

**EXECUTIVE SUMMARY****INTRODUCTION**

Exhibit ES-1

This executive summary provides highlights of the eighth meeting of the National Environmental Justice Advisory Council (NEJAC), held December 10 through 12, 1996 in Baltimore, Maryland. The Executive Council of the NEJAC met during portions of December 10, 11, and 12, 1996. Each of the six NEJAC subcommittees met for a full day on December 10, 1996 and continued deliberations through the morning of December 11, 1996. Approximately 300 persons attended the meetings. The NEJAC hosted public comment periods on December 10 and 11, 1996.

The NEJAC is a federal advisory committee that was established by charter on September 30, 1993 to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. Mr. Richard Moore, Southwest Network for Environmental and Economic Justice, serves as the chair of the Executive Council. Ms. Clarice Gaylord, EPA Office of Environmental Justice (OEJ), serves as the Designated Federal Official (DFO) for the council. [Exhibit ES-1](#) lists the persons who chair the six NEJAC subcommittees and the EPA staff appointed to serve as DFOs for the subcommittees.

To date, NEJAC has held eight meetings. OEJ maintains public transcripts and summary reports of the proceedings of the meetings. Those documents are available to the public upon request. The public also can access the executive summaries of the reports of previous meetings through the Internet at <http://www.prcemi.com/nejac>.

**OVERVIEW**

Mr. Moore opened the meeting by asking members to reflect on past successes of the environmental justice movement, but reminded them that communities still face great struggles with racism and discrimination. Rather than arouse feelings of sorrow and sadness, these realities should strengthen our resolve to be committed to our responsibilities, he continued. NEJAC is committed to bringing parties together to have open and honest dialogue that at times

**NEJAC CHAIRS AND DFOs**

Executive Council  
Mr. Richard Moore, **Chair**  
Ms. Clarice Gaylord, **DFO**

Enforcement Subcommittee  
Ms. Deeohn Ferris, **Chair**  
Ms. Sherry Milan, **DFO**

Health and Research Subcommittee  
Ms. Mary English, **Chair**  
Mr. Lawrence Martin, **co-DFO**  
Ms. Carol Christensen, **co-DFO**

Indigenous Peoples Subcommittee  
Vacant, **Chair**  
Ms. Elizabeth Bell, **DFO**

International Subcommittee  
Mr. Baldemar Velasquez, **Chair**  
Ms. Doña Canales, **DFO**

Public Participation and  
Accountability Subcommittee  
Ms. Peggy Saika, **Chair**  
Mr. Robert Knox, **DFO**

Waste and Facility Siting Subcommittee  
Mr. Charles Lee, **Chair**  
Mr. Kent Benjamin, **DFO**

may be confrontational, Mr. Moore added. He urged the participants to think seriously about the commitment of government agencies to environmental justice, adding that the federal government should be accountable for addressing environmental injustices.

Ms. Carol Browner, EPA Administrator, expressed the continued commitment of the Clinton Administration to environmental justice and urged members of the NEJAC to continue their "bold approach" in calling issues to the attention of EPA or informing EPA of a better way to conduct its business. The letter sent by President Clinton to the participants is reproduced in [Exhibit ES-2](#).

THE WHITE HOUSE

WASHINGTON

December 9, 1996

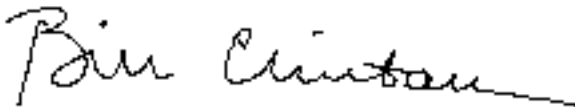
Warm greetings to everyone gathered in Baltimore, Maryland for the eight meeting of the National Environmental Justice Advisory Council. Since NEJAC's first meeting in May of 1994, you have provide invaluable contributions to our efforts to promote environmental justice for all our people.

As you well know, low-income and minority communities have been asked to bear a disproportionate share of the pollution burden in America. My Administration is committed to ensuring that these communities have adequate environmental protection and in the past four years, we have made significant progress.

