

**Testimony of Granta Y. Nakayama
Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Before the
Subcommittee on Environment and Hazardous Materials
Committee on Energy and Commerce
United States House of Representatives**

October 4, 2007

Good morning Chairman Wynn, Ranking Member Shimkus, and distinguished Members of the Subcommittee. I am Granta Nakayama, Assistant Administrator for Enforcement and Compliance Assurance (OECA) at the U.S. Environmental Protection Agency (EPA). My office is responsible for enforcing the nation's environmental laws, as well as serving as the National Program Manager for environmental justice. Thank you for inviting me to the hearing today on environmental justice legislation including the pending bill, H.R. 1103, the Environmental Justice Act of 2007. I am pleased to discuss the environmental justice accomplishments of the Agency, what we have learned from those accomplishments, and how we plan to continue our efforts to comprehensively address environmental justice.

Let me begin by emphasizing that the Administrator and I share your interest in continuing to advance efforts to address disproportionate and adverse environmental and public health risks faced by communities around the nation. We recognize that minority and/or low-income communities may be exposed disproportionately to environmental harms and risks. EPA works to protect these and other communities from adverse human health and environmental effects. Ensuring environmental justice means not only protecting human health and the environment for everyone, but also ensuring that all people are treated fairly and are given the

opportunity to participate meaningfully in the development, implementation, and enforcement of environmental laws, regulations, and policies.

Based on our experience, EPA has concluded that the integration of environmental justice considerations into the programs, policies, and activities of an agency is an approach that has yielded results. We are striving to more fully do so in the future. Most importantly, EPA has learned that addressing environmental justice issues is everyone's shared responsibility. Most environmental justice issues are local or site-specific – resolving these issues involves many tools coupled with the concerted efforts of many stakeholders – Federal, state, local and tribal governments, community organizations, NGOs, academic institutions, business/industry, and the community residents themselves.

We also recognize that environmental justice issues are complex and multifaceted. While no single tool or approach alone may provide the solution, EPA continues to believe that using the range of existing statutory, regulatory, and enforcement frameworks that underlie the environmental and public health protections of this nation, along with building the capacity of communities and other stakeholders to participate meaningfully in the environmental decisions that affect them, is a most effective way to protect the health and environment of all of our nation's people and communities.

Implementing Executive Order 12898

EPA is committed to integrating environmental justice considerations into its everyday work and believes that Department and Agency heads within the Executive Branch are best suited to promoting such change. We have developed a comprehensive approach that recognizes

the unique relationship between environmental protection, human health, economic development and social justice. EPA is a pioneer in Federal government implementation of environmental justice programs. No other Federal agency has attempted to incorporate environmental justice into its programs, policies, and activities as comprehensively as the EPA. EPA is the lead for implementing Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." This Executive Order directs Federal agencies to "make achieving environmental justice part of its mission." EPA works to comply with this Executive Order, and has taken significant and meaningful steps to integrate environmental justice into its mission.

Continued collaboration with our federal partners is important and, as lead agency for the Executive Order, EPA provides technical assistance to other Federal agencies on integrating environmental justice. For example, EPA has been working with the Centers for Disease Control and Prevention (CDC) in developing an environmental justice policy. EPA also is working with CDC's National Center for Environmental Health and with the Agency for Toxic Substances and Disease Registry (ATSDR) to develop a strategy for integrating environmental justice goals within its programs and operations. On July 18, 2007, EPA, CDC and ATSDR announced a memorandum of understanding (MOU) to collaborate on data gathering and sharing, and to find solutions for community health problems that could be linked to environmental hazards. Environmental justice was an important consideration in developing this MOU.

I am proud of the commitment that EPA has shown integrating environmental justice into its daily work. On November 4, 2005, Administrator Johnson reaffirmed EPA's commitment to environmental justice. He directed the Agency's managers and staff to integrate environmental

justice considerations into EPA's core planning and budgeting processes. As a result, EPA has made transparent, measurable, and accountable environmental justice commitments and targets in all five goals of EPA's Strategic Plan for 2006-2011. Administrator Johnson identified eight national environmental justice priorities. Specifically, he directed the Agency to work with our partners to:

- Reduce asthma attacks;
- Reduce exposure to air toxics;
- Reduce incidences of elevated blood lead levels (ASTDR and the Department of Housing and Urban Development);
- Ensure that companies meet environmental laws;
- Ensure that fish and shellfish are safe to eat (Food and Drug Administration);
- Ensure water is safe to drink;
- Revitalize brownfields and contaminated sites; and
- Foster collaborative problem-solving.

EPA's Program Offices and Regions each implement an Environmental Justice Action Plan (Action Plan) to support EPA national priorities. These Action Plans are prospective planning documents that identify measurable commitments from each organization.

EPA's Chief Financial Officer directed the Agency's National Program Managers (NPMs) to include language in their FY2008 National Program Guidance that addresses the use of Action Plans and the Agency's 2006-2011 Strategic Plan to identify activities, initiatives, and/or strategies for the integration of environmental justice and incorporate them into planning and budgeting documents and program agreements. By instituting these types of programmatic

requirements, EPA is building a stronger foundation to successfully integrate environmental justice into its programs for the long-term.

