



NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

20-Year Retrospective Report (1994 – 2014)

CONTENTS

Executive Summary	5
Major NEJAC Advice and Recommendations	6
Practicing Meaningful Engagement	6
Encouraging Equitable Development, Revitalization, and Land Use.....	6
Expanding Community Capacity for Problem-Solving	7
Expanding Research and Assessing Risks	7
Enhancing Regulatory Authorities and Policies	7
Improving Relations with Tribal Governments and Indigenous Peoples.....	7
Promoting Strategies to Reduce the Impacts of Goods Movement Activities	8
Improving Emergency Preparedness, Prevention, and Response.....	8
Climate Change and Health	8
Conclusions	9
Introduction.....	10
NEJAC Overview.....	11
NEJAC Influence and Impacts of Advice and Recommendations:	13
A Retrospective Analysis.....	13
Practicing Meaningful Engagement	14
The Model Plan for Public Participation	14
Mechanisms to Enhance Stakeholder Involvement and Management.....	14
Enforcement Roundtables.....	16
Environmental Justice Issues on the U.S. –Mexico Border	17
Federal Facilities	18
Ensuring Long-Term Engagement of Communities in Gulf Coast Ecosystem Restoration.....	19
Encouraging Equitable Development, Revitalization, and Land Use	20
EPA’s Brownfields Program	20
Unintended Impacts of Redevelopment and Revitalization Efforts.....	22
Expanding Community Capacity for Decision-Making	24
Capacity Building for Communities Impacted by Goods Movement	26
Enhancing Capacity of School Communities	27

Enhancing Research and Assessing Risks	29
Cumulative Risk Assessment Framework.....	29
Community-Based Health Models	30
Environmental Justice Cross-cutting Research Roadmap (EJ Roadmap)	31
Improving Aquatic Ecosystems	32
Enhancing Regulatory Authorities and Policies.....	34
EPA Superfund Permanent Relocation Policy	34
EPA Waste Transfer Station Siting and Operations Guidance	35
Legal Authorities to Address Environmental Justice	36
Pollution Prevention.....	37
Ensuring National Consistency in Identifying Areas of Concern	38
EPA's Role in Leading Environmental Justice Change	40
Strategic Planning	41
Permitting in EPA	42
Improving Relations with Tribal Governments and Indigenous Peoples	45
Supporting Tribal Capacity for Advancing Environmental Justice	45
Promoting Strategies to Reduce Impacts of Goods Movement Activities	49
Improving Emergency Preparedness, Prevention, and Response	51
Gulf Coast Hurricanes and Environmental Justice	51
Improving Chemical Plant Disasters.....	52
Climate Change and Health	54
Strengthening the Participation of Business and Industry in Environmental Justice, Green Business and Sustainability	54
The Path Forward.....	56
NEJAC's Continuing Contributions.....	56
Appendix A.....	57
Historical NEJAC Membership	57
2014	57
2013-2014	57
2011-2012	57
2009-2010.....	57
2007-2008.....	58

2005-2006	58
2004	58
2003	58
2002	58
2001	59
2000	59
1999	59
1998	59
1995-1996	60
1994	60
Appendix B.....	61
Current and Former EPA Officials and NEJAC Members with Discussions Were Conducted.....	Whom 61

EXECUTIVE SUMMARY

This report documents the work of one of the most successful Federal advisory committees in the history of the U.S. Environmental Protection Agency (EPA). The National Environmental Justice Advisory Council (NEJAC) was established by EPA on September 30, 1993 to provide independent advice to the EPA Administrator on broad, cross-cutting issues related to environmental justice.

Over the course of its history, NEJAC has provided a crucial forum for the discussion and elevation of issues critical to the environmental justice movement and the integration and consideration of environmental justice within the work of EPA and the larger Federal family. NEJAC's influence has spanned the environmental justice spectrum from foundational issues of meaningful involvement and land use to future direction on science and fundamental policy issues related to regulations and rules. NEJAC has convened meetings on all three coasts and many points in between. Its members have ranged from leaders of business and industry to leaders of tribal governments, citizen advocates, world-renowned scholars and, most importantly, residents of communities facing their own environmental justice challenges. The products and presence of this body have made an undeniable impact upon the Agency it serves, and an impact which continues to generate progress on environmental justice through its past advice and current endeavors.