On February 11, 1994, I issued Executive Order Number 12898 to address this vital issue. Among other measures, the order created an Interagency Workgroup on Environmental Justice and requires that all IWG member agencies incorporate environmental justice in their decision-making. Through the IWG, these federal agencies have mad a commitment that, when developing and implementation federal projects and activities, they will consider the cultural values of natural resources as seriously as environmental values. And the IWG's research and Health Task Force is now a permanent interagency advisory body tat promotes the environmental health of minority and low-income communities. I am pleased that the members of NEJAC have met with the various agencies, and I hope that your valuable dialogue continues.

These and other accomplishments are only a beginning. I remain strongly committed to making progress in environmental justice in the next four years, and I look forward to working with you to ensure that all Americans, regardless of race or income, live in safe and healthy communities,

Best wishes for a productive meeting.



Ms. Browner then highlighted several specific accomplishments of EPA related to environmental justice, including:

- Award of more than 500 environmental justice grants, totaling \$1 million
- Cleanup of more Superfund sites during the past four years than had been accomplished during the preceding 12 years, achieved through maintenance of strong partnerships with community groups
- Cleanup of brownfields sites and the concurrent creation of jobs in brownfields communities
- Expansion of activities conducted to meet the provisions of community right-to-know legislation

Ms. Browner also commented that she is satisfied with the Agency's policy on relocation, as well as the decision to relocate residents living near two Superfund sites in Pensacola, Florida.

The Executive Council of the NEJAC also elected replacements for the departing chairs of the Health and Research and the Indigenous Peoples subcommittees.

The NEJAC hosted public comment periods on December 10 and 11, 1996. More than 40 people participated in the two public comment periods. In addition, three individuals and organizations submitted written comments that were read into the record. Issues discussed during the two public comment periods included concerns about the EPA grant review process, identification of several environmental justice cases related to indigenous peoples and the siting of facilities, identification of transborder issues related to indigenous peoples, and concerns about the status of environmental justice activities related to sites in Puerto Rico.

The Executive Council also heard presentations made by representatives of various EPA program offices, including the Office of Prevention, Pesticides and Toxic Substances, the Office of Water, the Office of Air and Radiation, and the Office of Pesticides. A representative of each EPA regional office also updated the members of the NEJAC about the status of activities and policies related to environmental justice in the EPA regional offices.

## COMMON THEMES

During the meetings of the Executive Council and the subcommittees, the members of the NEJAC discussed a wide range of issues related to environmental justice. Specific concerns raised included:

- Improving the participation of local communities in the planning of NEJAC meetings and the site tours that have become a part of the NEJAC meeting
- Incorporating multicultural perspectives and environmental justice considerations in the award of grants by EPA
- Enhancing the structure of NEJAC to more fully integrate efforts to address environmental justice issues across subcommittees
- Addressing the lack of guidance on integrating environmental justice into the environmental impact statement (EIS) process conducted to meet the provision of the National Environmental Policy Act (NEPA)

Members of the NEJAC expressed concern that local communities in which the NEJAC meets are not included in planning meetings of the NEJAC, including the development of the local site tour. In general, members expressed frustration that representatives of local citizens and community organizations do not participate in the public comment periods, pointing out that the issues of the local community should help to shape the focus of the meeting. Members of the NEJAC pointed to the site tour conducted at the Enforcement and Compliance Assurance Roundtable Meeting in October 1996 in San Antonio, Texas as a good example of community involvement and participation in the planning process.

Members of the NEJAC continued to express concern about issues related to incorporating multicultural perspectives and concerns about environmental justice into EPA's various grant programs. To address those concerns, the NEJAC formed the Environmental Education Grants Work Group at the May 1996 meeting of the NEJAC. The Work Group, which has been tasked to conduct an across-the-board review of EPA grants, will be chaired by Ms. Deohn Ferris, Washington Office on Environmental Justice and

chair of the Enforcement Subcommittee of the NEJAC. The goal of the work group is to develop a set of criteria that will assist EPA in awarding grants.

