouraged many of the students to pursue studies in the environmental field.

Under a special internship program, over 80 students were directly sponsored by the Office of Environmental Justice and placed in Regional offices to provide direct technical assistance to local communities working on environmental education or community improvement projects such as community cleanups, pollution prevention training, lead, and asthma awareness projects and environmental education outreach efforts. These programs have provided a diverse cross-section of youth with significant environmental work experience, inculcation of environmental ethics and appreciation for the factors which contribute to safe, healthy sustainable communities.

Exhibit 3-2

THE EAST ST. LOUIS CITIZEN'S ACADEMY

To build local capacity and to empower local citizens to become involved in local environmental processes and public meetings, Region 5 created a Citizen's Academy in conjunction with the State Community College of East St. Louis. Citizens are offered seven weeks of free training seminars held on Saturday mornings. Topics of the seminars include environmental laws and regulations. As a part of the training program, students are given opportunities to participate in mock public hearings. Upon leaving the academy, students are placed on a mailing list, and notified of all local hearings and pending legislation. Many are nominated for membership on community advisory boards for local government and industry. Graduates of this program have a much better understanding of the enforcement and permitting processes and their role in resolving local environmental issues.

Minority Academic Institutions, which are working on environmental issues, are an important resource for designing and implementing community-based environmental activities in underserved communities. Many of these institutions have relationships with distressed communities and require students to participate in community service before graduation. Most schools also have active community outreach programs. When EPA created the Academic Relations Program in 1990, it included colleges and universities, with close ties to the communities, such as Historically Black Colleges and Universities, Hispanic Serving Institutions and campuses with a significant Asian or American Indian population to help meet the Agency's research, environmental and scientific needs. The Agency's formal program, which does not involve quotas, has been effective in providing technical and financial assistance to help build environmental capacity in these institutions and to mobilize all students, faculty and communities around environmental issues.

In 1990, in an effort to heighten environmental awareness in these communities, EPA's Office of Water established the "Youth and the Environment Initiative" to introduce low-income urban and rural youth to career opportunities in the environmental field by combining summer employment with academic training and hands-on experience. To expose students to the many various environmental career possibilities, the program provides a blueprint for establishing awareness and training in such fields as water supply, wastewater treatment, recycling, energy, marine environments, environmental justice, hazardous waste and natural resources protection.

To date, approximately 900 students in more than 25 cities have participated in the program. The program runs six to eight weeks, allowing students the opportunity to assist plant operators in day-to-day wastewater plant operations, including routine monitoring and laboratory analysis, plant operations, inspections, maintenance and safety assurance. Several students are now pursuing engineering or environmental science degrees while others are currently employed full time at the local wastewater treatment facility.

In addition to encouraging cultural diversity externally, the Agency is committed to efforts to expand its internal workforce diversity particularly in senior management positions and to improve environmental

justice training for all managers. Such training is vital if EPA is to recognize and utilize talents within the workforce and to better communicate with all communities.

Exhibit 3-3

BALTIMORE'S YOUTH WARRIORS

Youth Warriors is an environmental justice organization that educates and trains minority youth and young adults ages 14-30 on environmental, economic and social problems that affect Baltimore community residents. Each youth undergoes a seven-month apprenticeship that provides urban environmental education and training, leadership development and organizing skills. The program requires the completion of community service projects that address enhancing environmental quality in environmental justice communities.

Since the environmental justice movement began, organizations such as the Baltimore Youth Warriors (See Exhibit 3-3) have been established to get youth and young adults interested in environmental issues and involved in activities to improve the environmental quality of their neighborhoods. This program encourages young people to volunteer their time to community services and help them to gain valuable field experience and reinforce environmental career interests.

OUTREACH EFFORTS

In partnership with the Smithsonian Institute's Museum of American History, EPA initiated an Environmental Justice Distinguished Lecture Series from 1994 to 1995. The Series of six lectures covered issues ranging from disparate pollution exposure to environmental problems in Indian country, occupational hazards for Asian electronic and garment workers, and environmental contamination along the U.S./Mexican Border. Evaluations from this series also indicated the public's appreciation of these lectures as a training vehicle.

The Agency continues to fund a series of environmental justice public service announcements on the national Hispanic Network Radio. These broadcasts provide pertinent information in Spanish on issues, such as the Worker Protection Standards, lead paint testing and abatement programs, radon testing, asthma management training for Hispanic children and technical assistance opportunities for communities.

Access to quality and accurate information is key to the public's meaningful participation in environmental decision-making. Citizens need user-friendly, non-technical, current information about the effects of pollution; the success of mitigation strategies for communities; new policy and regulatory developments; upcoming public hearings; and grant opportunities. To make the latest information more accessible to all stakeholders, the Office of Environmental Justice created a homepage on the Internet, expanded the availability of program information and established a hot-line number (800-962-6215).

> ***"…EPA is promoting consensus-based approaches to the remedy selection process by involving community stakeholders in site pilot projects. This effort is intended to empower local citizens and other stakeholders to be involved in the remedy selection process that ultimately results in EPA choosing common sense remedies that meet statutory and regulatory requirements."***
>
> ***Carol Browner, EPA Administrator***

Since l994 more than 5,000 calls have been received from community groups and individuals requesting information and assistance on a variety of issues ranging from pesticide misuse to local facility siting, enforcement questions and water quality problems. In addition, the Office maintains and updates brochures, fact sheets, reports and community education materials. Selected documents are available in Spanish, Chinese, Vietnamese, and Korean.

CHAPTER 4
Supporting Economic/Redevelopment Efforts

FORMING PUBLIC/PRIVATE PARTNERSHIPS: CASE STUDIES

In urban areas throughout the nation, minority and low-income residents are exposed to a multitude of environmental hazards, ranging from lead paint, waste facilities, industrial pollution, auto emissions to unhealthy indoor air. Cumulatively, the effects of these hazards upon residents, particularly sensitive populations such as children and the elderly, are compounded by other economic and social ills which aggravate these health risks.

Major goals of the Agency have been to cleanup contaminated sites, reduce toxic exposure and minimize related public health problems in high-risk urban communities. The best approach in reaching this goal has been to develop a variety of targeted urban revitalization plans that involve all stakeholders. A number of different projects have been tried and appear to be successful in meeting this goal.

New England Urban Environmental Initiative

EPA's Region I office identified urban environments in Boston, Massachusetts, Hartford, Connecticut, and Providence, Rhode Island as Initiative projects. Its approach has been to address priority environmental and public health issues in targeted neighborhoods and conduct pilot efforts such as restoration of urban river quality, lead poisoning prevention and mitigation, reduction of environmental factors which affect respiratory functions and restoring contaminated land and vacant lots. Through these pilots, local infrastructures have been built, partnerships with diverse stakeholders have been established and model programs which can be replicated in other disadvantaged urban areas have been initiated.

Boston's Community Gardening Project

A year after EPA Region I, AmeriCorp and the Dudley Street Neighborhood Initiative worked on revitalizing and cleaning up a vacant lot in Boston, the property has now been taken over by the Food Project for use as a vegetable and fruit garden. Food from the garden is used to supply homeless shelters and sold in a farmer's market starting in the Spring 1997. The effort has been so successful that other agencies such as the Department of Agriculture are interested in supporting similar projects in other EPA target cities.

Providence Vacant Lot Task Force

EPA has been working with 14 community organizations and the City of Providence to identify the history of 3500 vacant lots in Providence used as dumpsites and to find ways of salvaging these sites. As a result of this effort, the Mayor's Office created a City Conservation Corp for the cleanup of vacant lots. Since April 1996, 216 vacant lots have been cleaned and EPA has arranged for American National Service Corps members to provide additional manpower.

Hartford Environmental Project

EPA is working with ONE/CHANE, residents of North Hartford, the State of Connecticut, the City of Hartford and local businesses and industry to conduct environmental assessments and inventory of potential sources of environmental contamination and to gather health data in the Hartford urban area. Over 120 local residents have been trained to use computer systems and become a part of the computer input registry for geographic information systems (GIS) environmental database systems. This project

aids the community's effort to perform their own GIS mapping functions. Residents are currently assessing the site of a contaminated former car wash facility for possible redevelopment as a local supermarket or drug store.

EPA'S BROWNFIELDS ECONOMIC REDEVELOPMENT INITIATIVE

EPA's OSWER is exploring economic redevelopment opportunities in the context of Superfund cleanups as a complement to environmental justice initiatives in low-income and minority communities. This initiative is focused on abandoned Brownfields, idle or under-used industrial and commercial facilities where expansion or redevelopment is complicated by environmental contamination, uncertainty about future liabilities and potential cleanup costs.

Restoring contaminated urban property is viewed as a way to bring life and economic vitality back to disadvantaged urban communities. OSWER's initiative is aimed at empowering states, communities, industries and local governments to work together to assess, cleanup and reuse Brownfields. The program helps reverse contamination, declining property values and high unemployment often found in urban industrial areas. Thus far, EPA has awarded 45 Brownfields Pilot Cooperative Agreements to states, cities, towns, counties and tribes. The pilots, each funded up to $200,000 over two years, are established to work in partnership with communities to develop strategies for reuse of the Brownfield sites.

EMPOWERMENT ZONE/ENTERPRISE COMMUNITIES (EZ/EC)

The Federal Government developed the Empowerment Zone/Enterprise Communities (EZ/EC) program in 1992 to empower communities to work together with federal, state and local officials to create jobs and business opportunities and to develop strategic plans for urban and rural revitalization. In 1993, President Clinton created a Community Enterprise Board which directed 13 agencies to further the goals of economic redevelopment and make shared resources available to implement approved revitalization plans. As an active member of the Board, EPA's Brownfields pilots are considered the framework for successful EZ/EC projects in clarifying liability issues, supporting community partnerships, conducting outreach activities and addressing environmental justice concerns. To date, more than 50% of the Brownfields pilots have been designated as EZ/EC communities. Revitalization efforts are ongoing in cities such as Los Angeles, New York, Cleveland, and Chicago where large environmental justice communities reside.

COMMUNITY-BASED LEAD ABATEMENT DEMONSTRATION PROJECTS

In 1992, EPA in collaboration with the U.S. Department of Housing and Urban Development (HUD) and the District of Columbia Government initiated a pilot Residential Lead Training Initiative for citizens residing in low-income Anacostia public housing units. The purpose of the program was to train and hire unemployed and underemployed public housing residents in lead and asbestos inspection, abatement and remediation. These skills could be used to abate housing of hazardous environmental contaminants, improve environmental quality and create employment opportunities for residents.

In 1994, as a result of the success of this pilot, EPA's Office of Prevention, Pesticides, and Toxic Substances, in partnership with HUD, the U.S. Department of Health and Human Services (DHHS), and the U.S. Department of Labor (DOL) launched a national Community-Based Lead Abatement Demonstration Project in six cities. The selected cities of Philadelphia, Chicago, Milwaukee, Missoula, Memphis and Oakland were awarded an average of $300,000 per year to train and hire residents from poor urban or rural communities in lead abatement. Since initiation of these demonstration projects, lower lead levels have been found in children living in these disadvantaged areas and the economic viability of the community residents has improved through abatement training and employment.

One truly innovative economic revitalization model has been developed by the Clinton Administration and administered by Cornell University's School of Business. The concept of a self-contained ecologically sound industrial park has been tested in Baltimore, Maryland; Chicago, Illinois; Chattanooga, Tennessee; Cape Charles, Virginia; and Brownsville, Texas. The project calls for public participation in the design of the parks and in the implementation of the project. See Exhibit 4-1 below for a description. For more information, you may visit the project's Internet site at http://www.sustainable.doe.gov/industrial/.

Exhibit 4-1

ECO-INDUSTRIAL PARKS

The concept of an environmentally sound industrial park links businesses together in a symbiotic way utilizing a closed loop production and operation system that reduces waste and minimizes environmental degradation. Businesses in the eco-industrial park (EIP) are selected and contiguously located to share resources to the maximum extent possible. Raw materials and other resources are used frugally, waste is minimized, by-products from one company are recycled as raw material for other companies in the park and residual wastes are managed in a safe and usable manner.

CHAPTER 5
Building Capacity for Stakeholders

To deal effectively with environmental justices issues, stakeholders need to have the capacity and infrastructure to assess, manage and take part in resolving their environmental problems. EPA initiated a number of financial and technical assistance programs to aid local communities, tribal and community-based organizations and other stakeholders in developing effective means of addressing environmental concerns.

GRANTS PROGRAM

In 1993, EPA created the Environmental Justice Small Grants program to provide financial assistance to community-based organizations that were working on local solutions to local environmental problems. The program was designed to enable grassroots groups, community-based organizations, churches, schools, non-profit organizations, tribal communities and governments to identify and assess pollution sources. In addition, the grants program, and environmental awareness and training programs are structured to devise strategies for improvements to the environment.

Grants to Community Organizations

Since 1993, over $7 million in grant awards of $20,000 have been made to approximately 500 local community recipients. Grant recipients are addressing, among other issues, childhood lead poisoning, asthma management in children, radon testing in low-income homes, fish contamination in subsistence populations, water quality and pesticide issues in rural communities. Funding has been provided to initiate information exchange programs, facilitate communications and partnerships among affected stakeholders and to teach risk reduction, pollution prevention and source reduction technologies in distressed communities.

In a recent audit of the Environmental Justice Small Grants program, EPA's Inspector General's Office found that, while the program needed better control and accountability measures, the overall program was working well. In addition, the audit identified several success stories resulting from the national program. Examples include:

- Region I grantee determined that for one housing development, 60% of the families had at least one family member plagued with asthma. The work identified important issues which required further study by EPA scientists in coordination with Health and Human Services and Housing and Urban Development.

- In Region III, a university conducted a project that trained local community members to test for and cleanup lead debris and dust. The project successfully reduced lead contamination in the homes of community residents, thereby reducing exposure to vulnerable children.

- In Region V, universities conducted training workshops for 450 Cambodian, Hmong and Laotian residents on ways to reduce levels of lead, radon, carbon monoxide and moisture/molds in indoor home environments.

While the small grants program in general has been considered successful and invaluable to groups who traditionally have not been eligible for financial assistance programs, more emphasis needs to be invested in "grantsmanship" training, monitoring and controls to ensure that the program runs optimally. In the

meantime, the program concept is being duplicated by other EPA offices, other federal agencies and outside funding entities such as the American Association for the Advancement of Sciences.

Community-University Partnership Grants

In 1995, the Office of Environmental Justice created the Community/University Partnership (CUP) grants program to help community groups more efficiently and effectively address local environmental justice issues through active partnerships with institutions of higher education. Under this program, a meaningful interactive cooperation has been established between communities and colleges or universities to focus on areas of major concern. Sixteen CUP pairs have been awarded approximately $4.5 million in amounts of $250,000 each to help communities become actively engaged in accessing information from public databases, in cleaning up and restoring neighborhoods with environmental problems, in surveying and monitoring environmental quality, and empowering communities to learn and participate in public environmental processes. These projects have already been successful in increasing environmental awareness, expanding community outreach, and training stakeholder groups to effectively address and resolve local environmental problems. (See Exhibit 5-1 for an example of a successful CUP grant.)

To provide additional financial assistance to small community groups and tribal governments, EPA's Office of Prevention, Pesticides, and Toxic Substances developed the Environmental Justice Through Pollution Prevention Grants program to help communities focus on projects designed to address environmental justice problems using pollution prevention remedies. The program has funded projects that encourage institutionalization and innovative use of pollution prevention as the preferred approach for addressing disproportionately high and adverse human health or environmental impacts in low-income and communities of color.

Cooperative efforts with business and industry to address common source reduction goals are a priority in this program.

Exhibit 5-1

HOSTOS COMMUNITY COLLEGE

The collaboration between Hostos Community College and the South Bronx Community Advisory Board is addressing the degrading environmental conditions of a culturally mixed, predominantly working class community. With a population of 1,200,000 residents (77% minority) this county has the highest percentage of waste facilities and the highest percentage of asthma related deaths and illnesses in the New York city area. The project developed a more systematic, comprehensive approach to environmental and public health assessments, remediation and urban planning. Community-based Geographic Information System (GIS) maps were created pinpointing pollution sources, population density and complaints and enforcement analysis for each neighborhood. Community-Right-to-Act teams were created and train-the-trainer programs were initiated to develop pollution prevention and resource conservation activities within the community. Residents were also assisted in efforts to develop small businesses in compliance with the City's urban development plans.

Similar financial assistance has been offered to community-based organizations and tribal governments through the Office of Environmental Education. The objective of this grants program is to support environmental education programs that enhance critical thinking and problem solving skills to ensure informed, responsible decisions to protect public health and the environment. As the Agency develops more of these types of grants for the non-traditional grant applicant, it will discover the value of

providing assistance to community-based organizations to help them learn about environmental processes and develop strategies to help themselves.

TECHNICAL ASSISTANCE PROGRAMS

EPA has initiated programs to provide technical assistance to underserved communities. In 1996, the Agency encouraged collaborative projects between AmeriCorp volunteers and environmental justice communities. The National Civilian Community Corps (NCCC), an AmeriCorp program, is a federally funded program designed to promote community service among young adult volunteers who have pledged to improve the quality of life and public safety for all communities. Corps members live on military bases and are deployed as teams to conduct community service activities across the country.

In 1996, Regions I, III, and IX used NCCC volunteers to help communities revitalize vacant lots, cleanup polluted urban streams and restore water resources quality. A NCCC team working in the Anacostia section of the District of Columbia conducted an eight-week aquatics life training program for low-income students living in the area. Participants were acquainted with the adverse effects of pollutants on aquatic life in the Anacostia River and how to avoid practices which contribute to the pollution load. Additionally, participants were taught about Community-Right-to-Know Act provisions and given technical assistance on how to access information to monitor the quality of the river.

In furtherance of the Technical Assistance Program, the American Bar Association (ABA) published in 1996 a Directory of Pro Bono Legal Service Providers for Environmental Justice. The directory provided information about law school programs, non-profit organizations, law firms and legal services offices that offer free legal services to communities on environmental justice matters. The directory, resulting from a national survey conducted by the ABA in l993, confirmed the paucity of legal services in low-income and communities of color on environmental issues.

> ***" ... we have to bear our responsibility, and our responsibility is not to let somebody define whatever the issues are for us, but, in fact, that we are the ones that need to do that for ourselves."***
>
> ***Richard Moore, Chair, NEJAC***

While the number of technical and financial assistance programs to communities and other stakeholders affected by environmental justice issues has increased over the last four years, there are concerns that financial assistance to citizens is misdirected and that opportunities for the misuse of funds should pose a concern. The recent Inspector General's national audit of the environmental justice small grants program does not bear this out. If EPA and the nation is serious about involving the public in the environmental process, adequate resources will be required to accomplish this goal.

The Agency's traditional approach to health and research investigation had to be re-examined as EPA incorporates environmental justice issues. The concept of low-level, chronic, and cumulative exposure to multiple pollutants had to be factored into how EPA determines risk in susceptible and vulnerable populations.

For years, the disparity between minority health status and the general population has been well documented. Higher incidences of hypertension, diabetes, infant mortality, respiratory illnesses, liver disease and most forms of cancer have been attributed to differences in lifestyles, nutrition, access to health care services, environmental factors, genetics, etc. Prior to 1990 at EPA, one area that had been given minimal attention was the possible correlation between disease etiology and chronic, low-level exposure to multiple environmental contaminants from different sources. Environmental justice concerns have raised the level of awareness about these possible cumulative and synergistic connections. Academic studies on the demographics of environmental justice and the relationship to health status are inconclusive.