It has also served as a place of convening for the many citizens, advocates and supporters of environmental justice throughout the United States. Though perhaps easily overlooked, this is one of the most important aspects of NEJAC – as a consistent space where officials from EPA and other Federal agencies can convene with a broad spectrum of those working to support environmental justice not only to hear advice and recommendations, but to come together as individuals in a spirit of friendship, collaboration and mutual respect. The ability to come together has always been a hallmark of the strength of environmental justice as a movement, and similarly grounds and supports EPA's continuing efforts to further environmental justice within and throughout the Federal family.

NEJAC conducts an evaluation of a broad range of strategic, scientific, technological, regulatory, and economic issues related to environmental justice. NEJAC's primary objectives are to provide advice and recommendations about EPA's effort to:

- Integrate environmental justice considerations into Agency programs, policies, and activities;
- Improve the environment or public health in communities disproportionately burdened by environmental harms and risks;
- Address environmental justice to ensure meaningful involvement in EPA decision-making, build capacity in disproportionately burdened communities, and promote collaborative problem solving for issues involving environmental justice;
- Strengthen its partnerships with other government agencies, such as other Federal agencies and State, tribal, and local governments, regarding environmental justice issues; and
- Enhance research and assessment approaches related to environmental justice.

This report provides a 20-year retrospective of the activities of NEJAC from 1994 through 2014. The goals of this report are to demonstrate and document the impact that the NEJAC has had on EPA's environmental justice development during this twenty year period by highlighting the key advice and recommendations of NEJAC, capturing the major NEJAC milestones and reports during this period, and examining EPA's responses and changes that have occurred within the Agency thanks to NEJAC efforts. This report was prepared by conducting a review of past NEJAC advice and recommendations, and conversing with sixty (60) current and former EPA officials and NEJAC members.

MAJOR NEJAC ADVICE AND RECOMMENDATIONS

NEJAC has provided advice and recommendations to EPA on a large and diverse number of environmental justice issues over this 20-year period. Its recommendations have served to influence every EPA program area, and had a tremendous impact on the maturation of environmental justice within EPA and throughout the United States due to the critical leadership role EPA plays on environmental justice issues nationally. Thanks to the advice and recommendations provided by NEJAC, the Council has often been at the forefront of important environmental justice issues, e.g., brownfields redevelopment, cumulative risks and impacts, urban revitalization, and the impact of climate change on communities. The result is that NEJAC has helped to achieve a visible difference in communities across the United States.

Over the past 20 years, the NEJAC's influence and impacts have benefited EPA and other stakeholders in the following key areas:

PRACTICING MEANINGFUL ENGAGEMENT

Throughout its existence, NEJAC has stressed and strongly encouraged the need to meaningfully engage communities, especially underserved, overburdened, and underrepresented populations. NEJAC's work in this area includes:

- Developing the pioneering Model Plan for Public Participation;
- Convening a roundtable to discuss environmental justice issues in the U.S.-Mexico Border region; and
- Addressing community engagement issues around federal facilities.

ENCOURAGING EQUITABLE DEVELOPMENT, REVITALIZATION, AND LAND USE

NEJAC understands that environmental justice is not limited to community engagement and community clean-up. Equally important, the Council realizes sensitivities to environmental justice carry through to community recovery and redevelopment. NEJAC work in this area includes:

- Ensuring that environmental justice concerns were incorporated into EPA's Brownfields Redevelopment Initiative and associated grants program; and
- Addressing community concerns about unintended adverse impacts that resulted during EPA's cleanup, redevelopment, and revitalization efforts.

EXPANDING COMMUNITY CAPACITY FOR PROBLEM-SOLVING

NEJAC believes that building the capacity of communities and enhancing their ability to meaningfully participate in the improvement of their communities is critical to any effort to address environmental justice concerns. NEJAC work in this area includes:

- Supporting the EPA Community Action for a Renewed Environment (CARE) program; and
- Examining mechanisms to monitor air toxics in school communities and best practices for ensuring that school communities are engaged about efforts to identify and address air toxics.

EXPANDING RESEARCH AND ASSESSING RISKS

NEJAC stresses that effective research and an assessment of risks are critical to addressing environmental justice. The Council's work in this area includes:

- Addressing cumulative risks and impacts in response to EPA's Cumulative Risk Assessment Framework; and
- Identifying ways to integrate environmental justice into EPA's Research Enterprise.

ENHANCING REGULATORY AUTHORITIES AND POLICIES

NEJAC has urged EPA to enhance and improve its regulatory authorities and policies to protect the health of vulnerable communities. Examples of the cutting edge NEJAC work in this area include:

- Outlining best practices for developing a Superfund Permanent Relocation Policy for low-income and minority residents living in proximity to toxic waste sites;
- Advising on the development of guidance on the siting and operations of waste transfer stations in disadvantaged communities;
- Urging EPA to define legal authorities under its various environmental statutes to address environmental justice issues;
- Urging the development of nationally consistent environmental justice screening tools; and
- Advising on how to better integrate environmental justice into permitting programs.