Members suggested that the agenda of the NEJAC should reflect an integrated approach toward addressing broad-based issues such as the children's health initiative, EPA's Brownfields Initiative, the urban initiative, and proposed rules on air quality. The members recommended that to avoid fragmentation of how the Council approaches environmental justice issues, the NEJAC should develop a strategy that integrates the issues brought before it.

Members also stressed the importance for the White House Council on Environmental Quality to issue guidelines for incorporating considerations of environmental justice into the NEPA process. Members of the NEJAC commented that many problems that arise when concerns related to environmental justice are not considered in the preparation of EISs could be avoided or mitigated. Several cases were presented to the NEJAC which illustrate this concern. The cases include the proposed pipeline at Spirit Lake affecting the Spirit Lake Nation in North Dakota and the proposed pumping station and reservoir affecting the Mattaponi Indian Reservation in central Virginia.

### **SUMMARIES OF THE SUBCOMMITTEE MEETINGS**

Summarized below are the deliberations of members during the meetings of the six subcommittees of the NEJAC.

#### ***Enforcement Subcommittee***

The Enforcement Subcommittee discussed the activities of its work groups and reviewed activities related to the regional Enforcement and Compliance Assurance Roundtable Meeting, held October 17 through 19, 1996 in San Antonio, Texas. The subcommittee also discussed issues related to enforcement and compliance assurance, including state voluntary cleanup programs, diversity in the workforce, and EPA's environmental justice targeting initiatives related to federal facilities.

The status of each work group was reported as follows:

- The Worker Protection Work Group has coordinated its efforts with those of the International Subcommittee of the NEJAC to develop recommendations to EPA on issues related training, enforcement, and the encouragement of a transboundary focus in enforcement of the Worker Protection Standard.
- The Open Market Trading of Air Emissions Credits Work Group addressed the broad issues related to air permits, EPA's air toxics program, and the trading of air emissions credits. In addition, the work group agreed to develop for the consideration of the NEJAC recommendations related to the proposed rule PM-10 on emissions of particulate matter.
- The Work Group on Permitting issued a resolution to adopt the memorandum, Integrating Environmental Justice into EPA's Permitting Authority, for consideration by the NEJAC. The memorandum is intended to encourage EPA to examine ways to address environmental justice issues under various legal statutes.
- The Work Group on the Policy on Supplemental Environmental Projects (SEP) is considering making recommendations to EPA for better using SEPs and involving communities in making decisions about those projects.

The subcommittee reviewed the planning process for, and activities related to, the regional Enforcement and Compliance Assurance Roundtable meeting. Members reported that one lesson learned by the task force responsible for planning the meeting was that, if local communities are to be encouraged to participate in the meeting, they should be involved early in the planning process. The subcommittee agreed to reestablish the task force to review the summary report of the October 1996 roundtable meeting, explore recommendations for improving planning processes, and identify an appropriate location for the next roundtable meeting.

The subcommittee also forwarded for the consideration of the NEJAC a resolution that advises EPA to interpret Title VI of the Civil Rights Act of 1964 in a manner designed to strengthen the protection of civil and

environmental rights by fulfilling the constitutional mandate of equal protection under the law.

### **Health and Research Subcommittee**

Much of the discussion of the Health and Research Subcommittee centered on identifying target areas for the future activities of the subcommittee. Members agreed to work with EPA on risk assessment initiatives in the following areas:

- Development of standard definitions of terms used in risk assessments
- Identification of tools needed to conduct risk assessments in the community
- Identification of tools available from EPA
- Working more effectively with communities to help them use the tools available

In addition, the subcommittee formed three work groups to investigate specific initiatives. The three work groups are:

- Work Group on EPA's Toxics Agenda
- Work Group on Children at Risk in the Environment (Lead and Asthma)
- Work Group on Community-Based Risk Tools

The subcommittee also heard presentations on EPA's toxics agenda and EPA's project to address the effects of cumulative exposure on communities, as well as a briefing on the Baltimore Environmental Justice Community Partnership Pilot Project.