CLINICAL INVESTIGATIONS

From a regulatory perspective, good epidemiological data disaggregated by race and income groups and correlated to environmental exposure and health effects were not widely available. Thus, clinical investigations like the Agency for Toxic Substance and Disease Registry's (ATSDR) Mississippi Delta Project should provide valuable information regarding the concentration of toxicants in air, water and soils and possible adverse health effects amongst the 8.3 million residents living along this low-income, highly industrialized area.

The Mississippi Delta Project was initiated in 1995 as a collaborative effort among several federal agencies, state health and environmental departments, community organizations and academic institutions including Historically Black Colleges and Universities. The goal of the project is to identify environmental hazards, promote environmental quality, reduce and, where possible, prevent these hazards from affecting public health and the environment, with emphasis on disproportionately affected communities.

> ***" ... in order to get to "sound science," we have to change the way we look at these issues, and we have to talk about exposure, the actual exposure that people are dealing with as opposed to the potential for risk..."***
> ***Deeohn Ferris, Chair, Enforcement Subcommittee, NEJAC***

In 1996, the National Academy of Science's Institute of Medicine launched a study to examine disease patterns in people of color and low-income communities with known high environmental exposures. The study is looking at diverse population groups residing in urban centers, rural communities and Native American reservations. Targeted, broad-based epidemiologic studies coupled with improved techniques to monitor and assess cumulative exposures will be useful in sorting out the many factors related to health risks.

URBAN RISK ASSESSMENTS

EPA has a number of ongoing urban risk assessment projects such as Region V's Chicago Cumulative Risk Initiative and Region III's Chester Risk Assessment Project. In both studies, the Regions are working with the local governments and state health departments to study relationships between environmental risks, health and regulatory compliance and enforcement issues. Utilizing exposure data for all media and various pathways, reports of aggregated risk are analyzed largely because of the unknown nature of interrelated environmental exposures. Preliminary findings are showing unacceptably high levels of blood lead in children, some health risks from consuming contaminated fish and the incidence rates for certain types of cancer are significantly above the statewide rates in disproportionately exposed groups.

Baltimore Urban Environmental Risk Initiative

EPA's Region III Office is working in cooperation with the Maryland Department of the Environment, the Baltimore City Health Department and the Baltimore City Planning Department to identify and rank areas of disproportionate risk in the city for purposes of implementing risk reduction, pollution prevention, public awareness and other activities to eliminate, or at least minimize risks. Projects have been designed to address environmental concerns in the areas of lead, hazardous materials incidents, indoor air quality, fish consumption in the Harbor, ground level ozone pollution and air toxins.

Since 1990, lead awareness and lead hazard reduction training have been provided to more than 2300 residents in at-risk areas of Baltimore City. Training has been provided to Baltimore city public school technicians in the areas of heating, ventilation and air conditioning. This training is intended to help improve indoor air quality by improving the efficiency and operation of school heating and cooling systems. A system to inventory and maintain a hazardous waste database for businesses in the city was developed in conjunction with the Baltimore City Fire Department.

An Ozone Pollution alert program is broadcast by local Baltimore TV stations as part of a weather forecast to provide at-risk citizens with air quality information. A comprehensive fish consumption survey of subsistence fishermen in Baltimore Harbor helped develop effective outreach strategies and provide valid fish consumption data for risk estimates.

Human Exposure Assessment Projects

The National Human Exposure Assessment Survey is an ongoing field study in Maryland conducted by EPA's Office of Research and Development (ORD). The research has as its goal the determination of human exposure to environmental pollutants. The study is being conducted in collaboration with Johns Hopkins, Emory and Harvard Universities and should provide valuable human environmental exposure data that will be useful for risk evaluation and exposure assessment.

In a complementary human exposure study, ORD is conducting a project targeted at the U.S./Mexico border communities to establish a database on environmental exposure and health risks in these predominantly low-income populations. The Agency is collaborating with local, state and federal agencies to resolve environmental health risk problems in these border communities. Research is being conducted to improve our understanding of exposure to environmental pollutants experienced by residents along the border and to understand the pathways and sources of these exposures. The data will

be analyzed to determine the health risks posed by these exposures and the information will be used, in partnership with the communities, to develop educational, training and pollution prevention/reduction programs to reduce such exposures.

To undertake this project, ORD established an Interagency Coordinating Committee that includes several Public Health Service agencies, the health and environmental agencies of the four border states, the Pan American Health Organization and Mexican Agency counterparts.

Long-term clinical and epidemiological investigations, though worthwhile, are just beginning. In the interim, several grant funded projects are conducting model innovative health screens, clinical treatments and environmental interventions in disproportionately exposed areas and homes. For example, Milwaukee's Sixteenth Street Community Health Center is sending outreach clinical workers into the homes of residents who traditionally do not have adequate access to health care services (See Exhibit 6-1). The Center targets Hispanic Americans, Southeast Asians, primarily Hmongs and Laotians, and other ethnic groups that live in the vicinity of the center. Outreach clinical workers canvass door to door to conduct in-home health screens and collect baseline data documenting high blood lead levels in children, asthma and other respiratory illnesses, and health problems related to the consumption of contaminated fish. Outreach environmental workers from the Center than make follow-up visits to assess and remediate environmental hazards such as asbestos and lead paint, indoor allergen triggers such as mold, mildew, mites, and conduct preventive health education programs for families in Spanish, Hmong, and Laotian languages. Regular in-home screens, treatment and environmental intervention have made a difference in the environmental quality and health of these families. Monitoring data have shown that blood lead levels have dropped in treated children, asthma attacks have lessened because of improved indoor air quality, and health problems related to ingestion of contaminated fish have been minimized. Over 4,000 homes have been visited and the Center is using this information to learn more about, and prevent potential health effects that may be caused or exacerbated by environmental influences.

Exhibit 6-1

SIXTEENTH STREET COMMUNITY HEALTH CENTER

As a result of EPA seed money, this Milwaukee Health Center opened a new Environmental Health office to deal with health effects in low-income, high-risk urban neighborhoods. Outreach workers canvassed door to door in search of lead, asbestos and other environmental hazards in homes; conducted in-home health screens; treated health problems and initiated preventive health education programs for families. Over 4,000 homes have been visited and the Center is using this information to learn about and prevent potential health effects that may be caused or exacerbated by environmental influences.

Public Health Indicators

Known	Suspected
1. Lead poisoning	1. Cancer
2. Asthma illnesses	2. Lupus
3. Pesticide effects	3. Neurologic effects
	4. Skin ailments

Indoor Air Exposures

The Office of Air and Radiation has worked with the American Lung Association (ALA) to raise awareness in low-income and people of color communities about health risks associated with exposure to radon, second-hand smoke and other indoor air pollutants. In 1992, data from ALA indicated that the prevalence rate of asthma among minority groups is 15% higher than among whites with varying degrees of severity. Through a program called "Open Airways", the ALA is working with organizations like the Zeta Phi Beta Sorority and the National Medical Association to teach high-risk asthmatic children to manage their disease and to recognize when they need medical assistance in order to reduce the incidence of attack. Similar education programs are being conducted on the dangers of radon exposure and how testing for radon and mitigating its presence can possibly prevent health problems, such as lung cancer.

Exhibit 6-2

ST. REGIS MOHAWK TRIBE
A CASE STUDY

Since the mid-1950s, the General Motors (GM) plant in Massena, New York, produced engine parts and used polychlorinated biphenyls (PCB) in manufacturing hydraulic fluid. Since PCBs were unregulated in the 1950s, the chemical was dumped in the river and buried on the factory and adjacent lots. In 1982, the GM site was listed on Superfund's National Priority's List because of PCB contamination to the soil, water, fish, and wildlife. The St. Regis Mohawk Indian reservation adjacent to the site was heavily impacted by PCBs in contaminated fish and wildlife, and contaminated water sources. While ATSDR and local health agencies could not show a direct correlation between PCB poisoning and the health effects experienced by tribal members, St. Regis Indians were exposed to PCBs in amounts that raised health concerns. Cleanup efforts are currently being negotiated between the tribe, GM, EPA and New York state.

Fish Consumption Studies

It has been known for some time that subsistence fishers, particularly low-income Native Americans, African-Americans and Asian-Americans consume parts of the fish that contain higher pollutant levels (for example, in skin, fat, and liver) or bottom dwelling fish that are more likely to contain higher levels of contaminants. These groups are therefore at higher risk for health effects due to contaminant exposures. Several projects sponsored by EPA's Region X office are examining bioaccumulation of chemicals and pesticides in fish tissues in an effort to determine the degree of risk in these populations. Pollutants being studied include polychlorinated biphenyls (PCB), dioxins, furans, heavy metals and related compounds. An example can be found in Exhibit 6-2.

The overall goal of any public health research should be long-term prevention of environmentally related diseases. As EPA works to ensure environmental protection for all, and sort out factors which may lead to disparate health conditions, we must try to reduce or prevent hazardous exposures in all communities.

CHAPTER 7
Utilizing Legal and Enforcement Tools To Implement Environmental Justice Directives

> ***"We recognize and support the continued growth of the State and Tribal regulated and voluntary programs which have greatly expanded the number of hazardous waste sites cleaned up to protect human health and the environment."***
>
> ***Carol Browner, Administrator, EPA***

Since environmental justice is not a single statutory concept, but rather a combination of civil rights, environmental, constitutional, regulatory and administrative laws, this chapter presents some of the legal policy issues and enforcement tools being used to address environmental justice situations. The assumption that legal tools and enforcement activities were being uniformly and equally applied in all communities was challenged by members of the environmental justice movement.

EPA-APPROVED AND DELEGATED ENVIRONMENTAL PROGRAMS

For many environmental laws (for example, Clean Air, Clean Water, and Safe Drinking Water acts) EPA approves, and in some cases delegates to states and federally recognized Indian tribes, the authority to implement their own environmental programs under federal environmental law. In addition, local jurisdictions (such as cities, counties, and regional boards) have land-use planning and zoning procedures, ordinances, and hearings that impact environmental programs. State and local requirements are very critical to environmental justice and oftentimes overlooked. For instance, states have to consider public safety, transportation, historic preservation sites issues, artifact laws and long-term development plans which may influence local zoning, land-use or development decisions. Environmental justice problems can arise when state-run, federally approved or delegated programs conflict with local ordinances, development, and economic growth plans impacting a disenfranchised community.

Mattaponi Tribe vs. King William County Reservoir: Case Study

In King William County, Virginia, a proposal to build a dam, reservoir, and pumping station on the Mattaponi and Pamunkey Rivers, directly impacted the Mattaponi and Pamunkey Tribes. These two small reservations are all that remain of the Powhatan Indian Nation (Pocahontas' Tribe), which once covered 16 million acres in Virginia, Maryland and Delaware. Virginia has a Clean Water Act-approved water program and the Virginia Department of Environmental Quality and Department of Natural Resources have indicated support for this $200 million project (before the hearing), in part, to help support development and better air-conditioned tourist attraction at Williamsburg and Bush Gardens. The Mattaponi Tribe has raised environmental justice issues under federal Indian, environmental and civil rights laws, and a 350 year-old treaty with Charles II to which all parties agreed and is still in effect.

CITIZEN PETITION PROVISIONS - TOXIC SUBSTANCES CONTROL ACT, SECTION 21

Many environmental laws have citizen petition provisions which allow a party to petition EPA for rulemaking or other administrative actions. These provisions have been used with some degree of success by groups addressing environmental justice concerns. In particular, the Toxic Substances Control Act (TSCA) Section 21 contains a provision to address multiple sources of different chemicals and cumulative exposures. EPA must respond to a petition within 90 days. Perhaps the most interesting cases under TSCA Section 21 were the Imperial County and the Chicago Cook County petitions.

Imperial County, California Case Study

For over 50 years, the New River which flows from Mexico into Imperial County, California was highly contaminated with multiple chemicals (for example, PCBs, dichlorodiphenyltrichloroethene [DDT] and Toxaphene), raw sewage, dead animals and floating debris. Contamination sources could include more than 200 multi-national corporations located on the Mexico side of the border, agricultural runoff on both sides of the border, untreated waste water, primarily on the Mexican side of the border, and the import and export of chemical and chemical waste on both sides of the border. Data collection or monitoring of pollution levels were not conducted and risk assessments of public health threats were not done for the largely Hispanic and Indian, low-income residents living and working along the river. Environmental justice groups, on behalf of citizens on both sides of the border filed a petition with EPA in 1992 requesting data collection, monitoring of river contaminants and a public health risk study. While not formally granting the petition, EPA agreed to pursue actions under TSCA including collection of information on cumulative exposures of multiple chemical contaminants and health investigations. Ninety-five information-gathering subpoenas were issued to U.S. parent corporations with branches or subsidiaries operating near the New River, and more recently, a major enforcement action was brought for illegal import and export violations.

Chicago Cooke County, Illinois Case Study

Residents of Cook County filed a TSCA citizens petition with EPA in 1995 to collect and monitor data on multiple toxic chemicals (for example, lead, mercury, cadmium, dioxin and furans) which they believed would be released as air emissions and deposits from eight proposed hazardous waste incinerators to be sited in their community. The affected community, largely low-income and people of color, was already burdened with sewage treatment plants, landfills, illegal dump sites and numerous industries. The petition asked for testing and regulation of the disposal of these chemical and asked EPA to conduct risk assessments for health threats. The petition was not formally granted but EPA agreed to conduct cumulative exposure assessments and risk analysis in the area. The Agency is now working with the community to address these environmental issues.

CITIZEN SUIT PROVISIONS

Many of the early citizen suit actions and litigation involved issuance and enforcement of water permits under the Clean Water Act (CWA). As an environmental justice legal tool, these provisions had both advantages and disadvantages. Citizen suit provisions require a 90-day notice to EPA and other affected parties such as the state and the pollution source. These parties have 90 days to remedy the violation which could include amending the permit.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. States operating federally authorized or delegated environmental programs may be liable if they are found either to intentionally discriminate or to have the effect of discriminating on the basis of race, color, or national origin. If such discrimination is found and voluntary compliance is not reached, financial support of federal projects may be terminated by EPA.

Chester County, Pennsylvania Case

In 1996, Chester Residents Concerned for Quality Living filed a Title VI lawsuit in Federal court alleging the Pennsylvania Department of Environmental Protection violated Title VI and EPA's implementing regulations by issuing a permit for the construction and operation of a RCRA Subtitle D

solid waste facility in Chester, Pennsylvania. The lawsuit alleged that the operation of the facility will have discriminatory human health, environmental, and other effects on African-American members of the community near the facility. The case raises important issues regarding the application of Title VI in the environmental permitting context, but also the ability of communities to litigate Title VI claims in Federal court. The case currently is on appeal to the U.S. Court of Appeals for the Third Circuit on the issue of whether private individuals may sue in Federal court to enforce an EPA regulation implementing Title VI. The Department of Justice has filed several amicus curiae briefs in this litigation.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The National Environmental Policy Act of 1969 (NEPA) mandates that federal agencies consider the environmental effects of their proposed actions as they implement their respective missions. For proposed actions that significantly affect the quality of the environment, federal agencies must prepare a detailed environmental impact statement (EIS) that assesses the proposed action, the full range of potential effects of the action (including impacts associated with human health, the environment and related socioeconomic concerns) and all potential alternatives. The NEPA process is an important tool for promoting environmental justice. Recently, the White House Council on Environmental Quality issued a draft guidance document outlining the consideration of environmental justice issues in all phases of the NEPA process.

Clairborne Parish, Louisiana and the Louisiana Energy Services (LES) Case

Louisiana Energy Services (LES), a consortium of private energy power companies, applied to the Nuclear Regulatory Commission (NRC) for a license to site a uranium enrichment facility in Claiborne Parish, Louisiana. Two small low-income African American towns, located adjacent to the proposed facility, claimed racial discrimination in the site selection process used by LES. In fact, the facility would bisect the community and residents claimed that LES failed to adequately consider the socioeconomic effects of its proposal on the community. The community raised these issues with the NRC Licensing Board citing health and safety concerns, environmental justice issues and violation of NEPA requirements. In a recent decision, the NRC Licensing Board decided in favor of the residents and refused to issue a license for a proposed uranium enrichment plant in north Louisiana, stating that "its location could discriminate against black people living near the site." It directed NRC to conduct a more thorough investigation under NEPA to determine whether racial discrimination played a role in the site selection process. The board said, "LES could not get a license, partly because federal officials failed to meet their obligations under Clinton's order when they reviewed the company's process for selecting the plant site."

NATIONAL RELOCATION POLICY

Traditionally, permanent or temporary relocation as a component of a response action has proved to be a complex issue for the Agency as it involves other agencies, such as HUD, state and local governments. Resolution actions must balance technical requirements and cost-effectiveness with competing socioeconomic and environmental justice issues. In 1995, EPA launched an effort to develop a nationally consistent relocation policy which addresses both health threats posed by environmental hazards and makes cost-effective, technically sound judgements.

Escambia Superfund Site Relocation Case Study

In 1996, EPA announced its decision to relocate 358 low-income, African American families from a toxic waste site leaching dioxin, lead, arsenic and other contaminants into the yards of their homes in Pensacola, Florida. The waste came from the cleanup of an abandoned Escambia Wood Treatment plant piled nearly 60 feet high in an area covering about four football fields. The families complained of

disparate treatment and alleged that the toxic exposure was causing health effects such as respiratory problems, skin rashes, neurological symptoms and other illnesses.

Since EPA had relocated only about 12 communities in its 26-year history (starting with Love Canal and Times Beach) and none this large in a people of color community, the Agency had to re-examine its past relocation policy. The relocation cost was paid by the Department of Housing and Urban Development. The local authorities' decision to redevelop and rezone the area for light industrial, non-residential use also mitigated the overall relocation cost. Currently, negotiations are underway to relocate the entire community to other parts of Florida. In a U.S. News report entitled: "A black and green issue moves people," Atlanta regional EPA waste management chief Richard Green states... "What is likely to occur is that smaller contaminated communities, like Escambia, will be candidates for relocation...We're not going to be able to empty out South Side Chicago or the Bronx. And if Escambia is any model, the local politics will be as important in determining which communities move as the science."

SETTLEMENT PROVISIONS

In lieu of civil penalties, environmental violators are often willing to agree to settlement provisions that achieve specific goals, such as, guarding against future noncompliance with regulations. These settlements, called Supplemental Environmental Projects (SEPs), are designed to redress adverse consequences or take actions that are broader than a penalty alone. Under environmental justice provisions, the affected communities can be consulted on the provisions proposed and, in some cases, derive environmental benefit from the proposal. As the Agency continues to explore SEP provisions, it believes that SEPs can be used as a means to promote community involvement in protecting the environment.

Cataño Residents and PREPA Case

In 1997, Residents of Cataño, a low-income, Hispanic community, participated in a $6 million settlement between EPA Region II and the Puerto Rico Electric Power Authority (PREPA) over air, water, underground storage tanks, chemical spill and other violations. Some of the funds derived from the civil penalties will be used to finance SEPs to reduce sulfur-laden emissions from PREPA's energy production process and to restore the Las Cucharillas, one of the largest remaining wetland areas in Puerto Rico.