IMPROVING RELATIONS WITH TRIBAL GOVERNMENTS AND INDIGENOUS PEOPLES

NEJAC has assisted EPA in developing effective government to government relationships with federally recognized tribes, and in developing effective relationships with all other indigenous peoples to address their environmental justice concerns. This work includes:

- Producing a Guide on Consultation and Collaboration with Indian Tribal Governments and Indigenous Peoples, and the Public Participation of Indigenous Groups and Tribal Members in Environmental Decision Making;
- Outlining how EPA could assist tribes in providing meaningful public involvement as they develop and implement federally-approved tribal environmental regulatory programs;
- Reviewing EPA's draft Policy on Environmental Justice for Tribes and Indigenous Peoples; and
- Advice on [Fostering Environmental Justice for Tribes and Indigenous Peoples](#), as well as advice on the [draft policy on EJ for tribes and indigenous peoples](#), and helped inform the development of the [EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#).

PROMOTING STRATEGIES TO REDUCE THE IMPACTS OF GOODS MOVEMENT ACTIVITIES

NEJAC focused on ways in which EPA can support reducing pollution and its impacts on communities with environmental justice concerns living near facilities. NEJAC advised EPA on ways in which it could:

- Reduce air pollution from goods movement, with a focus on the pollution impacts on communities with environmental justice concerns living near goods movement facilities.

IMPROVING EMERGENCY PREPAREDNESS, PREVENTION, AND RESPONSE

In the aftermath of the 2005 Gulf Coast Hurricanes, NEJAC provided advice and recommendations to help EPA better address concerns of communities that have been, as well as may be in the future, impacted by emergency events and disasters. NEJAC has provided critical advice to EPA regarding:

- Changing EPA emergency management procedures to ensure environmental justice concerns are adequately addressed for future major emergency events;
- Ensuring communities are engaged in the planning and response to such events, and
- Improving Agency preparedness and response to chemical plant disasters.

CLIMATE CHANGE AND HEALTH

In recent years, NEJAC has provided constructive advice about the public health dangers of climate change, particularly for vulnerable communities. NEJAC work in this area includes:

- Taking proactive action to address the effects of storm surges on industrial waterfront communities; and
- Addressing climate change as part of on green business and sustainability efforts, working with indigenous communities, and as part of EPA's Clean Power Plan.

CONCLUSIONS

It is clear from the brief examples above that NEJAC has been a tremendous asset to EPA and many stakeholders over its first 20 years. In addition to its primary role to provide advice to EPA, the Council has helped to create a significant and abiding sensitivity to environmental justice throughout EPA by creating a forum for affected stakeholders, and conducting meetings in locations with significant environmental justice concerns. The NEJAC brings together representatives of diverse and divergent stakeholder groups, such as affected communities, academic institutions, business and industry, state and local government, tribal government and indigenous organizations, and non-governmental and environmental organizations, to deliberate on key environmental justice issues. The unique cross-stakeholder perspective made possible by this diverse representation means that NEJAC advice and recommendations have had a significant impact on EPA programs, policies, and activities -- from brownfields cleanup to emergency management to climate change. It has, perhaps just as importantly helped to educate other stakeholders about EPA, and the importance of addressing environmental justice issues. EPA and NEJAC have created a successful partnership which has helped to put a real face on environmental justice at EPA and throughout the country.

While this retrospective report documents how, during its first 20 years, NEJAC has significantly impacted the consideration of environmental justice by the Agency, this important advice to EPA is still needed. In fact, as NEJAC completed its twentieth year of operation in 2014, it was already at work addressing more recent environmental justice challenges, such as:

- Providing advice to EPA on its Clean Power Plan;
- Providing advice to EPA as it implements EJSCREEN, an on-line tool for environmental justice mapping and screening; and
- Exploring youth perspectives on climate justice.

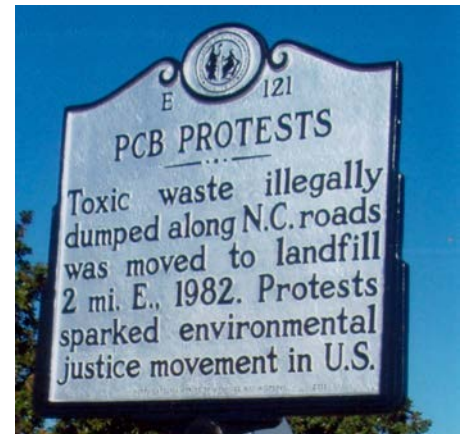
NEJAC's critical advice to EPA driving forward environmental justice considerations and advancements must continue in the future. NEJAC, in partnership with EPA, is already off to a great start on that future.