The subcommittee also provided an opportunity for members of the audience to comment on issues related to health and research. Issues presented to the subcommittee include universal lead screening for all children; environmental health problems in Puerto Rico; and environmental health concerns related to subsistence-level living near the Anacostia River in the District of Columbia.

Members of the subcommittee also drafted several resolutions calling for interagency partnerships to address the issue of lead poisoning in children and increased funding to support the work of the National Institute of

Environmental Health Science (NIEHS) related to fostering communication among health researchers, health care providers, and community residents affected by environmental health hazards.

### **Indigenous Peoples Subcommittee**

The deliberations of the Indigenous Peoples Subcommittee focused on a number of environmental justice cases related to indigenous peoples. The members of the subcommittee also reviewed resolutions and selected action items that had been identified during the December 1995 and the May 1996 meetings of the subcommittee.

The environmental justice cases discussed by the subcommittee included:

- The status of Oklahoma tribes with regard to regulatory authority under the Clean Water Act
- The concern of the Chugachmiut Environmental Protection Consortium about cumulative effects of wastes discharged into the Upper Cook Inlet in Alaska
- The opposition of Spirit Lake Nation to the construction of a pipeline from Spirit Lake to the Sheyenne River in North Dakota
- The opposition of the Mattaponi Indian Tribe to the construction of a pumping station and reservoir in Virginia
- The opposition of the Fort Mojave Indian Tribe to the construction of a low-level radioactive waste facility near Ward Valley, California
- The concern of the Traditional Klickitat and Cascade Band of Yakima about discharge of waste into the Columbia River, Washington
- The opposition of Walpole Island First Nation of Ontario, Canada to the discharge by a chemical company of toxic waste into the St. Clair River

After discussing the cases, the subcommittee forwarded resolutions to the NEJAC calling for EPA to address the specific concerns pertinent to each case.

Members also expressed concern that the Indigenous Peoples Subcommittee no longer counted a tribal elder among its members. Describing the significant role the tribal elder plays in the Native American culture, the subcommittee forwarded to the NEJAC a resolution requesting the appointment of a tribal elder to the subcommittee.

### **International Subcommittee**

Much of the meeting of the International Subcommittee was devoted to presentations and updates on various international conferences and EPA programs related to international environmental justice issues. Discussions focused on updates on EPA's Mexican programs; Bolivia Hemispheric Conference on Sustainable Development held in Santa Cruz, Bolivia; the Habitat II Conference held in Istanbul, Turkey; EPA's South African program; the environmental law program of the United Nations Environmental Programme; and the South African Exchange Program on Environmental Justice.

Staff of EPA's Office of International Activities (OIA) also updated the members of the subcommittee on EPA's policy on international activities. Members of the subcommittee voiced concern that the term "environmental justice" is not used in the international forum because of misunderstandings or misconceptions about the issue. The subcommittee urged OIA to use the report, "Environmental Performance Reviews - United States" to define the term "environmental justice" to the international community.

The International Subcommittee adopted a mission statement that outlines the charge of the subcommittee. The statement pledges the subcommittee to examine and make recommendations about international issues that affect human health and the environment in a global context.

Other activities of the subcommittee included discussions about the status of the letter to the EPA Administrator expressing concern about the lack of public participation in the Border Environment Cooperation Commission (BECC) and the proposal to host a roundtable discussion of international issues.