The consent decree anticipates that the Conservation Trust, Puerto Rico's only non-profit private land conservation organization, will be in charge of implementing the wetlands restoration project. The Trust will consolidate parcels of land, restore the ecosystem, monitor unauthorized dumping, improve water flow and quality, and implement a habitat management plan. In the long run, the project will prevent discharge from industrial and residential development, and ultimately lead to an overall decrease of pollution released into the environment. The residents are hoping that the project will be an economic boost to their low-income community as small craft shops are being planned for the redeveloped area.

ENFORCEMENT COMPLIANCE ACTIVITIES AND THE PUBLIC

Early and meaningful public participation in environmental processes is an important goal in advancing an effective environmental justice program. There should be a more concerted effort to provide

information to risk-prone populations and to seek input from them. EPA should provide opportunities for the public and other stakeholders to exchange ideas on how low-income and people of color communities can have a better understanding and a greater interactive role in enforcement and compliance activities.

San Antonio, Texas Enforcement Roundtable

In 1996, EPA's Office of Enforcement and Compliance Assurance and Region VI sponsored an Enforcement Roundtable in collaboration with the Enforcement Subcommittee of the National Environmental Justice Advisory Council. The purpose of the Roundtable was to bring together a variety of stakeholders, including community-based organizations, business and industry, and local, tribal and state agencies to initiate dialogue and exchange ideas on how to enhance the effectiveness of enforcement and compliance actions in environmental justice communities. The two-day session generated several recommendations on inspection, screening and targeting strategies; community monitoring plans; community notification and complaint resolution ideas.

CITIZENS MONITORING PROGRAMS

Increasingly as federal, state and local environmental resources dwindle, citizens may become an important resource for assessing environmental conditions in their communities. Two such models are presented below whereby citizens are given incentives to identify environmental concerns in their backyards.

Rat-on-a-Rat Program (ROAR)

The City of Houston's Department of Public Works and Engineering initiated a citizen's monitoring program for residents to help identify operators and handlers who improperly dump waste materials in certain communities. Residents are offered nominal fees for identifying any environmental violation which results in the collection of fines or penalties. The program has proved to be a successful monitoring effort for the citizens and a powerful deterrent for potential violators. This "neighborhood watch" program has resulted in a cleaner, greener neighborhood in communities.

Monetary Awards Approved Under The Clean Air Act

On February 7, 1997, Assistant Administrator Steve Herman approved the payment of monetary awards to citizens who helped the Agency take successful enforcement actions under the Clean Air Act (CAA). These were the first monetary awards given under the CAA, which authorizes EPA to make awards of up to $10,000, after an enforcement action is concluded, to citizens who reported violations or assisted the Agency in enforcement proceedings. The Agency gave a total of $37,000 to 20 citizens, whose individual awards ranged from $300 to $10,000. The Agency assessed a total of more than $1.5 million in civil and administrative penalties in these cases; 17 citizens assisted EPA in enforcing against violations of CAA Title VI (stratospheric ozone protection), and three were involved in asbestos NESHAPS cases.

The $10,000 maximum award was made to a citizen who helped EPA conclude a major asbestos enforcement case. The citizen learned that children were playing with bags of a powdery substance in an abandoned industrial building. Suspecting that the material was asbestos, he warned the children, contacted the local air pollution control agency, and provided other information about the large quantity of asbestos improperly stored there. Follow-up inspections documented numerous violations of asbestos removal requirements. In addition to protecting children from this hazardous substance, the citizen's action helped EPA successfully prosecute the violator. An EPA press advisory was released on February 14. The awardees have been notified and the Air Enforcement Division is completing the process for payment.

EMERGING COMPLIANCE ENFORCEMENT INITIATIVES

Two new compliance and enforcement initiatives provide a different perspective than traditional actions directed at specific industrial sectors. A brief description of these two initiatives follows.

Urban Pesticide Abuse

In November 1994, EPA's Region V office was contacted by the Ohio Department of Agriculture and the Lorain County Health Department regarding an investigation into an uncertified and unlicenced pest control operator. The operator had been applying methyl parathion agricultural pesticide to hundreds of residences located in economically depressed minority communities for over 17 years. The pesticide, normally restricted for agricultural use was being applied to these homes for roach and other pest control. Unfortunately, similar incidents observed in Ohio, Michigan and Louisiana highlights an emerging pattern of illegal diversion of restricted use pesticides, particularly methyl and ethyl parathion, from the agribusiness marketplace to low-income and minority communities principally in urban areas.

Although, several operators and applicators have been fined millions of dollars and others jailed on felony charges, tragically some of these incidents have resulted in community evacuations and human fatalities. EPA's Office of Enforcement and Compliance Assurance and the Office of Prevention, Pesticide, and Toxic Substances have joined forces to address this new environmental justice problem peculiar to primarily economically depressed communities located in old neighborhoods with long-standing pest problems and minimal resources for pest control.

Concentrated Animal Feeding Operations (CAFO)

Within the last few years, the growing industry of animal factory operations (for example, poultry, and hog producers) is locating in rural communities populated by low-income and minority residents. Waste from these huge animal factory farms is creating serious environmental pollution, from water contamination and fish kills to health threatening illnesses. In states, such as North Carolina, Virginia, Utah, Iowa, Mississippi, Kansas, and Tennessee minimal environmental regulations to deal with waste products from large corporate animal operations are in effect. In smaller, traditional farms, waste is spread relatively evenly and thinly over the landscape and absorbed gradually. On the other hand, the huge volumes generated by animal factories are stored in settlement and evaporation lagoons that burst or leak into surface and/or groundwater. Such wastes contaminate well water and surface water with parasites, bacteria, viruses, nitrates, heavy metals and other compounds. High levels of chemicals from these wastes are oftentimes linked to several diseases which can be fatal in children, the elderly and other sensitive groups.

CHAPTER 8
Regional Highlights

This chapter highlights some of the accomplishments of EPA Regional Offices. Space does not permit a complete exposition of the activities aimed at environmental justice goals by EPA Regional Offices. Many of these activities are unique to the Regions. The Regional Offices, as in the Headquarters Offices, have an Environmental Justice Coordinator to oversee the environmental justice program.

REGION I

BACKGROUND

Region I established an Environmental Justice Council made up of fifteen representatives from various regional division offices. The Council is responsible for assisting the leadership team and the regional Environmental Justice Coordinator in the integration of environmental justice into daily regional operations. The Office of Regional Counsel also has created an Environmental Justice Workgroup. Additionally, the region developed an Environmental Justice Policy and a Regional Action Agenda to address environmental risks to low-income communities and communities of color, and to foster innovative partnerships with community groups and other stakeholders.

MAJOR INITIATIVES

Boston: Sustainable Neighborhood Organizations

The organization, "Neighborhoods Against Urban Pollution", grew out of a community driven/Agency co-sponsored year long, collaborative effort of local, city, state, federal agencies and non-profit academic organizations working on hazardous waste issues in Roxbury, Massachusetts, (pre-Brownfields). A major goal of the project is to support the efforts of low-income and minority neighborhoods in Boston to identify, prioritize, and address environmental and health threats in their communities and cultivate local environmental leadership. So far, four successful neighborhood campaigns have resulted in the establishment of working groups to:

- Restore vacant lots;
- Reduce respiratory threats from indoor air environments;
- Provide/seek out pollution prevention assistance for local auto body/repair shops; and
- Educate residents on environmental problems and solutions.

Criminal Case Highlights

On June 25, 1996, Thomas Kassery, the owner of a metal plating business operating under the name of the Plating Center, Inc., pleaded guilty to abandoning thousands of pounds of hazardous waste in a mixed residential/industrial neighborhood in Bridgeport, Connecticut. Kassery abandoned his metal plating shop in 1993 leaving behind uncovered plating and stripping baths, open and unsealed drums of acids and cyanides, and large quantities of other hazardous wastes. Evidence gathered during the investigation indicates that the building was broken into and vandalized on several occasions after it was abandoned. The shop was discovered by Connecticut Department of Environmental Protection in July 1995. Kassery declined to cleanup the facility. EPA ultimately spent more than $200,000 to remove and dispose of the hazardous wastes in the building.

Kassery pleaded guilty to one count of storage of hazardous waste without a permit and faces up to 5 years in jail and a fine up to $50,000 per day of violation. There has been no agreement between the government and Kassery as to an appropriate sentencing level. The government expects to seek a substantial jail sentence, in part because of the dangers posed by the abandoned wastes, Kassery's history of failing to comply with the Resource Conservation and Recovery Act (RCRA) requirements, and his failure to pay a $100,000 state RCRA penalty. Sentencing is scheduled in the Federal District Court in New Haven.

New England Urban Environmental Initiative

In urban areas throughout New England, residents are exposed to a multitude of environmental hazards, ranging from lead paint to auto emissions and poor indoor air quality. Cumulatively, the effects of these hazards upon urban residents, especially sensitive populations such as children and the elderly, are compounded by other economic and social ills resulting in a complex and unique health risk.

The New England region uses its resources to leverage development of sustainable public/private partnerships to identify, assess, and address urban environmental hazards, and reduce environmental degradation. Priority environmental and public health projects in targeted neighborhoods include, but are not limited to a number of pilot efforts, such as restoration of urban river quality, lead poisoning prevention and mitigation, identifying environmental factors which affect respiratory functions, and restoring contaminated land and vacant lots. It is through these pilot projects that the Agency hopes to build local infrastructure and address priority environmental issues.

Partners in this initiative are local residents, neighborhood community organizations, nonprofit organizations, the private sector, academia, municipal, state, and other federal agencies that can substantially contribute to data collection, assessment, problem identification, prioritization, implementation, and work plan development.

Small Grants Program. As part of EPA's mission to protect public health and the environment, the environmental Justice Program in Region I is committed to upholding the fair treatment of, and meaningful involvement of all people in this process. Through the administration of the Environmental Justice Grant Program, Region I has found a way to achieve this goal. Funding from the Environmental Justice Grant Program has contributed to the following activities:

- **Indoor Air Quality Projects.** The Committee for Boston Public Housing (CBPH) received Environmental Justice grant funding to conduct an "Asthma Education and Prevention" project. Studies revealed that 60% of families living in Boston Public Housing had at least one family member with asthma; making this a very personal and urgent issue. The project was designed to educate and advocate for public housing residents suffering from asthma. Community Organizers from CBPH put together an advisory board comprising community residential activists and health providers. Seven individuals from three Boston public housing facilities (Camden/Lenox, Alice Taylor and Mission Main) were then selected to participate in the training project.

- **Restoration of Urban Rivers.** Funding from the Environmental Justice Grant Program has contributed to promoting community involvement in the restoration of the Woonasquatucket River in Providence, Rhode Island. As part of this project, environmental issues such as improper dumping, littering, and lack of green/recreational space will be addressed. The Urban Environmental Initiative (UEI), a regional program that incorporates principles of both environmental justice and community based environmental protection, has built on the efforts

of this funded activity. UEI has plans to implement a comparative risk assessment project, with a focus on the Woonasquatucket River and the surrounding greenway.

The Chelsea Creek Riverway project in Chelsea, Massachusetts is another urban restoration project. Two Environmental Justice Grant recipients, the Neighborhood of Affordable Housing (NOAH), and Reaching Out to Chelsea Adolescents (ROCA), deserve much credit for using these funded activities to leverage additional resources for the project. Other partners include both Region I's UEI and the Massachusetts State Program as well as other environmental and community-based organizations. The comparative risk assessment to be conducted on this urban waterway will be implemented mainly out of the Massachusetts State Program and UEI.

Status of Greater Lawrence Incinerator Enforcement Strategy

In November 1996, the Urban Team convened a meeting with Merrimack Valley Environmental Coalition (MVEC). The purpose of the meeting was to bring together all parties interested in compliance issues at the Lawrence and North Andover incinerators. At the meeting, representatives from Alternatives for Community and the Environment provided the group with an oral report of its findings on the incinerators. This gave both EPA and the Department of Environmental Protection (DEP) an opportunity to provide some guidance to MVEC on a number of issues concerning the underlying permits at this facility. Some issues of concern are the exempt and non-exempt exceedances, interpretation of CEM data, inconsistencies in reporting data, and the interpretation of some state-only compliance limits.

EPA and the State also provided the group a status report of its activities at these facilities. EPA has initiated a review of compliance data at the facilities, conducted a preliminary CEM audit at the North Andover incinerator and plans to conduct audits/inspections at all three facilities. The Region also is in the process of reviewing the terms of the permits at each of the facilities.

REGION II

BACKGROUND

In May 1994, Jeanne M. Fox, Regional Administrator, signed into effect a Regional Order which established the Region II Environmental Justice Work Group (REJWG). In October 1994, the REJWG developed the Environmental Justice Operation Plan and Education Subplan. In February 1995, the Region selected a full-time Environmental Justice Coordinator, Melva J. Hayden. The Environmental Justice Coordinator reports directly to and is located in the Office of the Regional Administrator. In 1996, the Regional Environmental Justice Charter was revised to establish membership criteria for the REJWG. The most notable changes to the revised Environmental Justice Charter include a provision that at least one of the three division representatives to the REJWG be a branch chief, or the level of a team leader to ensure management accountability. The other significant change provides for the appointment of Environmental Justice Division Contacts at the level of a branch chief/team leader or deputy director to ensure adequate communications on environmental justice matters requiring referral to a division director or senior manager.

MAJOR INITIATIVES

Development of Environmental Justice Tracking/Reporting Mechanism

The Environmental Justice Coordinator is working with the environmental assistant and special assistant to the Deputy Regional Administrator to develop a computer program to record and track Environmental Justice inquiries received in the Region. The computer program will be updated to serve as a tool for generating Environmental Justice reports and tracking Environmental Justice matters to facilitate effective follow-up.

Environmental Justice Index Mapping Project

The Region's Office of Policy and Management (OPM) completed the atlas of maps depicting potential Environmental Justice areas in all New Jersey counties, based on the OPM Environmental Justice Index Mapping geographic information systems (GIS) coverages. Maps of potential Environmental Justice areas in New York were completed for approximately eight New York counties. The New Jersey maps are currently being formatted for the Region II home page on the Internet.

In fiscal year (FY) 1997, OPM will complete the New York atlas and begin work on a similar atlas for Puerto Rico. Other future activities include: 1) posting the New York and Puerto Rico atlases on the Region II home page; 2) developing Environmental Justice index coverages for the Virgin Islands; 3) reviewing/revising the analyses that have been completed in light of comments received from reviewers and the guidelines set forth in Region II's draft Interim Policy on Identifying Environmental Justice Areas; and, 4) designing an Arc View-based Environmental Justice application to support Region II's process for identifying Environmental Justice areas.

Grants Workshops Conducted in Puerto Rico, U.S. Virgin Islands, New York City and New Jersey

- The Region's Communications Division has conducted five small grants workshops. An integral part of the workshop is a discussion on the Environmental Justice Small Grants Program. Workshops were conducted in San Juan, Puerto Rico; Mayaquez, Puerto Rico; St. Thomas, U.S. Virgin Islands; St. Croix, U.S. Virgin Islands; and Niagara Falls, New York. Two additional Small Grants Workshops have been conducted in New York and New Jersey.

- A past Environmental Justice Small Grant recipient, the Citizens Committee, compiled and published an "Environmental Justice Directory." This is a directory of organizations in New York City that provide services to grassroots groups through community empowerment activities.

Incorporating Environmental Justice into Brownfields Pilots - Rochester, Buffalo, New York City, and Trenton, New Jersey

The Environmental Justice Coordinator and the Region's Brownfields Coordinators met with the staff of the Mayor's Office of Environmental Affairs to discuss the importance of including Environmental Justice concerns in the Brownfields pilot project. This can be accomplished by including representatives of Environmental Justice and community groups in the planning and implementation of the Brownfields pilot project. As a result of that meeting and the Region's Brownfields forum held in FY96, Michelle DePass, Executive Director, NYCEJA, is now a member of the community advisory group to that project.

Incorporation of Environmental Justice into Region's Community Based Environmental Program (CBEP)

Region II created a Community Based Environmental Program (CBEP) Work Group to develop and implement the Region's CBEP Initiative. In FY96, the CBEP Workgroup incorporated Environmental Justice into the CBEP model, for example, Environmental Justice is one of the criteria in selecting CBEP projects. To ensure cross coordination between programs the Region's Environmental Justice Coordinator is a member of the CBEP Work Group and the CBEP Coordinator is a member of the REJWG.

Indian Program Environmental Justice Activities Updates

In FY96, Region II continued to provide assistance to the seven federally recognized Indian nations. Specifically, the Region continues to award General Assistance to three of the Indian nations. Through these grants, consortium activities are supported; thereby assisting all seven of the Region II Indian nations. In addition, the Region awards program specific funds under a number of programs including solid waste, air, water, Superfund etc. Through program support, along with technical assistance, and enhanced communications, the Region continues to assist the Indian nations in the development of environmental capabilities.

- ***Environmental Justice Issues Raised in General Motors (GM) Site - Massena, New York - Update***. EPA has spent considerable time and effort to resolve the disposal of material at the General Motors (GM) Site contaminated with PCBs above 10 parts per million (ppm). EPA's original Record of Decision (ROD) called for treatment of all material with PCB concentrations above 10 ppm. In 1995, consistent with EPA guidance and in response to a request from GM, EPA proposed to treat material with concentrations above 500 ppm and to contain on-site material with PCB concentrations below 500 ppm. The Mohawks have strenuously objected to this change as it would result in a much greater volume of material (with concentrations as high as 500 ppm) being left on-site. Site cleanup work has virtually halted pending resolution of this issue. Based on recent developments, EPA is hopeful that there may be some movement on this issue. EPA will propose a meeting with Mohawk officials and the Mohawk property owners adjacent to the Site. Once the issue is resolved, remediation of the site can continue.

- ***West Valley Demonstration Project - Seneca and Tonawanda Indian Nations.*** The Region was successful in requesting that the U.S. Department of Energy (DOE) consider Environmental Justice in its proposed plan to remediate the West Valley Demonstration Project in Cattaraugus, New York with respect to the potential impact of the project on the surface and groundwater the Seneca and Tonawanda Nations depend upon for subsistence. In addition, DOE has agreed to create a citizens task force which will include the Seneca and Tonawanda Nations in consideration of options to remediate the site.

South Bronx CBEP Initiative

In response to a request from the Bronx State Senator's office, the New York City Department of Environmental Protection (NYCDEP) and the Environmental Defense Fund, EPA designated the South Bronx for a community-based effort in FY96 and FY97, with a focus on the Hunts Point area. EPA's partners in the South Bronx Project are the New York State Department of Environmental Conservation, the New York State Department of Health, the New York City Department of Environmental Protection,

the New York City Department of Health, and the New York City Department of Sanitation. EPA also has interacted with city and state agencies (that are not CBEP partners) whose authorities/regulations are relevant to an identified concern of the community such as, zoning, permitting, illegal activities, etc.

Issues: South Bronx residents have expressed environmental justice concerns. These concerns are predicated on the inordinate number of industrial facilities in this community. They view their community as a waste "dumping ground". Facilities located in the South Bronx include waste transfer stations (for solid waste, construction and demolition debris, putrescible and medical waste), a wastewater treatment plant and a sewage sludge treatment plant, all of which residents believe contribute to the strong odors in the area. Residents' primary health complaint of asthma, the highest in New York City, may be caused by ambient air pollution.

The goal is to address residents' environmental concerns and build local capacity in this mixed industrial-residential area through direct action by EPA (such as, inspections, outreach, information dissemination, etc.) and facilitation of action by state and local agencies.