INTRODUCTION

The massive protests in 1982 over the designation of a predominantly African-American community in Warren County, North Carolina as the site of a hazardous waste landfill, is often regarded as the beginning of the environmental justice movement. It brought the issues of environmental justice into the national spotlight. Although the protest failed to prevent the siting of the landfill, it triggered various reports by the U.S. General Accounting Office and the United Church of Christ's Commission for Racial Justice which found that hazardous waste landfill sites were located mostly in poor African-American and Latino communities and that race was the most significant factor in the siting of hazardous waste facilities.^{1, 2} In response to public concerns, the U.S. Environmental Protection Agency (EPA) created the Office of Environmental Justice (initially named the Office of Environmental Equity) in 1992 and implemented a new organizational infrastructure to integrate environmental justice considerations into EPA's policies, programs, and activities.

To further strengthen the program, the Agency also established the National Environmental Justice Advisory Council (NEJAC) on September 30, 1993 by charter pursuant to the Federal Advisory Committee Act (FACA). The NEJAC was created to help strengthen EPA programs by providing input from a diverse group of stakeholders about a broad range of environmental justice issues.

For two decades, NEJAC has been instrumental in providing advice and recommendations to the EPA about how to best address environmental justice concerns across the country. EPA commissioned this report to document and highlight the impact of NEJAC's role, advice, and recommendations over the past 20 years that have shaped specific EPA programs, policies, and activities.



Warren County, NC landfill marker

"The NEJAC concept rose out of a set of recommendations from the Michigan Coalition in 1990. ... this early vision of a foundational tool for communities... has become the liaison to EPA for capturing the impacts, opportunities, and solutions for addressing environmental public health concerns faced daily by our most vulnerable, overburdened and underserved communities throughout the US."

--Mustafa Santiago Ali, Assistant Associate Administrator and Senior Advisor for Environmental Justice and Community Revitalization to EPA Administrator Gina McCarthy

¹ General Accounting Office (1983). Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities.

² The United Church of Christ's Commission for Racial Justice (1987). Report on *Toxic Wastes and Race in the United States*.

NEJAC OVERVIEW

The NEJAC was established to provide independent advice and recommendations to the EPA Administrator with respect to integrating environmental



What is Environmental Justice?

Environmental justice is the "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

Meaningful Involvement means that:

People have an opportunity to participate in decisions about activities that may affect their environment and/or health;

The public's contribution can influence the regulatory Agency's decision;

Their concerns will be considered in the decision making process; and

The decision makers seek out and facilitate the involvement of those potentially affected.

justice considerations into EPA's programs, policies, and day-to-day activities. The NEJAC, comprised of up to 29 members, is composed of a diverse group of people from community-based organizations, business and industry, academic and educational institutions, state and local governments, tribal governments and indigenous organizations, and non-governmental and environmental organizations. The appointment of members is given careful consideration to ensure a balanced perspective of a diverse stakeholder group is represented. Members have staggered terms, and the membership is rotated to provide the widest participation possible by the greatest number of stakeholders.

The issues around environmental justice are often complex and involve strongly divergent viewpoints. The NEJAC generally meets in person twice each year, in addition to several teleconference calls, focusing on cutting-edge topics about human health and environmental conditions in all communities, in particular minority populations and low-income populations.

From its establishment in 1993 to 1999, NEJAC generated a number of products and provided consensus advice to help the Agency focus its environmental agenda, including hosting several public dialogues and roundtable meetings. For example, during the summer of 1995, public dialogues were conducted in five major cities concerning possible solutions to urban crises resulting from the loss of economic opportunities caused by pollution and the relocation of businesses. These dialogues affirmed that people of color and low income communities always have had concerns about their built environment. The meetings were intended to provide an opportunity, for the first time, for environmental justice advocates and residents of impacted communities to systematically provide input regarding issues related to EPA's Brownfields Economic Development Initiative. To gather input from community stakeholders on specific issues, NEJAC conducted various Roundtable meetings across the country. For instance, in May 1996, NEJAC and EPA co-sponsored a Roundtable on Superfund Relocation issues in Pensacola, FL, to help EPA determine how relocation should be considered in low-income and minority communities

"My role is *not* to set the agenda, but instead to receive advice. I hope that the Council will take a strong stand and make bold recommendations to EPA and other agencies."

