

National Pollution Prevention and Toxics Advisory Committee (NPPTAC)

November 22, 2005

Honorable Stephen L. Johnson
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, DC 20460

Dear Administrator Johnson,

On behalf of the National Pollution Prevention and Toxics Advisory Committee (NPPTAC), I am pleased to present to you three Committee recommendations and an Overview Document on Nanoscale Materials for your consideration. The NPPTAC was established in September 2002 to provide EPA with advice, information, and recommendations on the overall policy and operations of programs undertaken by the Office of Pollution Prevention and Toxics (OPPT).

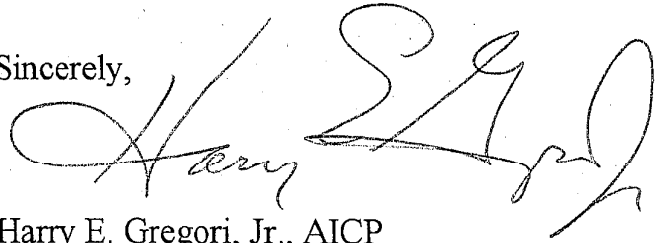
The first two recommendations deal with Tribal issues. One calls for Focused OPPT-Tribal Conversations on Tribal Access to, and Utilization of, Publicly Available Chemical Hazard and Exposure Data, and the second is aimed at Increasing Green Building Adoption on Tribal Lands. The third recommendation applies broadly to OPPT programs and deals with Lead Poisoning Prevention from Sources other than Lead-Based Paint.

The Committee is also providing to EPA for consideration an Overview Document on Nanoscale Materials. The Overview Document originated from efforts of the NPPTAC's Interim Ad Hoc Workgroup on Nanoscale Materials which met via numerous conference calls in August, September, and October 2005, held a September 29 public session to obtain broad stakeholder input, and considered public comments received during a June 2005 EPA public meeting on nanoscale materials. After Committee discussion and deliberation, the NPPTAC has determined that EPA should consider the Overview Document's analysis and views of a framework for EPA's approach to a voluntary program for engineered nanoscale materials, a complementary approach to new chemicals nanoscale

requirements under the Toxic Substances Control Act (TSCA), and other relevant issues presented. EPA should also consider issues raised by stakeholders, the public, and the NPPTAC at the two public meetings and during NPPTAC sessions on nanoscale materials.

On behalf of the Committee, I thank you for the opportunity to participate in EPA's policy and program activities through the NPPTAC, and for considering these recommendations and the Overview Document on Nanoscale Materials.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Gregori, Jr.", written in a cursive style.

Harry E. Gregori, Jr., AICP
Co-Chair

Enclosures

cc: NPPTAC Members

**National Pollution Prevention and Toxics Advisory Committee (NPPTAC)
Recommendations to the EPA Administrator and Deputy Administrator on
Increasing Green Building Adoption on Tribal Lands
November 17, 2005**

ISSUE

The 562 federally recognized Tribes in the United States, as well as federal agencies such as the Indian Health Service, own and operate hundreds of buildings across Tribal lands. Examples include more than 350 gaming facilities and hotels, over 600 hospitals and clinics, more than 200 elementary and secondary schools and colleges, and over 300 Tribal government offices. Some Tribes also have Tribal manufacturing facilities and/or Tribal enterprise zones as well. These facilities consume energy and generate waste that could be reduced via the implementation of pollution prevention (P2) approaches. Greater adoption of P2 approaches with regard to buildings could improve Tribal environmental performance and result in operational cost savings for both Tribes and the federal government.

It is recognized that OPPT currently has limited authority within EPA, expertise, and resources to address the challenges related to green building on Tribal lands. However, as the co-chair of the cross-office EPA Green Building Workgroup, OPPT has the ability to coordinate and leverage other EPA building-related programs, like Indoor Environmental Quality, ENERGY STAR, and Solid Waste. This coordinated approach is necessary in order to address green building issues holistically.

To foster greater adoption of green building principles, OPPT should focus on building Tribal P2 capacity through increased education about and utilization of "green building" concepts. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. Research and experience increasingly demonstrate that when buildings are designed and operated with their lifecycle impacts in mind, they can provide great environmental, economic, and social benefits.¹

Communicating and marketing green building opportunities and benefits is a critical aspect of driving the adoption of green building concepts. Given that OPPT's resources are limited and the number of potential green building decision makers and implementers is large, OPPT needs to consider their outreach and dissemination efforts carefully and choose opportunities that will have high visibility and impact on Tribal Lands. The National Congress of American Indians' (NCAI) current effort to build a Hall of Indian Nations building in Washington, D.C., similar to the Hall of States, is an example of a high visibility opportunity. An investment of OPPT's time and resources into such an effort would likely reach and potentially influence a large number of Tribal leaders. The incorporation of green building principles into such a facility would set a powerful example that the Work Group believes would advance the awareness of green building and P2 concepts on Tribal lands. The NCAI building may not be the right opportunity for OPPT, but it is a real world example of the types of strategic green building communication and marketing efforts that the office should consider.

¹ Source: <http://www.epa.gov/opptintr/greenbuilding/>.

Showing Tribes and Tribal organizations how green building concepts can reduce pollution while also reducing operating costs will open the door for additional dialogue with Tribes on a broader range of potential P2 opportunities and benefits. OPPT will also benefit from these exchanges by gaining greater knowledge and understanding that should contribute to a range of Tribal efforts and be transferable to OPPT green building efforts with other communities.