Update on Environmental Justice Activities in Puerto Rico

Region II remains committed to its goal of increasing public participation in environmental justice and environmental matters of concern to environmental/community groups in Puerto Rico. The Region has sought to accomplish this in the following ways: (1) increased representation for Puerto Rico on the National Environmental Justice Advisory Council (NEJAC), (2) annual meetings between the Regional Administrator and community groups in Puerto Rico, (3) intensification of enforcement actions in Puerto Rico, (4) regional participation in the Puerto Rico Department of Natural Resources Workgroup, and (5) increased representation for Puerto Rico through special initiatives and exploration of long-term regional options.

- **Cataño Environmental Quality Study, Cataño, Puerto Rico.** In 1992, the Region began an Environmental Quality Study of the Cataño area in Puerto Rico in response to the community's health concerns. Respiratory problems and cancer rates in the area were reportedly higher than those found on the rest of the Island. These health problems were attributed by residents to pollution from a number of nearby industrial sources.

- **Tropical Fruits Site (TFS).** The Regional Administrator conducted a site visit to the TFS during the August 13th non-governmental organizations meeting in Ponce, Puerto Rico. As a result of that visit and observation of the site condition, the Regional Administrator met with the Puerto Rico Department of Agriculture (PRDA). These meetings have resulted in the PRDA taking appropriate enforcement action against the Tropical Fruits entity. In addition, EPA Region II has initiated enforcement action for violations of the wetlands protection regulations and worker protection standards.

In order to address community concerns regarding respiratory problems, the Region entered into an agreement with the Centers for Disease Control and Prevention (CDCP) to study the prevalence and severity of asthma in school-age children in the municipality of Cataño. The CDCP asthma study, completed in April 1996, found that both the Cataño community and the control area, which is considered a relatively "pristine" area in terms of air pollution, showed high levels of asthma among school children. The Region and the Puerto Rico Department of Health co-sponsored a workshop in Puerto Rico on April 25 and 26 to discuss these results with national and international experts in air pollution and respiratory disease. This workshop resulted in recommendations on steps to be taken to address community health concerns.

REGION III

BACKGROUND

Region III created an Environmental Justice Office to better address the environmental justice concerns in the region. The Region is participating in a number of cooperative efforts with state and local government, universities, citizens groups, private businesses and industry, various federal agencies, and other EPA offices in various environmental initiatives being conducted throughout the Region. These efforts are designed to implement risk reduction and pollution prevention strategies, increase public awareness, effectively eliminate/minimize risks, increase public awareness and community involvement, and to answer important research questions related to environmental risk and exposure.

MAJOR INITIATIVES

Anacostia Initiative

A full-time EPA staff person has been assigned to work exclusively on the Anacostia Initiative, in cooperation with the District of Columbia and the Anacostia community to restore the Bay and address environmental justice concerns. Remedial Action Plans for three designated regions of concerns in urban settings (Baltimore Harbor, Anacostia River, and the Elizabeth River) have been completed. The Community Based Protection Office (CBPO) has provided $600,000 for the development of the plans and technical support for this project. The Scientific & Technical Advisory Committee of the CBPO sponsored a 2-day conference with minority universities and colleges on increasing opportunities for minority participation in the CBPO during 1995. Increased diversity in the workplace through outreach programs is important.

Baltimore Symposium on Urban Environmental Justice

The "Baltimore Symposium on Urban Environmental Justice Research and Education" was an outgrowth of the Baltimore Urban Environmental Initiative and related activities in Baltimore. The EPA, the Maryland Department of the Environment (MDE), the City of Baltimore, International City/County Management Association, University of Maryland School of Medicine, Morgan State University, Sojourner Douglass College, Middle East Organization, African American Environmentalist Association, and Center for Environment, Commerce and Energy sponsored the Symposium in Baltimore, Maryland at Morgan State University on October 21 and 22, 1995. It created an opportunity for scientists, educators, federal, state and local government representatives, and community leaders to discuss past and on-going urban environmental justice research as well as future research needs of the Baltimore Community. Papers were presented on a wide variety of environmental topics relevant to Baltimore, a number of which were an outgrowth of projects funded through the Baltimore Urban Environmental Initiative. Symposium proceedings are available upon request. A follow-up event is now in the early stages of planning.

Edison High School Pond Restoration

The Drinking Water/Ground Water Protection Branch of the Water Protection Division initiated a project with Edison High School, Philadelphia, Pennsylvania during FY94. The purpose of this project was to provide and lend assistance to Edison High School students in their efforts to restore and maintain an on-site school pond. The student body, mostly Hispanic and African-American, is located in a blighted section of the city. This pond was created by the students/faculty and served as a resource for biology classes. Over the years, this pond fell into disuse and the Region offered to assist in restoration. The project was monitored by the Office of Water Shed. Other key partners in this joint effort were

Philadelphia Regional Introduction of Minorities to Engineering (PRIME) and the U.S. Natural Resources Conservation Service. The project was completed in June 1996.

Environmental Justice Small Community Grants

Success stories related to the Environmental Justice Small Community Grants Program include a project being conducted by the Virginia Water Project, Inc. in the State of Delaware. The project was designed to build capacity within five low-income and minority communities to evaluate conditions resulting from environmental inequity, identify options and resources for solutions and foster partnerships between these communities and state agency representatives. The workshop and related activities conducted by the Virginia Water Project, Inc. were fully successful in achieving these goals. As a result of the project, the State of Delaware made changes in its environmental justice policy and developed a positive working relationship with a number of low-income and minority communities in the state.

Weekly lead education and awareness sessions are being conducted for the children of Chester, as a result of the lead education and outreach activities conducted by the Faith Holy Temple Church and Chester Concerned Citizens for Quality Living. The project is partially funded by an environmental justice grant targeted to small communities. The Chester Lead Awareness Campaign has awarded Zulene Mayfield, President of the Chester Concerned Citizens for Quality Living, the David Chakabarty Memorial Award for contributions to the community related to environmental and community health matters.

The Hampton University Environmental Justice Research Center

The Hampton University Environmental Research Center Campus Executive Program in Hampton, Virginia also has afforded the Region a number of opportunities through which to address environmental justice. Through assistance from the Region, Hampton University has established an Environmental Equity Research and Community Assistance Center. Its capabilities include GIS data analyses, environmental engineering consultation, and scientific and sociological investigation.

Hampton University has established an Environmental Justice Information Center in Hampton, Virginia. A major goal of the Center is the empowerment of the local community with regard to environmental issues, through technical support, education and training.

South Baltimore Environmental Justice Community Involvement Partnership Project

A cooperative project developed by the Office of Prevention, Pesticides, and Toxic Substances (OPPTS) cooperation with Region III, is designed to address the environmental concerns of the residents living and working in South Baltimore. The project was developed in partnership with MDE, the City of Baltimore, area business and industry, and the residents living in the communities of Cherry Hill, Brooklyn, Brooklyn Park, Curtis Bay, Fairfield, Hawkins Point, and Wagner's Point. The project focuses on efforts to effectively address the concerns of the environmental justice movement and communities in the area through a cooperative partnership. Thus far, the partnership has held a public meeting attended by more than 200 area residents where the community identified and began to prioritize their environmental concerns. As a result of this meeting, five focus groups were formed to develop action plans for each of the areas of environmental concern identified by the community. Each focus group is co-chaired by a community resident and an area business person. The groups currently are developing plans of action. It is hoped that the cooperative efforts of this community-based partnership will lead to a better understanding of all of the key issues as well as helping to identify solutions for problems and concerns identified by the community.

The project is a companion piece to the Baltimore Urban Environmental Initiative that will serve as a model for the development of community-based partnerships. In addition, the initiative will serve as a model for developing an effective means of addressing community-based environmental concerns, as well as a means of providing information on technical support to communities on relevant environmental issues and concerns, and serve as a forum for community outreach and empowerment.

South/Southwest Philadelphia Environmental Health Characterization Study

In December 1994, Region III began a Community-Based Environmental Project in South/Southwest Philadelphia. The project was initiated in response to community concerns that their area of Philadelphia was subject to an inordinate amount of industrial development which resulted in higher than average pollutant levels and, therefore, adversely impacted the health of the community. The Region entered into a two-year Cooperative Agreement with the Johns Hopkins University School of Hygiene and Public Health to conduct an Environmental and Health Characterization of South/Southwest Philadelphia. The purpose of the Study was to determine the state of the environment using existing data bases and to develop a health profile of the community. The Study is not intended to identify cause and effect relationships nor is it an epidemiological study.

During the course of the Study, the Johns Hopkins University (JHU) study team assembled a Community Advisory Committee (CAC) composed of representatives of community organizations and a Science Advisory Committee (SAC) comprised of representatives of local Universities and Health organizations. The CAC has been instrumental in identifying community concerns and the SAC has provided necessary expertise. In addition, the Region formalized a working relationship with Departments of the Philadelphia City government, the Regional Office of the Pennsylvania Department of Environmental Protection and the Philadelphia Local Emergency Planning Committee. This group, the Environmental Implementation Team, has served in reviewing the progress of the study and working together to solve problems of an immediate nature.

The study is now entering the final stages of data gathering and analysis, and a final report is expected in 1997. The report will contain findings and recommendations which will be reviewed and acted upon by the appropriate government agencies. JHU also will be conducting educational sessions to provide the communities with a background that will allow them to review the report and understand its findings.

REGION IV

BACKGROUND

Region IV established an Office of Environmental Justice to develop a program to address environmental hazards with disproportionately high and adverse impacts on minority and/or socioeconomically disadvantaged communities. Over the last four years, the regional environmental justice program has continued to evolve.

In 1996, EPA Region IV underwent a major re-organization. A new division, the Environmental Accountability Division (EAD), was established. As a result of the reorganization, the Environmental Justice/Community Liaison (Environmental Justice/CL) Program was strategically moved to the new division to ensure that the overall mission of the Environmental Justice/CL program was accomplished and that resources within EAD were designated appropriately. EAD is responsible for the overall direction, administration, and evaluation of regional integration of environmental justice into the Region's daily activities.

MAJOR INITIATIVES

Air, Pesticides, and Toxic Management Division (APTMD)

The Air, Pesticides, and Toxic Management Division (APTMD) distributes information, translates materials, and holds workshops to inform local agricultural workers about pesticide risks and provisions for workers' safety. APTMD also is conducting enforcement initiatives within the Tri-State area and Mobile, Alabama to investigate and secure source compliance with applicable air and toxic regulations and standards. Finally, APTMD conducted outreach activities on radon and lead-based paint exposures and worked with the Corporation for National and Community Service to develop radon and lead-based paint outreach programs. The overall goal is to foster an understanding of the 1018 rule on lead-based paint and lead-based paint hazards.

Charleston/North Charleston Community-Based Environmental Protection Initiative

Charleston/North Charleston is a geographic area with a number of environmental quality and human health issues. Heavy industrialization of the Charleston/North Charleston area in the 1800's has resulted in a complex combination of environmental problems. Past multi-media inspections have uncovered hazardous waste violations, wastewater discharges exceeding permit limits, and air quality concerns. In addition, this area contains a major Superfund site, numerous Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites, impacted wetlands, contaminated sediments, and fish advisories for portions of adjacent waterways. Environmental activity associated with the closure of the Naval Base and with a project that monitors the water quality of the Charleston Harbor system has compounded the scope of problems faced by this community. The area also presents concerns from an environmental justice perspective in that the population in this highly industrialized corridor is predominantly minority, with a significant proportion living below the poverty level.

The overall objective of the community-based effort is a comprehensive environmental study of this area followed by appropriate solutions to environmental and human health issues of concern in the community. The project will adopt a problem-solving approach to, (1) determine the root causes of the problems, (2) decide which tools will best address these problems, (3) develop administrative and environmental indicators, and (4) measure progress. Solutions will incorporate ways of maximizing opportunity for community input in the decision-making process and be geared toward partnering with the state, other federal agencies, and local leaders.

Divisional Programs and Initiatives

- **The Escambia Treating Company (ETC).** In June 1995, EPA nominated the Escambia site for inclusion in the National Relocation Evaluation Pilot. The pilot efforts will be used by EPA in the development of a national relocation policy. The objective of this policy is to determine when relocation should be used in addressing the health threats posed by Superfund sites in a way that reflects community interests, juxtaposed against cost-effective and technically sound remediation alternatives.

  The ETC site is located in Pensacola, Escambia County, Florida. The 26-acre ETC site, located in a mixed industrial and residential area, is bordered on the north by residential neighborhoods, on the west by Palafox Street, on the east by the Railroad Switchyard, and on the south by an abandoned concrete plant and a small industrial park. The site is an abandoned wood preserving facility that operated from 1942 until 1982. In October of 1991, EPA began a removal action to excavate contaminated materials and to estimate the amount of material to be

removed in subsequent phases. The removal action was completed in 1992. The excavated material (225,000 cubic yards) currently is stockpiled under secure cover on-site.

In April 1996, EPA issued a proposed plan for the Escambia Superfund Site and proposed a remedy for relocation of 66 households in the Rosewood Terrace Subdivision. The proposed remedy was intended to address contamination in the yards of 22 households and the effects of implementing the remedy on the remaining 44 households. In August 1996, EPA announced its intention to expand the relocation program to include the Oak Park Subdivision, thus adding an additional 35 households. The expansion was proposed in recognition of the isolating effect the Rosewood Terrace subdivision relocation would have on the single family homes of the Oak Park community and the community's concerns with regard to site contamination.

The Record of Decision (ROD) proposes to add Escambia Arms Apartment complex and the Goulding subdivision to the relocation, for a total of approximately 358 households. The remedy is based on health risk reduction, community welfare, cost benefits and operational concerns, configuration of the land area, as well as long-term community development goals. Initial implementation of the relocation program will begin in 1997.

- **Tri-State Area of Kentucky.** A data collection and model exposure project with support of the Commonwealth of Kentucky was implemented to monitor toxic releases from numerous industries affecting the Tri-State area of Kentucky, Ohio, and West Virginia.

- **Tift County Georgia Environmental Justice Initiative.** The region has developed and is in the process of implementing the Tift County Georgia Environmental Justice Geographic Initiative. The pilot project will study waste sites located in Tifton, Georgia and the surrounding area within Tift County. Tifton, which has a population of approximately 15,000 residents, includes a total of nineteen (19) potential hazardous waste sites. These include one National Priority List (NPL) site, one site currently under evaluation for inclusion on the NPL, and six sites that have undergone or are currently undergoing the process of waste removal. EPA is working with the Citizens League Opposed to Unwanted Toxins (a citizen's group in Tifton), the Georgia Environmental Protection Division, and the Tift County Board of Commissioners to address the potential environmental harm resulting from these sites in Tift County. The Agency for Toxic Substances and Disease Registry also has been active through existing agreements with EPA, by providing public health assessments in communities surrounding NPL sites. In an effort to highlight activities in Tift County, Region IV senior management officials attended several community/public meetings to maintain open communication with local community leaders and residents.

Environmental Justice Small Grants Program

The Grants Program has been beneficial in establishing and promoting partnerships with colleges and universities in the southeast that play a pivotal role in assisting and supporting the many grassroots organizations, as well as state and local governments on Environmental Justice issues. An example is Vanderbilt University Medical School's Service Training for Environmental Progress (STEP) Program.

The program trains graduate and undergraduate students to provide technical assistance to low-income community groups confronting environmental problems. Through its summer internship program, STEP interns provide assistance to communities in documenting pollution and educating the public on the technical aspects of environmental issues. In the last four years, one-half of STEP's projects were conducted in communities of color.

Mobile County, Alabama

The Region IV Air and Emergency Planning and Community Right-To-Know Act Enforcement Branch, along with the Alabama Department of Environmental Management (ADEM), received a number of air pollution related complaints from citizens living in and around the Mobile, Alabama area. Some of the complaints are in relation to sandblasting, painting of boats and open burning of laminants from wood furniture manufacture. Based on the complaints as well as a request from the Region IV Office of Environmental Justice, the Air Enforcement Branch pursued these issues employing a community-based environmental protection approach.

Walker County, Alabama

In FY96, Region IV conducted an environmental justice investigation at the Pineview Sanitary Landfill/Yerkwood Community. The investigation was requested by the Region's Water Management Division in support of the Environmental Justice Program and in response to environmental concerns from the Yerkwood Community.

The data-gathering component of the investigation was conducted in two phases. Phase One focused primarily on the characterization of the water streams within the landfill and the Yerkwood Community, and the evaluation of the overall physical conditions of the entire area. Phase Two was conducted in an effort to provide answers to some of the findings from Phase One.

According to the final report, two creeks that traverse the Yerkwood community are polluted and some of the sources impacting the creeks have been identified. During the investigation, the storm water discharges from several outfalls at the Pineview Landfill experienced a deterioration in effluent quality when compared to the previous discharge (prior to the rain events). Additional investigations need to be conducted to confirm this conclusion.

The report has been transmitted to ADEM for circulation and review. A meeting will be scheduled with the community in FY97 to discuss the findings of the investigation. At this time, no further action regarding the investigation has been recommended.

REGION V

BACKGROUND

In 1996, under a reorganization program, Region V established a Regional Team tasked with overseeing the Region's implementation of its environmental justice initiatives. Under the direction of the Environmental Justice Regional Team Manager, the team develops projects, provides consultation, and advocates targeting of resources toward environmental justice issues and concerns.

MAJOR INITIATIVES

Central Wayne Municipal Waste Combustor, Dearborn Heights/Inkster, Michigan

In response to concerns of citizens and environmental groups regarding health and environmental impacts from the operation of the incinerator over the past 30 years, EPA, in cooperation with the State and County government agencies, will conduct a soil sampling effort in the community to assess the scope of impacts. The project provides for strong community involvement and public participation.

"Community Involvement in the Enforcement Process" Workshop

In June 1996, EPA, in collaboration with Chicago-Kent College of Law held a conference to bring public interest attorneys and other stakeholders, active or interested in Environmental Justice issues, together with government attorneys to discuss ways to more effectively involve impacted communities in the enforcement process. The conference was well received and resulted in a positive and enlightening dialogue. Region V plans to conduct a number of follow-up activities on this important issue.

Gateway Initiative "Tire Amnesty Days"

The accumulation of tires in abandoned houses, empty city lots, and in alleys and lesser used streets is one of the greatest community concerns in East St. Louis, Missouri and surrounding communities such as, Washington Park, Alorton, Centreville, Brooklyn, Madison and Venice. To address the issue, Region V teamed up with the Illinois EPA to sponsor "Tire Amnesty Days" on October 15 through 17, 1996. Tires were accepted free of charge at four locations in the metropolitan East St. Louis area. The tires were shredded at a new facility in East St. Louis that is operated by the Department of Correction, and transported to local industries for use as a fuel alternative. Unlike tire collections sponsored by the State in the past, this one had a strong community-based component. Volunteers went out in trucks provided by the City of East St. Louis and St. Clair County Sheriff's Department, and picked up tires that had been dumped illegally. Over 16,000 tires were collected.

General Motors Facilities, Pontiac, Michigan

In response to a number of citizen and environmental groups' concerns regarding environmental and health impacts from many of the activities conducted at several General Motors facilities in past years, EPA hosted a public meeting with all parties in an attempt to collectively resolve the issues. As a result of the initial meeting, the citizens and the company agreed to work toward the development of a "Good Neighbor" Agreement. South East Michigan, non-profit organization, has provided support to Clean Sites, Inc. to facilitate the discussions which have been ongoing for the past six months.