--Former
EPA Administrator Carol M.
Browner

during any cleanup decision. The first and second NEJAC/EPA Enforcement Roundtables were held in October 1996 and December 1997 in San Antonio, Texas and Durham, North Carolina, respectively. The first Roundtable on Environmental Justice on the U.S.—Mexico Border was held on August 19-21, 1999 in National City, California in an effort to provide guidance to EPA regarding international issues related to environmental justice.

On November 16, 2001, EPA approved the NEJAC Strategic Plan.^{3,4} This Strategic Plan was designed to cover a two year period. It was premised on NEJAC's belief that it can best promote environmental justice and fulfill its mission by refocusing its processes and products on public policy issues, while redirecting site-specific issues, to the EPA Regional Offices, who have the responsibility and authority to address these types of issues. NEJAC agreed that it would provide advice to EPA via reports, letters, resolutions, and informal advice. NEJAC agreed to meet approximately twice a year. Each meeting will include opportunities for public comment that ensure reasonable time for all members of the public to provide comments. NEJAC will make every effort to reach consensus on the advice to be rendered to the EPA Administrator on the public policy issues discussed. In 2007, NEJAC also incorporated public teleconference meetings as a method to expand public participation at its meetings beyond the two in-person meetings held annually.

As a Federal Advisory Committee, NEJAC is governed by the provisions of the Federal Advisory Committee Act of October 6, 1972, which require that all members attend and participate in NEJAC meetings; meetings must be open to the public; meetings must be announced in the Federal Register; public meetings must allow public participation; materials distributed during the meeting must also be available to the public; meeting minutes must be kept and made available to the public; a Designated Federal Officer (DFO) must be present at meetings; and NEJAC must provide independent advice and recommendations. The NEJAC provides an environment for all parties to express their concerns and to formulate independent, cogent, and timely advice and recommendations to EPA on major public policy issues. In addition, the diverse make up of NEJAC allows for advice and recommendations that are multidisciplinary and reflect a variety of stakeholder perspectives. In these ways, NEJAC assists in integrating environmental justice into EPA's policies, programs, and activities.

³ National Environmental Justice Advisory Council (November 2001). *National Environmental Justice Advisory Council Strategic Plan*.

⁴Hill, Barry (November 2001). Letter in response to the *National Environmental Justice Advisory Council Strategic Plan*.

NEJAC INFLUENCE AND IMPACTS OF ADVICE AND RECOMMENDATIONS: A RETROSPECTIVE ANALYSIS

Since its inception, NEJAC has played an important role ensuring that EPA is appropriately addressing issues that affect communities disproportionately impacted by environmental hazards. As an advisory body consisting of representatives of a broad spectrum of stakeholders, NEJAC has provided consensus advice and recommendations to the Agency for creative and collaborative strategies to better address the human health and environmental protection needs of vulnerable, disadvantaged and underserved communities. It also has helped to ensure that the goal of environmental justice is being integrated into Agency policies, programs, and activities.

The NEJAC has also played an essential role in shaping the perspectives of the people whose lives NEJAC has touched. Several former and current members of the NEJAC and EPA staff have praised the knowledge and opportunities that they have obtained due to the NEJAC, as it brings diverse stakeholders and EPA together in constructive ways to address environmental justice issues. It serves as a forum in which multidisciplinary stakeholders collaborate to share insights, knowledge, and experience. NEJAC members take this acquired leadership experience, knowledge, and relationships to their respective communities and organizations to solve environmental justice concerns, such as Harold Mitchell's leadership to positively transform Spartanburg, South Carolina. Former members of the NEJAC and its subcommittees and workgroups have also continued to pursue their passion in environmental justice by joining the EPA, including Charles Lee, Mathy Stanislaus, and Andrew Sawyers. Drawing on their real world experience, these individuals have then improved the ability of EPA to integrate environmental justice into its programs, policies, and activities.

The NEJAC has also been instrumental in bringing cutting-edge and emerging issues to the Agency's attention, as it provides an important outside perspective from stakeholders to whom the EPA staff would otherwise not have access. These perspectives greatly assist EPA in addressing environmental justice issues. Since the members provide a real world perspective and experience, the NEJAC can ground-truth the issues with EPA and other organizations. Moreover, the NEJAC has also played a significant role in educating and sensitizing EPA managers and staff on environmental justice and the needs of tribal governments and indigenous communities. It has made EPA personnel more aware of the issues that are pertinent to communities with environmental justice concerns.

