



**NATIONAL
ENVIRONMENTAL JUSTICE
ADVISORY COUNCIL**



August 3, 2000

Administrator Carol M. Browner
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Browner:

Please find attached a copy of the report entitled "*Environmental Justice in the Permitting Process: A Report on the Public Meeting Convened by the National Environmental Justice Advisory Council, November 30-December 2, 1999.*"

The U.S. Environmental Protection Agency (EPA), through its Office of Environmental Justice, asked the National Environmental Justice Advisory Council (NEJAC) to provide advice and recommendations on the following question:

"In order to secure protection from environmental degradation for all citizens, what factors should be considered by a federal permitting authority, as well as state or local agencies with delegated permitting responsibilities, in the decision-making process prior to allowing a new pollution-generating facility to operate in a minority and/or low income community that may already have a number of such facilities?"

Clearly, this is a question that the Agency has wrestled with for some time. To address this question, NEJAC scheduled a three day public meeting of industry, government (federal, tribal, state, and local), academic, and community stakeholders to explore whether and how the issue of environmental justice could be integrated into the permitting process.

This report sets forth approximately eighty (80) policy proposals that were presented by representatives from various stakeholder groups. The breath of the discussions were exemplified by individuals and/or organizations that either provided comments, suggestions or recommendations on what EPA could and/or should consider in the permit review application process. The NEJAC has considered these policy proposals and has formulated the following recommendations. Consequently, NEJAC recommends that the Administrator undertake the following actions:

- § Request the Office of General Counsel to clarify legal authority and provide guidance on, the extent to which, permit writers (including delegated state, tribal, and local governments) have a mandatory and/or discretionary authority to deny an environmental permit, condition a permit, or require additional permit procedures on environmental justice grounds.
- § As delineated in EPA's 1997 Strategic Plan to ensure that all people, regardless of race, income or national origin, "are protected from significant risk to human health and the environment where they live, learn, and work," the NEJAC urges the Administrator to assert leadership in the quest to better understand the following: (1) cumulative impacts; (2) degree of risk; (3) community demographics; and (4) disproportionality of risk, and how these can be integrated into the permit review process, as appropriate.

- \$ Strengthen and highlight public participation requirements which ensure that permit writers consult with affected communities on an ongoing and continuing basis (i.e., prior to the consideration or issuance of a permit) in the decision-making process.
- \$ Ensure that federal environmental laws, policies, and guidance are fairly and equitably enforced among all communities so that environmental justice concerns can be fully integrated in federally adopted, approved, implemented or required environmental programs.
- \$ Assert leadership by providing guidance for state, regional, local, and tribal governments on the environmental justice implications of permitting and siting decisions, and on the impact of local zoning ordinances on those decisions.

During the meeting, community stakeholders identified additional issues that they believed deserved consideration as factors in the permitting process. It should also be noted that industry stakeholders shared with other stakeholders a willingness to explore a variety of approaches to environmental justice in permitting. The NEJAC believes that the Agency should explore the multitude of thoughtful suggestions and recommendations outlined throughout the entire report.

The process for developing this report included the formation of a multi-stakeholder Working Group to assist Professor Fran Dubrowski, the principal author of this report, in her efforts to capture, compile, and edit the presentations and discussions that occurred during the NEJAC meeting. Also attached is a list of the names and affiliations of all those who served on this Working Group. We are pleased to present this report to you for your review, consideration, response and action.

Sincerely,

/signed/

Haywood Turrentine

Haywood Turrentine
Chair, NEJAC

/signed/

Vernice Miller-Travis

Vernice Miller-Travis
Chair, NEJAC Working Group

Attachments

NEJAC PERMITTING RECOMMENDATIONS WORKGROUP

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