Regional Environmental Justice Implementation Plan

The region has developed a long-term goal of "virtual elimination of disproportionate environmental impacts on people of color and low-income communities". To this end, environmental justice has been identified as one of six priorities for FY97 and a Region V Environmental Justice Implementation Plan has been developed. The Plan details all activities that the Region is undertaking to address environmental justice.

Regional Geographic Initiative Teams

Several multi-media Regional Teams to address issues in key geographic areas within the Region have been established. These are: the Greater Chicago Team; the Northwest Indiana Team; the Gateway

Team; the Southeast Michigan Team; the Northeast Ohio Team; the Upper Mississippi Team; and the Crandon Mine Team. All of the teams cover areas that include disproportionately exposed communities. The teams are undertaking a number of activities such as: (1) providing outreach and education, and (2) conducting environmental cleanup and special initiatives to address concerns specific to each community in pursuit of Environmental Justice goals.

Regional Great Lakes Teams

A number of multi-media teams are tasked with addressing issues around the Region's Great Lakes. These teams include: Lake Michigan, Lake Superior, and Lake Ontario. Each team covers disproportionately exposed communities, and performs activities that address the concerns of these communities.

Sherman-Williams Consent Decree

Sherman-Williams is a resin and paint manufacturing facility in southeast Chicago. The decree addresses a July 1993 lawsuit which alleged violations of the Clean Air, Clean Water, Resource Conservation and Recovery, and Emergency Planning and Community Right-to-Know acts. The consent decree includes a $4.7 million penalty, $1.1 million in brownfields and wetland restoration supplemental projects, full compliance with all statutory and regulatory requirements; closure of hazardous-waste management units at the site; and facility-wide cleanup, including the cleanup of old landfills. It will help to address both health concerns and odors that have been a nuisance to the surrounding community and help in reducing volatile organic compounds (VOCs), ozone and smog.

Under the agreement, the company agreed to provide $950,000 toward redeveloping a brownfield site in the predominantly minority Victory Heights/West Pullman neighborhood and provide $150,000 to Open Lands, an environmental group, to restore wetlands at the Indian Creek site near Lake Calumet. The company plans to shut down solvent-based paint manufacturing at the facility in 1998 and transfer jobs to other manufacturing facilities. However, the company is still required to carry out procedures to assure compliance with Federal hazardous-waste laws and install closed-cleaning equipment on all of the solvent-based paint production vessels to control emissions of VOCs. Ongoing violations of the CWA ceased when the company shut down resin manufacturing operations at the facility in April 1992. The company also has agreed to cleanup old landfills, contaminated soil and groundwater at the facility.

Significant Environmental Justice Site - Winton Hills/Place Initiative, Cincinnati, Ohio

Region V has formed a team to address environmental justice issues in the Winton Hill/Place community in Cincinnati, Ohio. EPA is facilitating a series of meetings among industry, state and local government, and community representatives to cooperatively address community concerns.

REGION VI

BACKGROUND

The Region VI Environmental Justice program has undergone a number of organizational changes over the last year. As a result of a Region VI reorganization, the Environmental Justice Coordinator position was moved to the External Affairs Division; in a subsequent reorganization, the Environmental Justice Coordinator position was moved to the Compliance Assurance and Enforcement Division.

MAJOR INITIATIVES

Environmental Justice Enforcement Roundtable

In collaboration with NEJAC and EPA's Office of Environmental Justice (OEJ), Region VI hosted the first Environmental Justice Enforcement Roundtable in San Antonio, Texas on October 17 through 19, 1996. The two and a half day meeting included a bus tour of selected sites in Environmental Justice communities, a training session, panel discussions and small-group break-out sessions. At the request of community leaders, federal officials met with community representatives in three small group sessions to discuss issues and concerns. The roundtable was well attended by stakeholders from grassroots community groups, environmental organizations, academia, industry, tribal and state governments. The event proved to be an excellent opportunity for all parties to share information and initiate communications for constructive problem-solving.

Environmental Justice Grants

Members of the Kelly community who participated in the October 17 through 19, 1996, Environmental Justice Enforcement Roundtable in San Antonio, received application forms for grants under the Small Grants Program and the Community/University Partnership Grants Program for FY97. Prior to the March 7, 1997 closing date, an application was made by the non-profit Esperanza Peace and Justice Center for consideration under the OEJ Small Grants offering. Projects under this offering can be funded up to $20,000.

Kelly Air Force Base, San Antonio, Texas

The Kelly community and a number of Kelly Air Force Base Restoration Advisory Board (RAB) members voiced concerns over off-site migration of ground water contamination in the East Kelly neighborhoods, exposure to buried radiological materials at the base and potential health impacts in the North Kelly Gardens area at the northern boundary of the base. The Agency for Toxic Substances and Disease Registry (ATSDR) conducted a health study of the community and outlined its findings. Overall, ATSDR has found little or no correlation between local symptoms and emissions or releases from the base. In regards to radiation exposure, ATSDR learned there is no exposure to radioactive waste buried under the golf course, and there appears to be no radioactivity above background levels detectable in areas where radioactive waste was previously buried. Since those findings have been released, the issue of exposure to radioactive materials has not been raised at public meetings or by the RAB. Issuance of the final report is still pending.

Methyl Parathion

EPA Region VI has taken a proactive position to prevent, identify, and notify the public of the misuse of methyl parathion. Methyl parathion is a potent agricultural pesticide that has been generally misused. The Louisiana Department of Agriculture (LDA) has issued press releases and public service announcements related to the misuse of methyl parathion in homes and other buildings. These statements include a hotline telephone number established to receive reports of structures that may have been treated with methyl parathion. Inspectors from LDA followup on information reported on the hotline by conducting investigations and collecting samples from the building where methyl parathion may have been applied. Results from sample analyses are used by the Louisiana Department of Health and Hospitals to determine if decontamination of the building and relocation of residents are necessary.

Pesticides Program Environmental Justice Accomplishments

The Region VI Pesticides Section is translating educational materials that promote proper use of pesticides by urban residents of Fort Worth, Texas and surrounding Hispanic communities into Spanish. The materials were developed by the Fort Worth Water Department as part of its Clean Water Program to prevent misuse and excessive use of diazinon and other pesticides. Diazinon is commonly used by residents in Fort Worth and surrounding areas to control fire ants. Excessive levels of diazinon in the city's wastewater and storm water has resulted in toxic effluent discharges. Translation of the documents is scheduled for completion FY97.

Public Information Meetings Initiated

During the past year, the community has continued to voice concerns that the RAB has not been effective in representing community concerns to the Air Force and regulators or in informing the community on cleanup activities. On November 7, 1996, Kelly Air Force Base, Texas Natural Resource Conservation Commission (TNRCC), and EPA held a public information meeting on the cleanup and base closure activities. The meeting provided an opportunity for residents of the surrounding communities to review displays concerning the progress of cleanup activities and talk to the individuals involved in the work. The meeting was well received by those community members who participated. The Air Force plans to use more of these Information Fairs to keep the community informed and to provide an opportunity for one-on-one dialogue.

Region VI Environmental Justice Workgroup Initiatives

The Region VI Environmental Justice Workgroup recently completed efforts to identify FY97 initiatives for implementation. Included in the initiatives are the development of a well-defined structure and implementation protocol for the Regional Environmental Justice program, internal Environmental Justice training, and grant-writing training for communities.

Region VI Solid Waste Tribal Assistance

EPA met with the Indian Health Service, Bureau of Indian Affairs and All Indian Pueblo Council, InterTribal Environmental Council and several Region VI tribes and collected data to assess the progress of the New Mexico Pueblos in meeting the October 9, 1997 deadline for closing their open dumps. Crucial to meeting the deadline is ensuring that alternative solid waste management systems are in place before closing the dumps. The assessment should be completed along with a listing of potential management options, by FY97. Region 6 is developing a strategy to assist the tribes in meeting the October 9, 1997 deadline.

Region VI Underground Storage Tank (UST) Tribal Program Training:

The Region VI Underground Storage Tank (UST) program presented two one-day training sessions in Oklahoma City and Tulsa, Oklahoma, for all the InterTribal Environmental Council member Tribes on UST rules and regulations, current leak detection requirements and the UST 1998 upgrade requirements.

RSR Lead Smelter Superfund Site Tour and Meeting

At the request of Richard Moore of the Southwest Network for Environmental and Economic Justice and Reverend R. T. Conley, EPA officials met with West Dallas residents in late September 1996. The purpose of the meeting was to clarify EPA's position on several key issues of concern, including relocation, recontamination during cleanup operations, long-term health care and employment opportunities for residents during cleanup activities. Prior to the meeting, the Deputy Regional

Administrator, Jerry Clifford, Superfund and Enforcement Division Directors, Myron Knudson and Sam Coleman, and EPA staff toured the site with Moore and Conley. EPA officials who attended the meeting included, Tim Fields, Deputy Assistant Administrator, OSWER. Both residents and EPA officials cited the meeting as a success, and significant commitments were made by EPA regarding job training opportunities.

Shintech, Inc. Proposed PVC Facility

Shintech, Inc. has received permits from the Louisiana Department of Environmental Quality (LDEQ) for the construction and operation of a polyvinyl chloride facility in Convent, Louisiana. Throughout the permit review process some residents and environmental groups spoke out strongly opposed to the proposed facility, alleging denial of adequate citizen participation by LDEQ and environmental racism in the proposed citing of the facility in this largely African-American, low-income community. Another group who identifies itself as "Freetown residents," have expressed strong support of the proposed facility, citing potential employment opportunities and other economic benefits. Under its one-permit system operated under a delegated program agreement with EPA, LDEQ issued Title V and Passive Sampling Device permits to Shintech on May 23, 1997. Tulane Law School, on behalf of St. James Citizens for Jobs and the Environment, and other groups have filed petitions for denial/revocation of the permits under Title V of the Clean Air Act. In another action, Tulane filed a complaint under Title VI of the Civil Rights Act alleging discrimination on the part of LDEQ that resulted from the permit review process and subsequent issuance of the permits. EPA has received a similar Title V petition from the Louisiana Environmental Action Network.

The petitions and the Title VI complaint are currently under review by EPA Region VI and Headquarters under the direction of a steering committee and taskforce. The taskforce is reviewing pertinent information regarding the permit and will ultimately make a recommendation on each petition and the Title VI complaint.

Training - Deep South Center for Environmental Justice Symposium

Under an initiative funded through an Environmental Justice grant, the Deep South Center for Environmental Justice hosted an Environmental Justice Symposium on November 1 and 2, 1996 in New Orleans, Louisiana. The training, "Building Partnerships for Empowerment through Training", provided useful information to attendees regarding environmental issues in Environmental Justice communities. An address was presented by the key-note speaker, Dr. Mildred McClain, of Savannah, Georgia. The symposium was an excellent example of community outreach and training.

REGION VII

BACKGROUND

Region VII has established Environmental Justice Workgroups in its division and offices and has formed a regional Environmental Justice Council to report on, plan, and review regional environmental justice activities. The goal is to proactively address environmental justice issues and involve environmental justice communities in the region's processes and activities. The Region is addressing environmental justice issues and participating in the national grant programs.

MAJOR INITIATIVES

Environmental Justice Small Grants

- **Lead Safe Kansas City.** In 1994, EPA awarded $10,000 in grant funds to Leadbusters, Inc. of Kansas City, Missouri to develop a training manual. The product is a comprehensive guide and training manual entitled "Childhood Lead Poisoning: Prevention and Remediation". Leadbusters is a non-profit organization whose mission is to attain a lead-safe environment that prevents childhood lead poisoning, thereby improving the health, economic, and social livability of the Greater Kansas City community. Leadbusters has been instrumental in providing educational materials to the public, providing lead abatement training, conducting lead assessments, and lead abatements in the Kansas City Metropolitan area. The training manual has been a useful tool in providing educational information to the public.

- **Open Airways for Schools (OAS).** OAS, a school-based asthma curriculum for children ages 8 through 11, is a program whose goal is to help young asthmatics learn to manage their asthma. It is hoped that the use of this curriculum may result in reduction in the number asthma episodes, the number of days missed from school, and the number of hospital visits. The groups involved in this project include the American Lung Association of Eastern Missouri, St. Louis City Public School Health Services, and the Zeta Phi Beta Sorority.

  Fifty-one students/participants graduated from the program on December 3, 1994, 68% of which were African-American and 32% were Caucasian. Twenty two health care professional volunteers provided the training program in asthma management. Full implementation of this program throughout the St. Louis City public elementary schools will occur over a five year period.

Outreach to Environmental Justice Communities

- **Environmental Justice Forum.** Region VII conducted its first Environmental Justice Forum on February 28 through 29, 1996, in Kansas City, Kansas. "Creating Community and Economic Partnerships - An Environmental Justice Forum" was co-sponsored by the International City/County Management Association (ICMA). The Forum was well attended and received by community organizations, businesses, schools, universities, and other federal agencies in Region VII. The second forum, co-sponsored by ICMA, was funded through a Cooperative Agreement with OSWER. The Forum received positive feedback from external partners and EPA participants.

- **Kansas City Exposure.** EPA Region VII had a booth at this year's Kansas City 'Exposure' (formally known as the Black Expo). 'Exposure' was reported to have had an audience of about 30,000 people consisting primarily of African-American patrons. The booth's theme was "Be Aware of Exposure to Environmental Hazards." The booth provided environmental justice information as well as program information pertaining to household environmental hazards.

- **Kansas City Metropolitan Community College.** The Kansas City Metropolitan Community College invited EPA to be a special guest at its "Social Problems" course on November 7, 1996. The "Social Problems" course is one of

several classes which is televised live on a local cable access channel with call-in lines. Three EPA employees from the Environmental Justice Program, Brownfields Program, and the Air/RCRA/and Toxics Division represented the Agency. The courses consisted of three hours of spirited dialogue between the panelists and the students as well as callers from the viewing community. The region views this type of communication as a viable model for future outreach efforts.

Permits and Enforcement

- **Company Ceases Burning Hazardous Waste-derived Fuel - Ash Grove Cement Co., Louisville, Nebraska.** Ash Grove Cement Company entered into a settlement involving a civil penalty of $140,000. In September 1993, EPA Region VII issued an administrative action against Ash Grove for violations of the RCRA regulations at its Louisville, Nebraska, facility.

  On January 29, 1996, representatives of Ash Grove Cement Company met with the Regional Administrator, to announce its decision to drop its hazardous waste-derived fuel program at its Louisville, Nebraska facility. Ash Grove cited economic reasons for its decision. Ash Grove declared its intention to pursue the use of scrap tires and other non-hazardous waste fuels at the facility. EPA and the Nebraska Department of Environmental Quality (NDEQ) will work closely together to assure that proper oversight of Ash Grove's closure of its hazardous waste fuel program in Louisville is properly undertaken. Ash Grove will pay a civil penalty of $140,000 for its RCRA violations.

  Considerable interest in the Ash Grove Louisville facility has been shown by members of the Louisville community. A citizen's group, known as Eastern Nebraskans Against Chemical Trespass has exerted considerable pressure on Ash Grove, EPA, and NDEQ to require Ash Grove to cease the burning of hazardous waste-derived fuel at the Louisville facility.

- **EPA Consent Decree - Osage Metals Site, Kansas City, Kansas.** On September 26, 1996, a consent decree was entered in the District Court of Kansas which enables formerly contaminated industrial property to return to productive use. The decree requires the owner of this Superfund site to transfer ownership of the site to a third party. Incorporated into this consent decree is an administrative order which requires the third party identified in the consent decree to pay EPA $80,000 in reimbursement for costs incurred in performing removal action at the site. The new owner will redevelop the property into a productive business that will generate tax revenue for the City of Kansas City.

  The site was formerly a scrap yard that ceased operating in 1993 after a flood destroyed part of the warehouse. The property was filled with scrap and debris until EPA performed the removal action to cleanup the PCB and lead contamination in the soils. Since 1993, no commercial activity has occurred at the site. The City of Kansas City had an interest in restoring the property to a productive state and had taken steps to condemn it in order to include the site in a tax incremental financing ("TIF") district. A developer, W.W. Land Company, had an interest in buying the property and developing it. Wyandotte County had a $14,467.17 tax lien on the property and was taking steps to foreclose. The area is located in an industrial zone surrounded by a predominately Spanish-speaking

community. Fact sheets were published in Spanish and English to acquaint residents with EPA's activities at the site.

- **FY97 Multimedia Inspections.** Utilizing the regional Geographic Information System (GIS), Region VII overlaid media-specific facility information such as location of RCRA facilities, RCRA large quantity generators, Superfund sites, underground storage tanks, air emission sources, and TRI releases in the St. Louis area with pertinent socioeconomic information. Based on this information, multimedia inspection targets have been identified in areas of environmental justice concern. Six multimedia inspections are planned in FY97. The St. Louis Metropolitan area has been designated a moderate ozone nonattainment area.

- **South Lawrence Trafficway.** Region VII has been involved with the South Lawrence Trafficway (SLT) in Lawrence, Kansas, since 1987. The State of Kansas and Douglas County proposed a trafficway in Lawrence near Haskell Indian Nations University, and the Federal Highway Administration (FHWA) provided Federal cost-sharing for the trafficway. EPA became involved as part of the NEPA process as a cooperating agency. Upon completion of an Environmental Impact Statement (EIS) for the trafficway in 1990, an alignment was selected (31st Street) which is adjacent to the part of the Haskell campus where sweat lodges and a Medicine Wheel are located. In 1993, a coalition of Haskell students and alumni informed the FHWA that the EIS did not adequately consider the impacts to the cultural and spiritual life of the Haskell community. As a result, Haskell requested that a Supplemental EIS (SEIS) be undertaken to respond to their concerns. In 1994, the FHWA, the State of Kansas, and Douglas County (the project sponsors) agreed to Haskell's request.

  The SEIS evaluated two alternative alignments, 35th Street and 38th Street in addition to the previously selected 31st Street. The 35th Street alignment would bi-sect the Baker Wetland Complex, and there are environmental and floodplain problems associated with the 38th Street site. The State of Kansas and Douglas County have indicated that they prefer the 31st street alignment. FHWA officials have attempted to withdraw from the NEPA process and "de-federalize" the SLT project. As a result of de-federalization and withdrawal from the NEPA process, the Haskell Coalition challenged the project sponsors in Federal District Court. On July 17, 1997, the court ruled against the project sponsors and enjoined work on the eastern leg of the South Lawrence Trafficway prior to completion of a SEIS.

REGION VIII

BACKGROUND

In October 1995, Region VIII reorganized to provide better quality environmental protection and more efficient utilization of regional resources. The major changes in the reorganization reflected: 1) movement from a solely statutory organizational structure to a functional structure; 2) more effective partnerships with states, tribes, and local communities; 3) consolidation of enforcement and compliance programs; 4) a focus on community-based environmental protection; and 5) a point of accountability for environmental justice. An Environmental Justice Program was created and staffed with a Program Director and five full-time employees. The Regional Environmental Justice Work Group, which was created before the reorganization still exists. Some of its members are still active in environmental justice activities.

MAJOR INITIATIVES

Enforcement, Compliance, and Related Activities

- **Environmental Justice Protocols for Inspection Targeting.** The protocols were developed for targeting programmatic inspections while incorporating environmental justice considerations. The system is elegant in its simplicity, relying on readily available information in the regional GIS system to rank all facilities in a given sector using specific environmental justice criteria. The criteria includes demographics (for example, population density, income data, and racial designation) and a surrogate factor for potential disproportionate risk (number of facilities reporting under CERCLA, RCRA, or TRI within a one-mile radius). While the protocols were developed for the FY96 inspection activities, because of government furloughs and lack of travel budget for inspections, they were not fully utilized. For FY97, discussions have begun with the enforcement programs to ensure the protocols are applied.