The nature of the NEJAC, including its composition, function, and operation, promotes "themes" of community engagement, leadership development, capacity building, diversity, and forward thinking. This report explores and highlights how NEJAC advice and recommendations have influenced and had an impact on the integration of environmental justice considerations into EPA programs, policies, and activities, as well as communities with environmental justice concerns benefiting from NEJAC's influence on Agency decisions. This information is gathered from reports produced by the NEJAC as well as information provided by various NEJAC and EPA stakeholders.

PRACTICING MEANINGFUL ENGAGEMENT

Meaningful engagement is one of the two key components of achieving environmental justice and requires that all potentially affected stakeholders have the opportunity to actively participate during the whole decision-making process and that their concerns are considered as decisions are made. This is a key component of most, if not all, NEJAC advice and recommendations. The NEJAC stresses and strongly encourages the need to meaningfully engage communities, especially those underserved, overburdened and under-represented that have been disproportionately impacted by environmental hazards. The NEJAC has provided significant advice and recommendations which have contributed to EPA's community engagement, stakeholder involvement, and management policies and procedures.

THE MODEL PLAN FOR PUBLIC PARTICIPATION

One of the earliest examples of NEJAC's impact on practicing meaningful engagement is the Model Plan for Public Participation (1996). In order to ensure that decisions affecting human health and the environment embrace environmental justice considerations, NEJAC requested that its Public Participation and Accountability Subcommittee develop a [Model Plan for Public Participation](#) in 1994.⁵ The Model Plan (Updated in 2000 and 2013) contains the critical elements for conducting public participation (preparation, participant logistics, and mechanics), core values and guiding principles for public participation, and an environmental justice public participation checklist for government agencies. The revised model plan (January 2013), renamed the *Model Guidelines for Public Participation*⁶, also complements the EPA's first environmental justice strategic plan, Plan EJ 2014, the roadmap intended to help EPA integrate environmental justice into the Agency's programs, policies, and activities.

Several current and former NEJAC members and EPA officials noted that the Model Plan (in all its incarnations) has been broadly used by a wide variety of stakeholder groups, e.g., community based organizations, state and local officials, and private sector organizations. The Model Plan has also been very helpful to EPA officials.

MECHANISMS TO ENHANCE STAKEHOLDER INVOLVEMENT AND MANAGEMENT

⁵ National Environmental Justice Advisory Council (February 2000). *The Model Plan for Public Participation*.

⁶ National Environmental Justice Advisory Council (January 2013). *Model Guidelines for Public Participation: An Update to the 1996 NEJAC Model Plan for Public Participation*.

The significance of practicing meaningful engagement with communities with environmental justice concerns and other stakeholders is further demonstrated when EPA requested, (December 29, 2005), that the NEJAC provide advice and recommendations on how EPA could improve and enhance its stakeholder involvement and engagement mechanisms to achieve environmental justice for all communities. Specifically, EPA asked the NEJAC what venues or methods EPA could use to obtain public policy advice; how to receive timely counsel on concerns that require decisions on short notice; and what best mechanisms could be used to build a collaborative problem-solving capacity among EPA's regulatory partners and environmental justice stakeholders. In response, the NEJAC submitted a letter report on August 10, 2006, entitled *Future Mechanisms to Enhance Stakeholder Involvement and Engagement to Address Environmental Justice*, which recommended several mechanisms for collaborative, interactive EPA policy development and practical means to obtain fast-tracked, yet informed advice on topical issues. NEJAC also recommended that EPA continue to support the NEJAC as the primary public policy advice mechanism on environmental justice issues and concerns.⁷

In addition, NEJAC recommended that EPA do the following:

- EPA should work with other organizations to support listening sessions, symposia, workshops, conferences, and other forums on environmental justice-related subjects. Such venues have the dual purpose of ensuring continued community and stakeholder input to EPA and other government agencies, and just as important, provide an opportunity for different groups to interact with each other. EPA and others can conduct these forums in the context of ongoing programmatic activities of EPA and in collaboration with other governmental and non-governmental organizations.
- EPA should explore the idea of supporting in, collaboration with other organizations, a biennial conference on environmental justice. The purpose of such a conference will be to provide a venue for providing information and dialogue regarding current and new initiatives, policy and program developments, new research, new collaborations, lessons learned, and best practices. It also can serve as an excellent venue to conduct training.