In addition, EPA's Inspector General recently identified the need for environmental justice program reviews. EPA agreed, and we have embarked on an extensive effort to develop and conduct those reviews. We are developing and piloting environmental justice review protocols for the Agency's programs. Once these protocols are completed, the Agency will begin conducting the reviews in March 2008.

Capacity Building

Since 1993, EPA has awarded more than \$31 million in grants to more than 1,100 community-based organizations and others to take on an active role in our nation's environmental stewardship. These environmental justice grants promote community empowerment and capacity-building - essential ingredients to maximize meaningful participation in the regulatory process. This year, EPA awarded \$1 million in environmental justice collaborative problem-solving grants to 10 community-based organizations, and just awarded an additional \$1 million in EJ Small Grants to 20 community-based organizations, to raise awareness and build their capacity to solve local environmental and public health issues.

The Power of Collaborative Problem Solving

I would be remiss not to highlight a particular example that demonstrates not only EPA's success, but the success of other Federal, state, and local partners, and community groups. The ReGenesis Environmental Justice Partnership, led by a community-based organization in Spartanburg, South Carolina, began in 1999 with a \$20,000 grant award to address local

environmental, health, economic and social issues. In 2003, EPA developed a Collaborative Problem-Solving (CPS) Model as a framework for others to follow. The model has worked well with amazing results.

The Partnership used elements of the CPS Model to leverage the initial grant from EPA to generate more than \$166 million in funding, including over \$1 million from EPA Region 4. ReGenesis marshaled the collaboration of more than 200 partner agencies, and local residents, industry, and a university to revitalize two Superfund sites and six Brownfields sites into new housing developments, an emergency access road, recreation areas, green space, and job training that are vital to the community's economic growth and well-being. This result was beyond anyone's expectation.

ReGenesis proved to be such an excellent example of what can be accomplished with EPA's funding, training and partnerships that we created a documentary film about it as a training tool to put thousands of other communities on the path of collaborative-problem solving. The DVD is being distributed across the country.

With the ongoing efforts in collaborative problem-solving and the grant programs, EPA is creating new opportunities to effectively target and address local environmental justice issues. By working together, everyone can benefit from the results.

Obtaining the Best Available Environmental Justice Advice

EPA's commitment to environmental justice is also reflected by the fact that it takes actions to obtain the best available environmental justice advice and to impart any lessons

learned to those who can work with us to address environmental justice issues at the federal, state and local levels.

Importantly, in 2006, EPA renewed the charter for the National Environmental Justice Advisory Council (NEJAC) thereby ensuring that EPA will continue to receive valuable advice and recommendations on national environmental justice policy issues from its stakeholders. The NEJAC is comprised of prominent representatives of local communities, academia, industry, and environmental, indigenous, as well as state, local, and tribal government groups that can identify and recommend solutions to environmental justice problems. It is essential that EPA provide an opportunity for such discussions and for ideas to be aired, and that the NEJAC's advice and recommendations be appropriately integrated into EPA's environmental justice priorities and initiatives.

In fact, during the NEJAC's public meeting last month, I spent a day engaging with the advisory members on the topics of goods movement, and EPA's environmental justice integration efforts. By obtaining the NEJAC's advice and recommendations particularly on the latter issue, I am confident that we are engaging meaningfully with our stakeholders as we move forward to address the human health and environmental issues that affect minority and low-income communities across our nation.

Continuing EPA's Environmental Justice Efforts

The EPA successes demonstrate that we are making significant headway on the road to environmental justice. To fully integrate and implement these concerns, the EPA and its Federal,

state, tribal, local and community partners continue to work together to build a better model for the future. We are on that path today, and will continue to address all issues that come our way.

In moving forward, we will complete the environmental justice program reviews so that we can appropriately evaluate the effectiveness of EPA's actions for environmental justice. A number of successes thus far have been the result of innovative outreach rather than traditional EPA regulatory activity. That has to be factored into our plans for the future. We will focus on leveraging resources so that we can broaden our reach and replicate successes in encouraging collaborative problem-solving.

We will also finalize the Environmental Justice Strategic Enforcement Assessment Tool (EJSEAT) to enhance the EPA Office of Enforcement and Compliance Assurance's ability to consistently identify potential environmental justice areas of concern and assist in making fair and efficient enforcement and compliance resource deployment decisions. We will evaluate the value of the tool, its strengths and limitations.

Conclusion

Based on the lessons we have learned, we are on a path forward with EPA's environmental justice programs. The Administration places great importance on integrating environmental justice into its work, and EPA will continue to integrate environmental justice considerations into the Agency's core programs, policies and activities and to engage others in collaborative problem-solving to address environmental justice concerns at every turn.

Whenever and wherever we address environmental justice issues, we strive to build staying power in those communities and share any lessons learned with others.

In short, we believe that we are on the right track and have statutory authority and needed flexibility to identify problems and tailor solutions that result in improvements in health and environmental quality for all. We look forward to working with Congress to ensure the continued progress towards this goal.

I would like to thank you, Mr. Chairman, Ranking Member, and other members of this Subcommittee, for inviting me here today to update you on the Agency's progress in integrating environmental justice as a part of the agency's mission in accordance with E.O. 12898. I would be happy to answer any questions you have at this time.