- **National Environmental Policy Act (NEPA) Reviews.** The Region invested resources in the NEPA process which incorporates environmental justice considerations in major federal actions. The Region's staff is in contact with regional NEPA staff, national NEPA training efforts, and national NEPA guidance initiatives to incorporate environmental justice considerations into these processes. EPA staff organized a half-day environmental justice segment in a recent three-day NEPA class given in Region VIII. In addition, for the Zortman-Landusky environmental impact statement (EIS) on the expansion of a mine and heap leach facility adjacent to the Fort Belknap Reservation in Montana, our staff provided comments identifying environmental justice considerations that needed to be addressed in the NEPA process. These considerations included treaty issues, and cultural and religious utilization of resources that may be impacted by the mine expansion.

Interagency Collaborations

The Region has scheduled a meeting with the Denver area Federal Agency Environmental Justice Task Force to bring members up-to-date and explore ways of making the task force relevant to the federal community.

Outreach to Environmental Justice Communities

The Region has conducted extensive outreach to community groups in Region VIII, as well as presentations on environmental justice at national meetings. Outreach activities have included consultation and research on specific issues, presentations about environmental justice, sharing of resources, participating in community meetings, and obtaining speakers for informational meetings. In addition, the Region maintains an interactive data base of organizations and individuals interested in receiving information about environmental justice, such as grants and meeting announcements. The database has been used to send out grant announcements for other EPA programs, such as environmental education. The Region is currently planning a one-day conference with grass-roots organizations, community leaders, local environmental groups, and development representatives to address the role of communities in redevelopment.

Environmental Justice Small Grants activities include radon testing, migrant farm worker bilingual safety training and education, assistance in drafting tribal environmental codes, a bibliography titled "Environmental Justice: An Indian Country Guide," and environmental education. An exceptional grant activity involves collaboration with HUD to design and build energy efficient houses incorporating native design elements and construction materials for the Rosebud Reservation in South Dakota. Regional staff also has developed a reference book for tribal and grass-roots organizations providing information on EPA grants programs.

Outreach, Training, and Internal EPA Development

- **Environmental Justice Applications (GIS model).** The model was developed to address the need to respond quickly to requests for site-specific information about environmental justice concerns. The model is available on staff computers and permits a quick identification of site demographics and mapping of other permitted facilities in the area. The model displays maps depicting the site and the location of nearby permitted facilities as well as demographic information on disproportionately exposed populations. In addition, it creates a report listing demographic data and the names of permitted facilities that are shown on the map. The model also is being used to research new environmental justice issues and areas of concern. The model is also currently being used by the Region VIII Superfund program to prioritize management of new sites.

- **Environmental Justice Deliberative Process for Involvement in Site Specific Cases.** The program was developed to identify factors that would highlight disproportionate exposure issues with environmental justice considerations. A discussion sheet was developed that sets out a deliberative process for staff and others to use to determine if environmental justice program involvement is appropriate in site specific cases. The decision process directs staff to consider demographics, disproportionate risk, access to information, and comparable situations. While this deliberative process is not needed for every environmental justice concern that is raised, it has become a valuable tool to provide a consistent decision-making process and to assist other staff in thinking through environmental justice issues.

- **Environmental Justice Search Conference.** In April 1996, Region VIII hosted a region-wide two-day meeting to develop an environmental justice strategic plan for 1996-1997. Approximately 45 people attended, including state, tribal, and grass-roots representatives as well as managers and staff from the regional offices. A strategic plan was adopted by the Region in the summer of 1996. A unique aspect of the plan is its identification of activities for other programs within the regional offices to undertake in implementing environmental justice goals.

REGION IX

BACKGROUND

The EPA Region IX Environmental Justice Team has a vision of empowered communities taking the lead in designing and implementing the environmental decisions which impact them directly. Such empowerment is based on vibrant cultural practices and values articulated at the community level, and that environmental and governmental knowledge supports the community's efforts to direct the course of their lives.

- To support this vision, the region has identified the following goals:

- Target EPA efforts in communities most at risk.

- Integrate environmental justice across all EPA media programs.

- Provide training, technical assistance and funding to develop communities' capacities to become effective participants in making environmental decisions that affect their lives.

At all levels in EPA Region IX, from the senior management level to the staff level, there is a commitment to listen and learn from the communities we serve in order to achieve environmental and public health protection.

MAJOR INITIATIVES

Environmental Justice and Brownfields Redevelopment

Environmental justice is an inherent and integral part of brownfields redevelopment. The Environmental Justice Team, the Brownfields Team, as well as community groups, nonprofit organizations and private sector entities are working together to ensure the institutionalization of environmental justice within brownfields redevelopment programs and projects in the Region.

In FY97, an Environmental Justice Small Grant was awarded to a non-profit organization in San Francisco called The Urban Habitat Program (a project of the Earth Island Institute) to support their efforts to ensure that communities are effective players in the brownfields redevelopment projects in the Region. Region IX is an active participant in the Bay Area Regional Brownfields Working Group (a regional collaborative of community, public and private sector representatives) which works to develop regionally sustainable and environmentally just strategies for brownfields redevelopment. In addition, members of the Environmental Justice Team have moderated panels at the 1997 National Brownfields Conference in Kansas City, as well as two regional brownfields workshops in San Francisco and Richmond, California. The Team was a member of the Brownfields Advisory Board for the San Francisco Regional Brownfield Pilot and provided presentations on environmental justice and brownfields to the American Bar Association Annual Conference and at the University of California Berkeley City and Regional Planning Department.

Environmental Justice Training

For the past two years, the Environmental Justice Team in Region IX has conducted a series of environmental justice training sessions for EPA staff. The purpose of the environmental justice training is to 1) raise awareness and knowledge of environmental justice issues, and 2) share insights and approaches to incorporate environmental justice concepts into daily work. The environmental justice training is designed to encourage participant interaction through lecture, interactive exercises, and brainstorming sessions. Currently, the Region offers two types of environmental justice training. First, a general regional wide environmental justice training course is offered monthly to discuss concepts, theories, and applications, of environmental justice. Second, a divisional or media specific environmental justice training course is conducted which focuses on strategic planning and implementation of environmental justice in daily operations.

Funding for Environmental Justice Communities

From FY94 through FY97, the Region funded 57 environmental justice small grants totaling $1 million. Some examples of funded projects include:

- Lead poisoning education and outreach in San Francisco's Mission District
- Emergency planning for citizens of West Oakland
- Fund ongoing environmental safety education for Asian women immigrants in the electronics industries
- Train and certify farm workers as pesticide educators and environmental health advocates
- Set up a used oil recycling station on Hopi Land

General Plan Project

Over the past two years, EPA, through the Environmental Justice Program Liaisons has presented recommendations to two California cities (Los Angeles and Oakland) undergoing general plan revisions, to encourage incorporation of environmental justice language into their revised plans. Los Angeles incorporated many of the recommendations into their final plan. Oakland's plan is still in the draft stages and is undergoing citizen review. EPA's Region IX senior staff recommended that the region expand its efforts to supply city planners with information and recommendations by including such topics as sustainability, pollution prevention, and public transit. A workgroup has been formed to research the kinds of information currently available and to develop supplementary information on the integration of environmental justice into the city planning process.

Grant Workshops conducted in Arizona, Los Angeles, San Diego and Oakland

The environmental justice team conducted a series of environmental justice grants workshops throughout the Region to clarify the process involved in applying for an environmental justice small grant. Each workshop was co-hosted by local community groups from the local areas in which they were presented: South Tucson, Don't Waste Arizona, in Los Angeles, Concerned Citizens of South Central, Mothers of East Los Angeles, and Communities for a Better Environment, in San Diego, Environmental Health Coalition, and in Oakland, the African American Development Corporation and Asian Pacific Environmental Network.

McFarland, California

Several residents of McFarland, California, a small and predominantly Latino community, petitioned EPA in 1995 to conduct an environmental assessment due to ongoing health problems in the town. In 1984, a cluster of childhood cancers was identified in McFarland and confirmed by state and local heath agencies. Past investigations (1984-1991), conducted by the California Department of Health Services, with assistance from EPA, focused on determining a cause for the cancers but were inconclusive.

In reviewing past data, EPA found that insufficient air sampling was conducted to adequately assess the air conditions, and drinking water was not analyzed for all pesticides used in the area. Therefore, EPA has granted the petition's request for an investigation of the air, water, and soil. The investigation will focus on the current environmental conditions in McFarland. The investigation will not focus on determining the cause of the cancers, since conditions of the past cannot be reconstructed; however, EPA will coordinate activities and share the results of the investigation with health agencies.

Phase One of the McFarland project plan has been completed. Members of the McFarland team have interviewed residents and civic leaders in McFarland over the past five months to identify community concerns and collect information for the Community Involvement Plan and sampling plans to ensure that the current investigation is as comprehensive as possible. House visits have been very helpful in establishing a connection with community groups, the residents and schools. Phase Two, the investigation of environmental conditions, is now underway. The drinking water is the first media that will be investigated. Drinking water wells will be sampled for over three hundred chemicals. Pesticide Use Reports have been reviewed to determine the type and quantities of pesticides used in the McFarland area to guide the sampling and analysis of the water. Drinking water wells and the storage tank used by the community were sampled in July of 1997. In early 1998, sampling of drinking water taps in the public schools, parks, and public buildings, as well as some residentials taps will be sampled. The active drinking water wells and storage tank will be resampled again at this time. Fact sheets in English and Spanish have been distributed to community members to describe EPA's proposed drinking water sampling program. Open Houses/community meetings have been conducted to present the sampling plans and answer questions raised by community members.

EPA currently is developing the sampling plans for air monitoring and soil investigations. The air monitoring designs are being developed with input from EPA's Office of Research and Development and

the California Air Resources Board. Air monitoring currently is being planned to include sampling during the fall and spring seasons to cover periods when pesticide use is at its peak. Soil sampling currently is planned for the summer of 1998.

New Team Members

Because EPA Region IX has made a commitment to bring people into the Agency with extensive community experience, the Region recently expanded its environmental justice team by adding two members. The new members came to the Agency from the Urban Habitat Program and the three Circles Center for Multicultural Environmental Education, organizations that have a strong focus on environmental justice issues and communities. The unique perspectives of the new members will help Region IX not only institutionalize environmental justice within the region, but also assist with work currently being conducted with grassroots environmental justice organizations.

Outreach to Communities and Environmental Justice Presentations

Region IX conducted a series of outreach meetings with community based organizations and conducted presentations on environmental justice at various conferences and forums. The outreach meetings were designed to assess environmental justice concerns, to develop viable strategies to address those concerns, and to foster strong working relationships. The outreach meetings were conducted in Los Angeles, San Diego, the San Francisco Bay Area, and South Phoenix. The groups met with include the Environmental Health Coalition, the Asian Pacific Environmental Network, Communities for a Better Environment, Don't Waste Arizona, the Arizona Environmental Justice Advisory Council, Mothers of East Los Angeles, the First African Episcopal Methodist Church of Los Angeles, the Community Coalition for Change and the Southwest Network for Environmental and Economic Justice.

In addition, the Region has participated in various conferences and forums to communicate the importance of environmental justice. Conferences and forums attended include the “Federal Facilities Conference”, the “American Bar Association Annual Conference”, the "Association of Environmental Professionals", the "International Right of Way Association", the "American Association for the Advancement of Science", the "Upward Bound Program", and the "Second Annual Youth Leadership Summit".

Program Specific Environmental Justice Strategies

To fully integrate environmental justice considerations to work done by Region IX, each of the Divisions and Offices has developed an environmental justice strategy. The strategies provide staff with guidance on how to implement environmental justice into day to day activities of the Region. Strategies have been developed for the Air Division, Water Division, Cross Media Division, Superfund Division, Waste Management Division, Office of Government and Community Relations, Office of Strategic Planning and Emerging Issues and the Policy and Management Division. Each strategy covers the main activities of the various programs from an environmental justice perspective such as planning and targeting, enforcement, permitting, training, grants, and policy issues.

RCRA's Work on Title VI Complaints

EPA is investigating two Title VI complaints involving RCRA facilities in California. Investigators include EPA Title VI Task Force attorneys and technical staff from Region IX. The complaints allege discriminatory impact in the permit actions taken by the Department of Toxic Substances Control (DTSC): one complaint addresses three hazardous waste landfills and the other complaint addresses a hazardous waste storage and recycling facility. All four facilities are near Latino communities. Since January 1997, the Task Force and Regional staff have made progress on the complaints. EPA obtained preliminary demographic data to be used in determining whether hazardous waste facilities are located in predominantly Latino communities. Region IX has reviewed environmental and health assessment documents such as Environmental Impact Reports, health risk assessments, and epidemiological studies

to determine what adverse health effects or other effects may result from the facilities. In addition, EPA conducted site visits and community interviews to gather specific information on the alleged adverse impacts due to the facilities. After performing additional file reviews and speaking with representatives from DTSC and other state and local agencies about the allegations, EPA will prepare preliminary findings regarding the allegations.

Regional Assessment Project

The Region's GIS assessment involves the processing and mapping of census (demographic) and environmental data in order to identify communities in the Region where EPA resources should be targeted. To date, all of the census data are processed and mapped, and a portion of the environmental data has been updated and is available for analysis/mapping. The Region has decided to refocus its effort to map all data for the entire Region and will instead pursue efforts at more targeted analyses focusing on smaller geographic areas and within single media programs. In the coming year, the environmental justice program will encourage the media divisions to make effective use of the available demographic data in order to identify areas of environmental justice focus within their programs, and will continue meeting with and gathering input from key environmental justice stakeholders about regional communities that need additional focus from EPA.

Ward Valley, California

EPA is working with the Bureau of Land Management (BLM) and the Colorado River Native Nations Alliance to address issues raised by the siting of a low level radiation disposal facility in Ward Valley, California. The Fort Mojave, Chemehuevi, Colorado River, Quechan, and the Cocopah are concerned about the facility's impact on their cultural and religious practices as well as the potential environmental impacts. EPA has met with the tribes and facilitated discussions with the tribes and BLM. In May of 1997, the National Environmental Justice Advisory Council (NEJAC) passed a resolution requesting EPA to take an active role in working with BLM.

BLM, the lead agency, is drafting a Supplemental Environmental Statement which will examine both the ecological and environmental justice issues. Under the Environmental Justice Executive Order 12898, Section 309 of the Clean Air Act and our federal trust responsibilities, EPA is playing a constructive role in helping to ensure all issues are evaluated and government to government consultation is established with the tribes. The Region's Office of Federal Activities, the Environmental Justice and Tribal programs will provide input to BLM on the Supplemental Environmental Impact Statement including the environmental justice analysis. The Ward Valley issue is an example of EPA cross media collaboration and interagency cooperation on environmental justice.

Watsonville, California Rural Environmental Justice Pilot Project

As a community-based project, participation by residents and community groups living in Watsonville, California is crucial to the success of the pilot project. Furthermore, the involvement of other regulatory agencies is critical to help identify and implement environmental solutions. The Watsonville pilot project team has met with several community and regulatory representatives to discuss current issues in Watsonville. These representatives include: City and County staff, farm worker advocate groups, housing advocate groups, and environmental groups.

To achieve the goal of bringing all stakeholders together, the Watsonville pilot project team has been working with community and regulatory representatives and various Regional EPA program staff (for example, water, air, and pesticide specialists) to prioritize issues and develop preliminary recommendations based on available information. The project team also has enlisted the participation of state and local counterparts to attain a better understanding of the studies and projects on issues that may already have been conducted.

Issues raised during discussions between the Watsonville pilot project team and community and regulatory representatives, include concerns about drinking water, indoor air, farm worker conditions, and housing. Further discussions were held to determine the extent to which issues raised should be of concern to the community. Air and water issues, in particular, were identified as non-significant. Based on the discussions, the project team has decided to focus on two key issues facing the Watsonville community: Farm worker safety and housing.

The strategy of the Watsonville pilot project team has been to act as a facilitator as stakeholders are brought together to work toward solutions to issues facing Watsonville. The project team already has held meetings with local stakeholders (State, County, City and community representatives) to discuss farm worker occupational issues. These meetings have served as an opportunity to exchange information on the various projects being conducted in the Watsonville/Pajaro area.

The Watsonville pilot project team recently convened an interagency meeting with the HUD to discuss housing issues in Watsonville. As personnel within EPA, which has an environmental mandate, the project team recognizes its limited experience concerning housing issues, and is relying heavily on the expertise of others brought to the meeting. The project team also invited several agencies which deal specifically with housing issues, including the County Housing Authority and City housing staff. The project team also is looking to community members to share knowledge and experience that has proven invaluable at previous meetings.

As a follow-up to these meetings, the Watsonville pilot project team is planning further meetings with other stakeholders to identify actual solutions to issues of concern. For example, the project team will work with the U.S. Department of Agriculture's (USDA) Rural Development office, the Rural Community Assistance Corporation, and local planning entities to address housing needs in Watsonville. The project team also will continue to work with the California Occupational Safety and Health Administration (Cal-OSHA) and other regulators in regards to farm worker safety issues.

West Oakland Urban Environmental Justice Pilot Project

EPA currently is investigating a full range of environmental and related issues affecting the West Oakland community through the new urban environmental justice pilot project. In partnership with residents, local and state government agencies, and other parties, EPA is working to identify and prioritize the issues and develop a strategy to solve them. Major issues of concern are contaminated soil and ground water, air quality and lead, in conjunction with local planning and zoning issues, lack of communication, and health concerns.

In compliance with information-gathering and community-networking goals, EPA facilitated focus group meetings to attain the community's perspective on environmental issues. A wide variety of issues were raised in these meetings, including concerns regarding zoning, contamination from past and present industrial activities, truck traffic, and perceived impacts of the new Cypress freeway construction. In addition, a Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) records search was conducted to assist the City of Oakland's Community Building Teams (CBT) efforts to avoid siting grassroots vacant lot beautification projects on contaminated areas.

In October 1996, EPA became involved in an environmental task force, which was established after vinyl chloride contamination was found in an industrial property adjacent to residential property. Comprised of residents, regulators, and other environmental health professionals, the task force meets monthly in an attempt to give a more coordinated response to community concerns and consequently, to develop a long-term collaborative strategy for addressing environmental concerns in West Oakland.

In April 1997, in coordination with the Bay Area Air Quality Management District, the Port of Oakland placed two air monitors to collect data on particulate (PM-10 and PM-2.5) issues raised by the community in regards to truck traffic.

In May 1997, the Chester Street Block Club association of the South Prescott neighborhood in West Oakland, filed a Title VI Complaint against the California Department of Transportation and the California Department of Toxic Substance Control in response to concerns related to the Cypress Freeway construction. If accepted, this complaint will be reviewed by EPA headquarters in coordination with the U.S. Department of Transportation (DOT).

In June 1997, the regulators and other participating agencies met to discuss the need for a more proactive approach to community involvement and environmental management. The group also will meet monthly to develop a coordinated environmental management strategy that may be used in other communities.

REGION X

BACKGROUND

In addition to the regional Environmental Justice Coordinator, a senior staff member is responsible for managing the regional environmental justice program and program/project Environmental Justice Coordinators are assigned to specific projects. The region also established an Environmental Justice Core Group in 1994. This group includes representatives from all divisions and serves as an advisory board to the region, providing guidance on a variety of issues, such as environmental justice coordination, policy issues, grants, and training.