On February 2, 2007, EPA responded to the NEJAC recommendations, noting that⁸ EPA continues to build the capacity of its regulatory partners and environmental justice stakeholders to engage in constructive and collaborative problem-solving to address

"As we look to the 21st century, what endeavor could possibly be more obviously logical and deserving of our national attention, expertise, and resources; or more meaningful and spiritually nourishing than that of revitalizing America's urban areas and ensuring healthy and sustainable communities—both urban and rural. A challenge so great as this cannot be met without compelling visions of what constitutes healthy and sustainable communities. We have found that such visions already exist in highly coherent and vibrant ways within many communities across the nation."

-- Charles Lee, Deputy Associate
Assistant Administrator for Environmental
Justice, Office of Enforcement and
Compliance Assurance

⁷ National Environmental Justice Advisory Council (August 2006). *Future Mechanisms to Enhance Stakeholder Involvement and Engagement to Address Environmental Justice*.

⁸ Nakayama, Granta. (February 2007). Letter in response to *Future Mechanisms to Enhance Stakeholder Involvement and Engagement to Address Environmental Justice*.

environmental justice issues. EPA is moving forward with a host of activities, such as providing financial assistance, training, educational materials, and incentives.

In addition to the above EPA actions in response to NEJAC's advice and recommendations, the Federal Interagency Working Group on Environmental Justice (EJ IWG), chaired by EPA, traveled around the country to conduct listening sessions with communities with environmental justice concerns. Community leaders often attended EJ IWG meetings to provide federal agencies with information regarding environmental justice issues in their community and how agencies can be involved to address these issues. Furthermore, due to the NEJAC's continuous push for meaningful engagement and collaborative problem-solving capacity, EPA has embraced the Model Guidelines for Public Participation and incorporated the recommendations from *Future Mechanisms to Enhance Stakeholder Involvement and Management*⁹ when addressing environmental justice concerns. This emphasis on practicing meaningful engagement with communities with environmental justice concerns has impacted the processes guiding how EPA interacts with communities.

ENFORCEMENT ROUNDTABLES

An example of EPA actively and meaningfully engaging community stakeholders of concern includes the Enforcement Roundtables in 1996-1997 to enhance public participation and involvement in enforcement and compliance activities. NEJAC recommended that EPA hold enforcement roundtables. These successful Roundtables also allowed community organizations and government agencies to share strategies for responding to environmental justice concerns. Consequently, EPA and NEJAC co-sponsored the first Enforcement Roundtable on October 17-19, 1996 in San Antonio, Texas.¹⁰ The Roundtable resulted in recommendations on the development of policies to enhance public participation in enforcement and compliance activities. In addition, a second Enforcement Roundtable was conducted on December 1997 in Durham, North Carolina.

The participants of the Enforcement Roundtables, which included individuals and representatives of local community grassroots organizations; business and industry; federal, state, tribal, and local agencies; and members of the NEJAC, provided a set of recommendations to EPA. Recommendations agreed upon by participants included the following:

- EPA needs to hold states accountable when enforcement authority is delegated to the states.
- EPA needs to ensure community involvement and participation in the implementation, evaluation, and modification of environmental programs.
- EPA should work to increase state participation in future Enforcement Roundtable Meetings.
- EPA should strengthen community monitoring of enforcement and compliance activities.

⁹ National Environmental Justice Advisory Council (August 2006). *Future Mechanisms to Enhance Stakeholder Involvement and Engagement to Address Environmental Justice*.

¹⁰ National Environmental Justice Advisory Council (October 1996). *Report of the Environmental Justice Enforcement and Compliance Assurance Roundtable*.

In response to the recommendations, EPA has made a conscious effort to host open dialogues with communities so that communities can actively participate in the implementation and evaluation of environmental programs. For example, EPA invites stakeholder comments on changes to its policies, programs, and activities.

In addition, EPA works in partnership with states to create a [State Review Framework](#) (SRF) to consistently assess EPA and state enforcement of the Clean Water Act (CWA), the Clean Air Act (CAA), and Resource Conservation and Recovery Act (RCRA). Designed collaboratively in 2004 by EPA and the [Environmental Council of the States](#) (ECOS), the SRF reports allow EPA to identify recommendations for improvement to ensure fair and consistent enforcement and compliance programs across the states. EPA Plan EJ 2014 also emphasizes the Office of Enforcement and Compliance Assurance's role to effectively inform communities of enforcement activities.