RECOMMENDATIONS

OPPT should build Tribal understanding of and capacity for implementing green building concepts by more effectively communicating and marketing green building opportunities and benefits on Tribal lands. To do so, OPPT should consider the following actions:

1. Interagency Tribal Green Buildings Agreement: OPPT should explore creating a federal interagency Memorandum of Understanding (MOU) or other appropriate arrangement, including, but not limited to, the U.S. Department of Housing and Urban Development (HUD), the Department of Health and Human Services (HHS), and other federal agencies to foster Tribal adoption of green building concepts. The purpose of such an agreement would be to make Tribal planning and construction managers, as well as the broader Tribal business community aware, of federal support and technical assistance for undertaking green building projects. It would also send an important signal to Tribal decision makers that green buildings are a viable option on Tribal lands. OPPT should pattern the agreement after the "Interagency Open Dump Cleanup Project for Tribes" effort, in which EPA's Office of Solid Waste and Office of Policy, Economics, and Innovation both participate².

2. Green Building Tribal Construction Opportunities: OPPT should encourage green building Tribal construction opportunities on Tribal lands. OPPT should employ, as appropriate, an holistic approach to account for the costs and benefits of green buildings. This approach will help to ensure that green buildings will benefit the environment and the health for the occupants. This effort should be accomplished through the following means:

- a) As part of item 1 above, or as a separate effort, develop a Tribal green building funding guide. The purpose of the guide is to identify potential sources of funding for such projects. The guide would not endorse any particular program or organization.
- b) Send a letter to HUD's Deputy Assistant Secretary for the Office of Native American Programs requesting that HUD incorporate green building concepts into its Indian Community Development Block Grant criteria for rating and ranking program applicants.
- c) Explore how OPPT might work with HUD's Office of Native American Programs to identify and highlight (through the OPPT-funded P2 Tribal portal³ or other relevant on-

² The Interagency Open Dump Cleanup Project for Tribes is a multi-Agency effort to help Tribes throughout Indian Country close and prevent open dumps, clean up solid waste on Tribal land, and develop safe solid waste management practices. EPA signed a Memorandum of Understanding in 2000 with several Agencies including the Indian Health Service (IHS), Bureau of Indian Affairs (BIA), Department of Defense (DOD), Housing and Urban Development (HUD), and Rural Utilities Service (RUS) to develop a coordinated open dump cleanup program. These six Federal Agencies have provided over 100 Tribes with 13.4 million dollars in funding and assistance to prevent and clean up open dumps.

³ <http://www.tribalp2.org/>

line Tribal resources) Tribal green building case studies and best practices, including successful designs.

- d) Develop an outreach program on green building concepts for Tribal economic development and facilities management staff, as well as Tribal contractors, architects, and builders working on Tribal projects. Steps to accomplish this might include:
- Identifying the need to reach this audience as a topic for upcoming OPPT Tribal meetings.
 - Identifying associations that work with the target groups and providing information to them via the P2 Tribal Portal and other means.
 - Working with the American Institute of Architects through the existing EPA MOU to encourage architects to provide green building options to Tribal decision makers for projects on Tribal lands.
 - Exploring opportunities to work with the U.S. Department of Commerce and the Small Business Administration to promote green building concepts to Tribal contractors and businesses.

MEASURES OF SUCCESS

The Work Group acknowledges that OPPT's role as a promoter of green building concepts and principles makes it difficult to hold OPPT accountable for results-based measures such as the number of Tribal green building efforts planned or Tribal dollars allocated for green buildings. Output-based measures of success might include:

- Existence of an interagency MOU or other appropriate arrangement with HUD, the Department of Health and Human Services, and other federal agencies to support Tribal green building initiatives.
- Existence of OPPT partnerships with other federal agencies to leverage scarce resources (e.g., posting of information about HUD-funded Tribal green building case studies on the P2 Tribal portal, if available).
- Existence of a commitment by the American Institute of Architects (AIA) through an existing Memorandum of Understanding to encourage green building design options on Tribal lands.

TIMELINE

OPPT should initiate these recommendations as follows:

1. Interagency Tribal Green Buildings MOU or Other Appropriate Arrangement: OPPT will initiate dialogue with HUD, the Department of Health and Human Services (HHS), and other agencies within three months.
2. Green Building Tribal Construction Opportunities: OPPT will develop a draft strategy for Tribal education on green building issues and resources within six months of NPPTAC approval of the recommendation.

COMMUNICATIONS

OPPT should communicate efforts to enhance green building opportunities and benefits in Tribal lands through the following actions. These methods do not supplant EPA's federal trust responsibility to conduct government-to-government consultation.

- Continue to utilize conventional communication channels such as the Internet and OPPT publications and mailings.
- Provide updates of recommendation implementation efforts at each of the full NPPTAC Meetings.
- Provide an update to the relevant EPA Tribal groups such as the National Tribal Operations Committee (NTOC), Regional Tribal Operations Committees (RTOCs), and any interested Tribal governments or organizations, such as the National Tribal Environmental Council, as requested.

FUNDING CONSIDERATIONS

OPPT should identify what resources are needed to implement the actions described above and determine where these funds can be obtained.