MAJOR INITIATIVES

The Region continues to develop and encourage program offices to use specific tools (for example, Superfund demographic fact sheets) to ensure that information more effectively reaches environmental justice target communities. Data on a number of facilities in communities of color and a broad range of demographic data were provided to make outreach more inclusive. This type of outreach training effort is focused on EPA staff gaining a more complete and comprehensive understanding of the community, increasing interactions and communication with Environmental Justice populations and, changing how EPA conducts outreach and interact with communities.

Enforcement Efforts

Environmental justice is a factor in multi-media targeting. Early in FY97, the Region X Environmental Justice Office presented an environmental justice training module on "Environmental Justice and Enforcement," and a module on Title VI.

Environmental Justice Interagency Collaborations

Region X has worked with tribal governments, the Corps of Engineers, Washington State Department of Ecology, several county agencies and the City of Seattle to deliver environmental justice education. A primary goal for FY97 is to increase other federal agencies understanding of environmental justice to spur the inclusion of Environmental Justice principles in their activities. This will be accomplished by developing training modules designed specifically to meet the agencies' needs and that provides critical environmental justice information. Staff from other government agencies also attended Environmental Justice Education & Awareness sessions conducted for the EPA audience.

Grant to the Odessa Brown Children's Clinic Asthma Management Support Center, Seattle, Washington

Assistance and grant support was made for asthma/indoor air outreach and education, and medical intervention in Seattle's Central Area, a predominantly low-income minority community, with the highest asthma incidence and hospitalization rate in Western Washington. The grant, funded by the Air Program, is an example of the increased number of collaborative efforts with health professionals working with

environmental justice communities. The project is part of a nationwide study in seven cities around the country to further evaluate the effectiveness of coordinated care and environmental interventions in reducing asthma morbidity among inner city children. As a result of this support, progress is being made toward achieving the expected outcome of increased awareness and competence in asthma management in 15 pediatric and family practices in Washington State. Implementation of specific asthma management strategies in these practices, evaluation of practice efforts, geo-coded maps with corresponding reports identifying areas with a high density of asthmatics will facilitate the design of an optimal intervention strategy.

Outreach Efforts to Environmental Justice Communities

The Regional Environmental Justice Office and designated environmental justice contacts in the media program offices conducted outreach to v communities. In a 4 month period, the Environmental Justice Office had over 151 interactions with Environmental Justice community groups/nonprofits and tribal representatives to provide technical and policy advice, exchange information, and to increase education/awareness on environmental justice.

Based on data gaps identified by Environmental Justice communities, the regional office completed analytical work, facilitated community meetings or other actions as identified by the communities. For example, the Environmental Justice Office facilitated two Environmental Justice community group meetings and completed the Alaska Military Sites project at the request of community groups. The Region's facilitation of an environmental justice meeting reflects on the positive working relationship it has established with Environmental Justice community groups.

Public Participation, Accountability, Partnerships, Outreach and Communication with Stakeholders

Preparation of demographic information for Superfund Sites in Idaho, Oregon and Washington continues. The Region X Environmental Justice Office obtained demographic information for superfund sites. The one page per site sheets provide site managers with information on population density, race, ethnicity, income, number of non-English speaking residents and percentages of residents speaking languages other than English. With the demographic data, site managers are able to better design communication activities, improve residents' involvement, and acquire a better understanding of the population diversity in Region X.

Site specific demographic information was identified as a need by the Superfund program and was well received in the Region. Responding to an identified need increased the likelihood that the product will be utilized. One of the primary environmental justice goals is to make environmental justice principles an integral part of all regional activities. To achieve this goal, it would be beneficial to involve EPA staff to identify needs and develop tools tailored to these issues.

APPENDIX I EPA NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
SUBCOMMITTEE MEMBERSHIP
1997 - 1998
STAKEHOLDER BREAKDOWN

AC = Academia CG = Community Group SL = State/Local Govt. TR = Tribal IN = Industry
*Denotes NEJAC Council Member ** NEJAC Chair EV = Environmental Group NG = Nongovernmental Organization

Enforcement Subcommittee -- 11 members (6 NEJAC)

SL	Lillian Mood, R.N. (3)	South Carolina Dept. of Health
SL	Arthur Ray* (1), Chair	Maryland Department of the Environment
AC	Gerald Torres* (3)	University of Texas School of Law
EV	David Harris (3)	Land Loss Prevention Project
IN	Leslie Beckoff * (2)	Conoco Inc./DuPont
AC	Grover Hankins* (1)	Texas Southern University
CG	Peggy M. Shepard (1)	West Harlem Env. Action, Inc.
CG	Rita Harris (3)	Mid-South Peace & Justice Center
NG	Lamont Byrd (2)	Teamsters
NG	Luke Cole * (2)	CA Rural Legal Assistance Foundation
NG	Richard T. Drury (2)	Communities for a Better Environ.

Health and Research Subcommittee -- 12 members (5 NEJAC)

AC	Douglas M. Brugge (1)	Tufts School of Medicine
CG	Margaret Williams * (2)	Citizens Against Toxic Exposure
AC	Marinelle Payton (2)	Harvard Medical School
AC	Mary English* (1), Chair	University of Tennessee
EV	Carlos Porras (3)	Communities for a Cleaner Environment
SL	Michael J. DiBartolomeis (3)	California EPA
IN	Eugene M. Peters (3)	Clean Sites, Inc.
NG	Andrew McBride (1)	Connecticut Lead Center
SL	Rosa Franklin * (2)	Washington State Senate
NG	Pen S. Loh (1)	Alternatives for Comm. & Environ.
TR	Don Aragon* (3)	Shoshone and Northern Arapaho Tribes
SL	R. Lewis Shaw* (3)	South Carolina Dept. of Health and and Environmental Control

Indigenous Peoples -- 9 members (2 NEJAC)

TR	James D. Hill * (2), Chair	Klamath Tribe
TR	Charles Stringer (1)	White Mountain Apache
AC	Richard Monette (1)	Univ. Of Wisconsin
IN	Astel Cavanaugh (1)	Sioux Manufacturing Corp.
AC	George Godfrey (3)	Haskell Nations University
NG	Sarah James (3), Elder	Gwich'in Steering Committee
SL	Brad Hamilton (3)	State of Kansas
TR	Dwayne Beavers (2)	Cherokee Nation
TR	Christine Benally* (1)	Sanostee Chapter of the Navaho Nation

International --8 members (2 NEJAC)

NG	Janet Phoenix (2)	National Safety Council
NG	Baldemar Velasquez* (1) Chair	Farm Labor Organizing Committee
SL	Beth Hailstock (3)	Cincinnati Health Department
IN	Clydia Cuykendall (3)	Star Enterprise (Texaco)
AC	Maria del Carmen Libran (3)	University of Puerto Rico-Mayaguez
CG	Mildred McClain (1)	Citizens for Environmental Justice
TR	Bill Simmons (1)	International Indian Treaty Council
EV	Arnoldo Garcia * (2)	Earth Island Institute

Public Participation and Accountability --9 members (4 NEJAC)

NG	Frank Coss (1)	COTICAM (Puerto Rico)
EV	Munir Meghjee (2)	Earthjustice Legal Defense Fund
CG	Delbert Dubois (3)	Four Mile Hibberian Community Association, Inc.
AC	Robert Holmes (3)	Clark Atlanta University
SL	Annabelle Jaramillo* (3)	Office of the Governor, State of Oregon
IN	Lawrence Hurst* (1)	Motorola, Inc.
NG	Haywood Turrentine** (1)	Laborers Education Training Trust Fund
TR	Mamie Rupnicki (3)	Prairie Band of Potawatomi Tribe, Kansas
CG	Rosa Hilda Ramos* (2)	Community of Cantaño Against Pollution

Waste and Facility Siting Subcommittee -- 14 members (7 NEJAC)

CG	Dollie Burwell* (1)	Warren County Concerned Citizens
SL	Lillian Kawasaki * (1)	Los Angeles Department of Environment
IN	Sue Briggum * (2)	WMX
NG	Mathy Stanislaus (2)	Environmental-Sciences/Minority Environmental Lawyers Association
NG	Charles Lee* (1) (Chair)	UC of Christ Commission for Racial Justice
NG	Connie Tucker (1)	Southern Organizing Committee
EV	Ricardo Soto-Lopez (2)	Puerto Rico-Northeast EJ Network
IN	Gerald R. Prout * (2)	FMC Corporation
AC	Michael K. Holmes (3)	St. Louis Community College
EV	Jean Belille* (3)	Western Communities Program
EV	Vernice Miller (3)	Natural Resources Defense Council
EV	Damon Whitehead* (3)	Earthjustice Legal Defense Fund
NG	Brenda Lee Richardson (3)	Women Like Us
CG	Cynthia Jennings (3)	ONE/CHANE

(1) -- Term expires 7/31/1998 (2) -- Term expires 7/31/1999 (3) -- Term expires 12/31/2000

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

The National Environmental Justice Advisory Council (NEJAC) was initially chartered September 30, 1993, with the express purpose of advising the EPA Administrator of environmental problems which occurred in communities either disadvantaged or racially under-represented, or both, and which have been sited for an inordinate number of potential polluting sources.

Over the past four years the NEJAC, which includes the six subcommittees as well as the executive council, has held 51 official meetings at eight sites; and numerous conference calls and working sessions for purposes of collecting information about a variety of specific events. Please refer to the information which follows for a description of the purpose of each subcommittee along with highlights of each one's major activities.

Executive Council - consists of 25 individuals selected so as to represent the seven major stakeholder categories: academia, community organizations, industry, state/local governments, tribal governments, non-government organizations, and environmental organizations. The Executive Council convenes to review resolutions prepared in subcommittee and to hear public comments during the Public Comment Period held during each meeting, normally two nights for at least two hours each night.

ENFORCEMENT SUBCOMMITTEE ACTIVITIES

Provides recommendations to the Agency for promoting environmental justice in the programs through policies and activities of the Office of Enforcement and Compliance Assurance. A primary focus of this subcommittee is relationships at the federal, state, local and tribal levels. A list of the activities follows.

Developed documents on the following subjects:

- Issued statement of purpose that enhances the NEJAC purpose statement and incorporates enforcement-specific concepts and action items. (August 1994)

- Issued work plan for providing recommendations to the Office of Enforcement and Compliance Assurance (OECA) regarding integration of environmental justice into its programs, policies and activities. (August 1994)

- Issued initial draft report of the Enforcement Subcommittee providing general recommendations in four major areas:
  (1) direct federal enforcement, (2) direct state enforcement, (3) tribal/indigenous enforcement, (4) community enforcement and (5) workforce diversity. (December 1994)

- Provided comments on the enforcement and compliance section of the EPA's Draft Environmental Justice Strategy.

- Issued second draft report of the Enforcement Subcommittee expanding the Initial Draft Report and providing recommendations including an in-depth analysis of OECA office-specific enforcement and compliance workplans.

- Issued final draft report of the Enforcement Subcommittee and submitted to the NEJAC. (November 1995)

- Issued final report, "Achieving Environmental Protection: Compliance, Enforcement and Environmental Justice" to EPA.

- Prepared draft memorandum to EPA on "Integrating Environmental Justice into EPA Permitting Authority."

- Prepared draft resolutions forwarded to the full NEJAC for vote. These included recommendations in the following areas:

  - Establishment of labor representation on the NEJAC,
  - Request for Presidential endorsement of Basel Convention authorizing legislation,
  - Request for EPA action on Title VI of the 1964 Civil Rights Act,
  - Request that EPA refrain from doing business with contractors engaged in labor disputes,
  - Request that EPA undertake a comprehensive survey of its existing statutory and regulatory authority to promote environmental justice under

each of the specific environmental pollution control laws, and

- Request that EPA give due consideration of the effect of its air emissions trading program on communities of color and low-income communities.
- Request that EPA prioritize enforcement and compliance targeting for environmental justice communities,
- Request that EPA coordinate the Integrated Data for Enforcement Actions (IDEA) system with other data bases and prioritize community access and use of these integrated systems.

Sponsored key activities:

- Enforcement and Compliance Roundtable held in EPA Region VI in San Antonio, Texas. This event also featured community training on enforcement and compliance and an environmental justice site tour.

- Initiated planning process for a second enforcement and compliance roundtable in EPA Region IV.

- Initiated briefing on IDEA system by OECA staff and recommended that this and other data bases be integrated to prioritize community accesses to and use of these integrated systems.

Provided review, comment and recommendations on the following materials:

- Enforcement-related recommendations from the "Health Research and Needs to Ensure Environmental Justice" conference held in February 1994.

- OECA Potential EJ Projects List or matrix of potential projects reflecting plans for activities from each OECA office.

- OECA "Partners in Protection" draft concept paper on enhancing public participation in enforcement and compliance assurance activities.

- Provided recommendations to the full NEJAC on community issues raised during public comment periods.

Formed ad hoc workgroups on issues including:

- Nuclear permitting and NEPA - Homer, LA, Community involvement in enforcement - San Juan, PR,
- Federal interagency coordination - Carver Terrace, TX,
- International waste trade and EPA PCB rule, Pesticides on Native American lands - California Basketweavers TSCA petition,
- Environmental enforcement/transborder issues - New River TSCA petition,
- Illegal waste imports - South Africa provinces.

Created Enforcement Subcommittee Workgroups for in-depth analysis of the environmental justice issues related to the following activities:

Worker Protection, Open Market Trading of Air Emissions Credits, Permitting Process, and Policy on Supplemental Environmental Projects

HEALTH AND RESEARCH SUBCOMMITTEE

Develops recommendations to the Agency and especially for the Offices of Research and Development, and Prevention, Pesticides, and Toxic Substances for implementing environment justice throughout the Agency's research activities and on relationships with other federal agencies involved in monitoring the public's health. The subcommittee accomplished the following list of activities.

- Definition of Environmental Justice Research. The Subcommittee began discussion of the definition and carried it over to the following meeting at Dulles, VA, October 25, 1994.

- The Subcommittee discussed and endorsed the executive summary on "Health Research and Needs to Ensure Environmental Justice" ensuing from the Health Research and Needs to Ensure Environmental Justice Symposium, and passed a motion to send the document to the interagency Working Group on Environmental Justice, all federal agencies and the PCSD.

- The Subcommittee began discussion of the EPA Environmental Justice Strategy section on health and research.

- Identification of major research areas important to environmental justice were cumulative risk, exposure, and pollution prevention.

- The Subcommittee discussed and provided comments on the EPA Office of Research and Development (ORD) draft Environmental Justice Research Strategy.

- Discussion of the Interagency Working Group on Environmental Justice Task force on Research and Health meeting led to the following resolution to the NEJAC: The NEJAC should be invited by the IWG to provide guidance on a meeting of federal agency science managers.

- The Subcommittee provided comments and suggestions for the following sections of the EPA EJ Strategic Plan: Health and Environmental Research; Data Collection, Analysis, and Access; and Integrate Environmental Justice.

A definition of environmental justice research was proposed and accepted.

"Research that includes disproportionately affected populations such as low-income and people of color as co-partners in hypothesis testing and research design to discover causes and consequences of environmental disparities and develop, revise and evaluate measures, criteria and participatory methods to improve environmental regulation and policy responses which protect human health and eliminates environmental health disparities"

The subcommittee reviewed various EPA policies and recommended the following actions be taken:

- change the way efforts under the Research Act are carried out
  change policy regarding the design of requests for proposals
- define community-driven research
- develop an assessment tool for cumulative risk
- develop research protocols that use an interagency model

The Subcommittee recommended a coordinated effort with the advisory council of Health and Human Services (HHS) to consider environmental occupational health issues of migrant workers.

The following resolutions were submitted to the NEJAC for approval:

- NEJAC resolves that EPA should be applauded for speaking against the use of risk assessment and cost/benefit analysis as the sole criterion to evaluate the merit of environmental laws and regulations. However, we also urge EPA to consider the well recognized and well-documented limitations of quantitative risk assessment and cost/benefit analysis as decision making tools. Furthermore, we urge EPA to promote the use of community driven risk and impact assessments, as an essential component of wise and just environmental decisions.

- NEJAC resolves that there is a need to coordinate research addressing environmental justice across agencies of the federal government and support the Interagency Working Group on EJ (IWG) Committee on Research and Health in its call to hold a senior science manager meeting using the model for stakeholder participation.

- NEJAC resolves that the NEJAC Subcommittee on Health and Research engage the IWG Task Force on Research and Health through the HHS Environmental Health Policy Committee, instructing the DFOs and chairs to coordinate agendas.

- NEJAC resolves that Dr. Bullard, Chairperson of the Subcommittee on Health and Research, and his designee from the subcommittee be included as formal peer reviewers of OPPE's Cumulative Risk Assessment document, entitled Cumulative Risk and Environmental Justice.

- NEJAC resolves that EPA reserve judgement on the recommendations of the HUD Lead Report "Controlling Lead Hazards in the Nation's Housing" until issues raised by the minority dissenting opinion, and other reservations expressed by task force members are addressed and a response forwarded to the NEJAC. We ask that the Administrator assign this function to the appropriate office or review board.

- NEJAC resolves that EPA, in its promulgation of the final regulations on regulating munitions wastes fully consider its environmental justice impact, especially as it concerns health and safety issues.

INDIGENOUS PEOPLES SUBCOMMITTEE

Assists EPA in addressing grassroots environmental concerns of American Indians, Alaskan Natives, Native Hawaiians and other indigenous groups which may have problems resulting from remote location of communities to historical decisions resulting from treaties. The subcommittee does not include responsibility for government-to-government operations which is the jurisdiction of EPA's American Indian Environmental Office.

- Request that OEJ, in conjunction with AIEO, develop guidance describing the relationship between tribal operations and environmental justice issues related to Native Americans with input from EPA's Tribal Operations Committee and the Indigenous Peoples Subcommittee

- Draft a paper on how EPA can assume permitting authority and issue site-specific regulations in Indian country under RCRA Subtitle D for solid waste management facilities.

- Draft a paper on how EPA can assume permitting authority and issue site-specific regulations in Indian country under RCRA Subtitle D for solid waste management facilities.

- Recommends that EPA's budget for building the capacity of Indian Tribes be increased and sustained until all tribes have available to them sufficient resources and expertise.

- Request that NEJAC recommend to the Administrator of EPA that Ward Valley, California should be declared a low-level radioactive facility siting as an environmental justice issue and that a meeting be scheduled immediately between senior level federal officials from affected agencies (i.e., DOI, EPA, CEQ) and tribal representatives.

INTERNATIONAL SUBCOMMITTEE

Deals with EPA's environmental policies and practices as they may have adverse impacts on people of color and low income communities along the U.S. borders and in countries receiving shipments from the U.S. Issues may include export of toxic/hazardous wastes, testing or storing of radioactive materials, and operations of multi-national corporations in countries not recognized by the OECD, usually developing countries lacking in environmental laws.

- Because this subcommittee is breaking new ground in the area of environmental justice and because it is has only been in existence one year, it does not have a significant number of accomplishments to report.

- Drafted several resolutions for consideration by Administrator Browner concerning public participation issues related to the meeting of the Border Environmental Cooperation Commission and requested Administrator Browner to forward the NEJAC's concerns to Secretary Carabias of Mexico.

PUBLIC PARTICIPATION & ACCOUNTABILITY SUBCOMMITTEE

Provides recommendations to ensure that EPA holds public meetings, produces materials that reflect the public at large, and remains sensitive to various cultural values and community traditions in issue policy documents and proposed rules of regulations.