### **Public Participation and Accountability Subcommittee**

The deliberations of the Public Participation and Accountability Subcommittee focused on improving public participation by developing strategies to distribute the NEJAC's model plan for public participation; promoting the plan's integration into EPA activities; improving the NEJAC's interaction with communities; and integrating public participation in policy development and decision making at national, state, and local levels. The subcommittee also discussed various environmental justice issues related to public participation, such as those related to the Enforcement and Compliance Assurance Roundtable meeting and the review of the EPA grant process. The subcommittee also reviewed the successful effort to integrate the Model Plan for Public Participation developed by the subcommittee. OEJ has received many requests for copies of the plan from other federal agencies and associations.

The activities of the subcommittee included review of the action items agreed upon at the May and September 1996 meetings of the subcommittee and discussion of the role of the subcommittee within the NEJAC. The subcommittee forwarded a resolution to the NEJAC calling for the establishment of a joint meeting with representatives of the other NEJAC subcommittees to discuss issues related to public participation. The subcommittee also identified goals and objectives for 1997 which include, develop methods for distributing and evaluating the Model Plan and establishing procedures to ensure accountability of the NEJAC.

The subcommittee also heard presentations on training in environmental justice for personnel of EPA's Office of Enforcement and Compliance Assurance as well as activities of the Baltimore, Maryland Environmental Justice Community Partnership Pilot Project.

### **Waste and Facility Siting Subcommittee**

The Waste and Facility Siting Subcommittee of the NEJAC heard a number of presentations from EPA on such policies as relocation, the Brownfields Action Agenda, and guidance related to siting issues. The subcommittee believes it has been instrumental in helping EPA to view issues related to environmental justice in a new way through such activities as the community relocation roundtable meeting held in Pensacola, Florida in May 1996 and the hosting of public

dialogues on Brownfields in 1995. The report on the public dialogues on urban revitalization and brownfields is available on EPA's brownfields home page on the Internet.

Members of the subcommittee discussed issues they believe EPA should investigate, including

- Determining the role of local government agencies during the relocation process
- Preserving the integrity of communities during the relocation process
- Considering the desired outcomes and overall objectives of each relocation effort
- Identifying situations in which residents may or may not wish to be relocated

Members also reminded EPA to include tribal issues among efforts conducted under the Brownfields Initiative. In addition, members expressed concern about an emphasis on "urban" areas, because the term "urban" takes on a different meaning on tribal lands.

Members of the subcommittee discussed the complexity of issues involved in the siting of facilities. Siting issues discussed are:

- The existence of social as well as technical issues that must be addressed during the decision-making process
- The need for better understanding of the "bottom-up, community involvement paradigm" because the community's perspective on community involvement and community-based planning differs from that of a federal agency
- The need to address such issues as cumulative risk and disproportionate burdens through a coordinated approach among agencies, with the recognition that those issues never have a "purely urban" context
- The need for a process that goes beyond discussions at NEJAC meetings to address siting issues
- The need for a series of facility siting roundtable meetings, similar to the relocation roundtable meeting, with the subcommittee encouraging appropriate people to participate

The subcommittee also heard a report on the Petroglyph National Monument in Albuquerque, New Mexico, considered by the Pueblo Indians a sacred religious site. Members of the subcommittee agreed to track the issues that affect the case, including plans by the city of Albuquerque to construct two commuter highways through the monument. In addition, the subcommittee heard a presentation on Brownfields by the American Society for Testing and Materials Proposed Task Group.

The subcommittee also discussed its future focus and identified several areas that might warrant investigation. Those areas include hosting a series of public hearings on the EPA rule on revisions to standards for particulate matter and ozone levels; reviewing issues associated with the development of community impact statements; seeking consistency in the way in which EPA initiatives are carried out; recommending that regulations that govern the permitting process be revised to mandate public notification; becoming involved in the Superfund reauthorization process; and developing a check list of cleanup actions that are needed at the nine Superfund sites in Puerto Rico.

## CONCLUSION

The next meeting of the NEJAC will take place at Indian Country in May 1997. Activities will include a site tour of the local community and two opportunities for the public to offer comment.