The NEJAC Public Participation and Accountability Subcommittee is composed of eight members, representing five different stakeholder groups. The Subcommittee met three times in 1996 and held additional conference calls when an issue was necessary for discussion. The purpose of the Subcommittee:

- To improve the public participation process and accountability for all Federal agencies

- To make recommendations for public participation and accountability for all subcommittees of the NEJAC

- To establish definitions of public participation and accountability that include access to information, education and community economic development

- To coordinate with indigenous, tribal, local international organizations, institutions, and other under-represented groups on public participation principles. These principles should reflect cultural values and community traditions

Accomplishments in 1996:

The Model Plan for Public Participation. Members of the subcommittee made revisions in the Model Plan, including:

- identifying types of stakeholders
- enhancing the format of the document
- enclosing a public participation checklist developed by the Interagency Working Group on Environmental Justice for use by federal and state agencies
- enclosing the Core Values for the Practice of Public Participation developed by Interact: The Journal of Public Participation
- preparing a cover letter from the Chairman of the NEJAC.

Based on the review of the Model Plan at a meeting of the subcommittee in September 1996, the members approved duplicating the final document. Additional accomplishments related to the Model Plan include:

- Distributed the model plan to every member of the NEJAC, as well as other participants at the NEJAC meeting in December 1996

- Placed a copy of the model plan on the NEJAC's Home Page on the World Wide Web

- Tested the effectiveness of the model plan during the preparations for the Enforcement Roundtable meeting held in San Antonio, Texas in October 1996 and the December meeting of the NEJAC

Improved NEJAC's interaction with communities. Members of the subcommittee took an active role in improving NEJAC's interaction in communities in which meetings were held. Specific accomplishments include:

- Participated in the preparations for the bus tour conducted in Detroit, Michigan during the NEJAC meeting, as well as the bus tour itself

- Participated in preparations for the Enforcement Roundtable meeting held in San Antonio, Texas in October 1996

- Met with representatives of local community organizations in Baltimore, Maryland to begin preparing for the NEJAC meeting in December 1996

- Recommended to NEJAC's Protocol Committee that: (1) bus tours be scheduled mid-day to increase participation by members of the NEJAC and to provide the members with a better point of reference and understanding for the public comment periods; (2) all members of the NEJAC should participate in the bus tours; and (3) public comment periods be scheduled at mid-day and in the evening to make it more convenient for the community members.

WASTE & FACILITY SITING SUBCOMMITTEE

Provides recommendations to the Agency and especially to the Office of Solid Waste and Emergency Response on its environmental justice policies, strategies and activities as they relate to Superfund sites, as well as the siting and permitting of waste disposal facilities, public health issues and urban revitalization and the cleanup of Brownfields sites.

Economic Redevelopment Working Group:

The working group began meeting again via conference calls. The working group has invited the participation of representatives from outside stakeholder groups (e.g., Detroiters for Environmental Justice, Urban Habitat, and the Keystone Center) in an effort to build comprehensive stakeholder partnerships for urban revitalization and Brownfields.

The NEJAC Waste and Facility Siting Subcommittee's report "Environmental Justice, Urban Revitalization, and Brownfields: The Search for Authentic Signs of Hope" was completed following the May 1996 NEJAC meeting. The report has been printed and distributed. More than 400 copies of the full report were distributed to participants at the December 1996 NEJAC meeting or mailed to individuals who requested copies. The report is also available electronically on the NEJAC homepage and the OSWER Brownfields homepage.

Siting Working Group:

The working group reviewed the Draft siting guidance entitled, "Sensitive Environments and the Siting of Hazardous Waste Management Facilities," developed by EPA's Office of Solid Waste (OSW) and made comments requesting revisions to the document. Those comments were considered in the revised document. The working group will be developing guiding principles of environmental justice which should be considered with respect to siting decisions. These principles will be incorporated into an addendum to the siting document to be developed by OSW with recommendations from the Waste and Facility Siting Subcommittee. The guidance brochure, "Sensitive Environments and the Siting of Hazardous Waste Management Facilities," has been

printed and will be available at the May 1997 NEJAC meeting.

Community Access to LandView II:

The Subcommittee has promoted the idea of broad availability of the LandView II software and database to EPA. LandView II continues to be available through RTKNet. The Subcommittee asked EPA to provide complete sets of LandView II to each NEJAC subcommittee chair to enhance availability to the NEJAC and its member's constituents. As a result of the Subcommittee's efforts EPA has begun to provide demonstrations of the system at many of the Agency's public meetings, especially those related to environmental justice and brownfields redevelopment.

Cooperative Working Interactions between Subcommittee Members and EPA:

Members of the Subcommittee have continued to work cooperatively with EPA staff through their various stakeholder affiliations. In addition to working with Headquarters offices on siting, relocation and brownfields issues, the members have been invited to make formal and informal presentations at Regional and Headquarters office and at public fora throughout the country. Several Subcommittee members have participated in EPA focus groups formed to gather input into the development of a Brownfields National Partnership Action Agenda. The Subcommittee Chair made a presentation to the federal Interagency Working Group on Environmental Justice on the findings of the Public Dialogues on Brownfields and Urban Revitalization. The subcommittee is developing recommendations which may be included in the Brownfields National Partnership Action Agenda.

Native American Issues:

The Waste and Facility Siting Subcommittee and the Indigenous Subcommittee formed a working group to explore issues and opportunities for cooperative efforts. Because of the resignation of the Indigenous Subcommittee's Chair, these efforts have been delayed. The Office of Solid Waste and Emergency Response has been working with the Subcommittee to develop a Tribal Issues Roundtable which will be held in the summer of 1997.

This concludes the activities accomplished by the National Environmental Justice Advisory Council. Many of the events for which the NEJAC has recommended that the EPA Administrator take action have successfully changed, modified or prevented public impacts which would have been detrimental to one or more communities. The receipt of public comments during each NEJAC meeting is the key to "open" and honest consideration of many opinions which may or may not support current government decisions. The fact that EPA is open to hearing these varying opinions makes it one of the unique federal agencies. It is essential that the NEJAC continue to function in order to meet the current efforts by the government to provide forums for public access and comment.

A

ABA . . . . . **American Bar Association**
ADEM . . . . . **Alabama Department of Environmental Management**
ALA . . . . . **American Lung Association**
APTMD . . . . . **Air, Pesticides, and Toxics Management Division**
ATSDR . . . . . **Agency for Toxic Substances and Disease Registry**

C

CAA . . . . . **Clean Air Act**
CAC . . . . . **Community Advisory Committee**
CAFO . . . . . **Concentrated Animal Feeding Operations**
CBEP . . . . . **Community-Based Environmental Program**
CBPH . . . . . **Committee for Boston Public Housing**
CBPO . . . . . **Community-Based Protection Office**
CBT . . . . . **Community Building Teams**
CDCP . . . . . **Centers for Disease Control and Prevention**
CEQ . . . . . **The White House Council on Environmental Quality**
CERCLA . . . . . **Comprehensive Environmental Response, Compensation, and Liability Act**
CUP . . . . . **Community/University Partnership**

D

DEC . . . . . **Department of Environmental Conservation**
DEP . . . . . **Department of Environmental Protection**
DOC . . . . . **U.S. Department of Commerce**
DOD . . . . . **U.S. Department of Defense**
DOE . . . . . **U.S. Department of Energy**
DOH . . . . . **Department of Health (state level)**
DOI . . . . . **U.S. Department of Interior**
DOJ . . . . . **U.S. Department of Justice**
DOL . . . . . **U.S. Department of Labor**
DOS . . . . . **Department of Sanitation (state level)**
DOT . . . . . **U.S. Department of Transportation**

E

EAD . . . . . **Environmental Accountability Division**
EAn . . . . . **Environmental Analysis**
EIP . . . . . **Eco-Industrial Park**
EIS . . . . . **Environmental Impact Statement**
EIT . . . . . **Environmental Implementation Team**
EJ . . . . . **Environmental Justice**
EJC . . . . . **Environmental Justice Coordinator**
EJ/CL . . . . . **Environmental Justice/Community Liaison**
ENACT . . . . . **Eastern Nebraskans Against Chemical Trespass**
EPA . . . . . **U.S. Environmental Protection Agency**
ETC . . . . . **Escambia Treating Company**
EZ/EC . . . . . **Empowerment Zone/Enterprise Communities**

F

FEMA . . . . . **Federal Emergency Management Agency**
FFEO . . . . . **Federal Facilities Enforcement Office**
FHWA . . . . . **Federal Highway Administration**
FY . . . . . **Fiscal Year**

G

GAP . . . . . **General Assistance Program**
GIS . . . . . **Geographic Information System**
GLNPO . . . . . **Great Lakes National Program Office**
GLO . . . . . **Greater Leadership Opportunities Program**
GM . . . . . **General Motors**
GPRA . . . . . **Government Performance and Results Act**
GRO . . . . . **Goal Setters's Reaching for Opportunities**

H

HBCU . . . . . **Historically Black College and University**
HETF . . . . . **Haudenosaunee Environmental Task Force**
HHS . . . . . **U.S. Department of Health and Human Services**
HUD . . . . . **U.S. Department of Housing and Urban Development**
HSI . . . . . **Hispanic Serving Institution**

I

ICMA . . . . . **International City/County Management Association**
IDEA . . . . . **Integrated Data for Enforcement Analysis**
IWG . . . . . **Interagency Working Group on Environmental Justice**

J

JHU . . . . . **Johns Hopkins University**

L

LDA . . . . . **Louisiana Department of Agriculture**
LDEQ . . . . . **Louisiana Department of Environmental Quality**
LES . . . . . **Louisiana Energy Services**
LLRW . . . . . **Low Level Radioactive Waste**

M

MDE . . . . . **Maryland Department of the Environment**
MOA . . . . . **Memorandum Of Agreement**
MOU . . . . . **Memorandum of Understanding**
MVEC . . . . . **Merrimack Valley Environmental Coalition**

N

NAAQS . . . . . **Non-Attainment Air Quality Standards**
NASA . . . . . **National Aeronautics and Space Administration**
NCCC . . . . . **National Civilian Community Corps**
NCHS . . . . . **National Center for Health Statistics**
NDEQ . . . . . **Nebraska Department of Environmental Quality**
NEJAC . . . . . **National Environmental Justice Advisory Council**
NEPA . . . . . **National Environmental Policy Act**
NETI . . . . . **National Enforcement Training Institute**
NGO . . . . . **Non-Government Organization**
NHANES . . . . . **National Health and Nutrition Examination Survey**
NPDES . . . . . **National Pollutant Discharge Elimination System**
NPL . . . . . **National Priorities List**
NRC . . . . . **Nuclear Regulatory Commission**
NYCDEP . . . . . **New York City Department of Environmental ProtectionOAQPS**

O

OAQPS . . . . . **Office of Air Quality and Planning Standards**
OAR . . . . . **Office of Air and Radiation**
OARM . . . . . **Office of Administration and Resource Management**
OAS . . . . . **Open Airways for Schools**
OCEPA . . . . . **Office of Communications, Education, and Public Affairs**

OCR . . . . . **Office of Civil Rights**
OECA . . . . . **Office of Enforcement and Compliance Assurance**
OEJ . . . . . **Office of Environmental Justice**
OFA . . . . . **Office of Federal Activities**
OGC . . . . . **Office of General Counsel**
OIA . . . . . **Office of International Activities**
OIRM . . . . . **Office of Information Resources Management**
OMB . . . . . **Office of Management and Budget**
OPM . . . . . **Office of Policy and Management**
OPPE . . . . . **Office of Policy, Planning and Evaluation**
OPPTS . . . . . **Office of Prevention, Pesticides, and Toxic Substances**
ORD . . . . . **Office of Research and Development**
ORE . . . . . **Office of Regulatory Enforcement**
ORE-MIED . . . . . **Office of Regulatory Enforcement-Multimedia Enforcement Division**
ORE-RED . . . . . **Office of Regulatory Enforcement-RCRA Enforcement Division**
ORE-TPED . . . . . **Office of Regulatory Enforcement-Toxics and Pesticides Enforcement Division**
ORIA . . . . . **Office of Radiation and Indoor Air**
OSDBU . . . . . **Office of Small and Disadvantaged Business Utilization**
OSHA . . . . . **Occupational Safety and Health Administration**
OSTP . . . . . **Office of Science and Technical Policy**
OSWER . . . . . **Office of Solid Waste and Emergency Response**
OW . . . . . **Office of Water**

P

PCB . . . . . **Polychlorinated Biphenyls**
PECT . . . . . **Population Estimation and Characterization Tool**
PETE . . . . . **Partnership for Environmental Technology Education**
ppm . . . . . **parts per million**
PPW . . . . . **Partners for Pure Water**
PRASA . . . . . **Puerto Rico Aqueduct and Sewer Authority**
PRDA . . . . . **Puerto Rico Department of Agriculture**
PRDNR . . . . . **Puerto Rico Department of Natural Resources**
PRDOH . . . . . **Puerto Rico Department of Health**
PREPA . . . . . **Puerto Rico Electric Power Authority**
PRIME . . . . . **Philadelphia Regional Introduction of Minorities to Engineering**
PSD . . . . . **Passive Sampling Devices**
PWS . . . . . **Public Water Supply**

R

RA . . . . . **Regional Administrator**
RAB . . . . . **Restoration Advisory Board**
RCRA . . . . . **Resource Conservation and Recovery Act**
RCRIS . . . . . **Resource Conservation Recovery Information System**
REJWG . . . . . **Region Environmental Justice Work Group**
ROAR . . . . . **Rat-on-a-Rat**
RRIIFS . . . . . **Remedial Removal and Integrated Investigation Feasibility Study**

S

SEIS . . . . . Supplemental Environmental Impact Statement
SEP . . . . . Supplemental Environmental Project
SLT . . . . . South Lawrence Trafficway
STAC . . . . . Scientific and Technical Advisory Committee
STEP . . . . . Service Training for Environmental Progress

T

TCI . . . . . Tribal College Initiative
TFS . . . . . Tropical Fruit Site
TIF . . . . . Tax Incremental Financing
TIGER . . . . . Topologically Integrated Geographic Encoding and Reference System
TNRCC . . . . . Texas Natural Resource Conservation Commission
TOC . . . . . Tribal Operations Committee
TRI . . . . . Toxic Release Inventory
TSCA . . . . . Toxic Substances Control Act
TWDB . . . . . Texas Water Development Board

U

UEI . . . . . Urban Environmental Initiative
UM . . . . . University of Maryland
USDA . . . . . U.S. Department of Agriculture
UST . . . . . Underground Storage Tank

V

VOC . . . . . Volatile Organic Compound

W

WELP . . . . . Women's Executive Leadership Program
WIPP . . . . . Waste Isolation Pilot Plan
WPS . . . . . Worker Protection Standard

APPENDIX III
TIME LINE OF MAJOR ENVIRONMENTAL JUSTICE EVENTS

1971
CEQ's annual report acknowledges racial discrimination adversely affects urban poor and the quality of their environment

1979
Robert Bullard's study of an affluent African American Community's attempt to block the siting of a sanitary landfill is published

1981
Farm Worker Protection Standards reopened

1982
Warren County, North Carolina, NAACP demonstration and lawsuit against PCB landfill

1983
GAO Report states that 3 of 4 hazardous waste facilities in EPA's Region 4 (Southeast) are in African American communities

November 1984
EPA issues Indian Policy.

November 1984
EPA, DOJ, DOD & Olin Chemical settle Triana, Alabama case which had EJ provisions

1986
Congressional Hearings on radioactive contamination of Pacific Islanders

April 1987
United Church of Christ issues report entitled *Toxic Wastes and Race in the United States*

September 1987
Mattie Blue Legs case outlined EPA compliance role in Tribal lands

1990
Michigan Coalition Conference releases report *Rate and the Incidence of Environmental Hazards*

1990
Bullard publishes *Dumping in Dixie* which is used as the first textbook on EJ

1990
EPA Administrator establishes the Environmental Equity Workgroup after grassroots groups wrote to EPA

October 1991
First National People of Color Leadership Summit adopts the *Principles of Environmental Justice*

1991
First of four meetings on Environmental Justice held between grassroots leaders and EPA Administrator

June 1992
EPA releases the report *Environmental Equity: Reducing Risk for All Communities*

September 1992
National Law Journal report, *Unequal Environmental Protection* alleged that EPA discriminated in taking enforcement actions

November 1992
EPA issues Farmworker Protection Regulations

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TIME LINE OF MAJOR ENVIRONMENTAL JUSTICE EVENTS

February 1992

EPA Administrator makes environmental justice an Agency priority

University of Massachusetts issues a study which challenges siting demographics

February 1993

Imperial County, Calif Petition focuses attention on environmental issues of Hispanics along U.S.-Mexico Border

1994

United Church of Christ Issues *Toxic Waste and Race Revisited* which strengthens the association between race and siting of waste facilities

1995

CMA and NAM publish a business guide to environmental justice issues

September 1993

EPA establishes the National Environmental Justice Advisory Council

First Interagency Public Meeting on Environmental Justice held at Clark Atlanta University, Atlanta, Georgia

January 1995

National Academy of Science's Institute of Medicine initiates an EJ Study: Research, Education and Health Policy Needs

1995

Interagency Symposium on Health Research and Needs To Ensure Environmental Justice is held in Arlington, Virginia

February 1994

Interagency Working Group on Environ-Interagency Working Group on EJ is established

February 1994

Clinton issues Executive Order 12898 designating that 11 federal agencies are accountable for EJ and calling for implementation plans

Report to The President which shows Interagency Projects on EJ underway as required by E.O. 12898

April 1995

The Environmental Justice Strategies from 11 agencies as required in E.O. 12898 are issued to The President

1996

EPA expands RCRA Public Participation Rule to empower communities to become involved in the RCRA permitting process

May 1994

1995

CDC, EPA and NIEHS launch the Mississippi Delta Project to examine health problems along the industrial corridor

1996

CEQ issues for public Comment the Draft Guidance on incorporating EJ into NEPA requirements

April 1995

GAO publishes report *Hazardous and Non-Hazardous Waste: Demographics of People Living Near Waste Facilities*-finds discrimination studies inconclusive

April 1996

EJ Implementation Reports From 11 agencies of Interagency Working Group Due as required By E.O. 12898

APPENDIX III
TIME LINE OF MAJOR ENVIRONMENTAL JUSTICE EVENTS

1996 — EPA announces decision to relocate 358 minority, low income households living next to Escambia Wood Treatment Plant, Pensacola, Florida

May 1996 — The President issues E.O. 13007 on Indian Sacred Sites to protect current and historical Indian religious sites

1996 — National Council of State Legislatures publishes a State Guide on EJ and applicable state legislation

1996 — Chester, PA, residents file a CRA Title 6 complaint in District Court against the State of PA for siting a disproportionate number of waste facilities in their community

April 1997 — The President issues E.O. 13045 *Protecting Children from Environmental Health and Safety Risks*

May 1997 — NRC's Licensing Board rules in LES license application that NRC did not adequately investigate the EJ issues pursuant to E.O. 12898

June 1996 — Michigan District Court rules in NAACP vs MDNR (Genesee) that the state must consider cumulative risk and enhance public participation before issuing major permits

July 1997 — State of Kansas vs Haskell Indian Nations University re a highway through sacred grounds. Federal District Court ruled that a project cannot be de-federalized to avoid NEPA EJ analysis