ENVIRONMENTAL JUSTICE ISSUES ON THE U.S. – MEXICO BORDER

Another example of how NEJAC advice and recommendations regarding meaningful participation have impacted EPA is documented in the NEJAC Report, *Unheard Voices from the Border: A Report on Environmental Justice in the U.S.-Mexico Border Region from the Past to the Future*.¹¹ Although it does not convey formal consensus recommendations, the report of the joint EPA-NEJAC Roundtable on U.S. –Mexico border environmental justice issues reflected recommendations offered by participants of the Roundtable, including NEJAC members:

- Improve public participation processes by building community capacity and promoting reform of U.S., Mexican, and international institutions, including the North American Commission for Environmental Cooperation, and agencies such that community input is better taken into account in programmatic priorities.
- Broaden environmental protection programs at the border beyond water infrastructure issues.
- Strengthen and improve coordination of national and cross-border environmental enforcement efforts.
- Strengthen tribal government capacity and involvement in programs of the U.S., Mexico, and international border institutions.
- Improve the incorporation of community voices and environmental justice issues in sustainable development efforts at the border.
- Continue to address site-specific issues, including illegal hazardous waste sites on both sides of the border.

Acting upon the recommendations from the Roundtable, EPA and Mexico's Secretaria de Medio Ambiente y Recursos Naturales have been collaborating on various activities to better address the environmental issues at the border. For example, the U.S.- Mexico Border 2012 Program emphasized regional, bottom-up approaches for decision-making, priority setting,

¹¹ National Environmental Justice Advisory Council (May 2003). *Unheard Voices from the Border: A Report on Environmental Justice in the U.S.—Mexico Border Region from the Past to the Future*.

and project implementation to address the environmental and public health problems in the border region (as does the current U.S.-Border Program 2020). The Program also conducted activities to reduce air and land contamination, including community cleanups and improved readiness and emergency response.¹² The Border 2012 and 2020 programs also continue to encourage meaningful participation from communities and local stakeholders.

FEDERAL FACILITIES

Meaningful engagement is further emphasized in NEJAC's advice and recommendations regarding environmental justice issues in communities living in close proximity to federal facilities. NEJAC requested that EPA approve the creation of a workgroup to address these issues during a NEJAC meeting in May 2000. In October 2004, NEJAC issued a report to the EPA, which presented recommendations with the goal of improving relationships between federal facilities, communities, regulators, and other stakeholders involved in the cleanup of federal facilities.

NEJAC recommended that EPA and other Federal agencies do the following¹³:

- Conduct detailed assessments of cultural differences at communities with environmental justice concerns in close proximity to federal facilities.
- Encourage the translation of documents into common languages. Translators are encouraged to be present at all federal facility advisory board and public meetings.
- Provide and/or support additional health services, including specialized care, to communities where federal facilities released significant quantities of hazardous substances.
- Encourage the determination of whether affected communities with environmental justice concerns have sufficient capacity to oversee federal facilities cleanup programs constructively and continuously.
- When capacity is an issue within these communities, funding should be commensurate with the anticipated level of activity and assistance should be designed to enable communities with environmental justice concerns to develop priorities, explore issues, and make independent recommendations.
- Encourage the design and implementation of an internship program that provides college students from communities with environmental justice concerns appropriate work experience.
- Encourage and reinforce the need for tangible opportunities for community residents who are not members of the Advisory Board to participate fully in discussions and decision-making regarding cleanup activities.

In response to these recommendations, EPA's Office of Land and Emergency Management (OLEM), formerly the Office of Solid Waste and Emergency Response, worked directly with three federal facilities in EPA Regions 4, 6, and 10 to serve as "case studies." In its response

¹² U.S. Environmental Protection Agency (2012). *Border 2012 Accomplishments Report (2010-2012): U.S. - Mexico Environmental Program*.

¹³ National Environmental Justice Advisory Council (October 2004). *Environmental Justice and Federal Facilities: Recommendations for Improving Stakeholder Relations between Federal Facilities and Environmental Justice Communities*.

on September 2005,¹⁴ EPA concurred with NEJAC's recommendations. In particular, EPA agreed that better communications were needed between communities with environmental justice concerns and regulators, and have implemented cultural sensitivity training. In addition, when working on environmental justice issues relating to federal facilities, EPA conducts detailed assessments of cultural differences in communities in close proximity to federal facilities. Local community members and minority stakeholders are also added to Advisory Boards and state/EPA staffs. EPA also participates in community meetings, and uses common language in meetings and documents to explain technical terms and processes. EPA also creates and implements opportunities to provide input in decision-making processes, including public meetings, the site investigation phase, site feasibility study or corrective measures phase, and cleanup phase. EPA also committed to help community groups obtain resources through sources such as Technical Assistance Services to Communities or the Environmental Justice Grant Programs, as well as to provide new and consistent opportunities to help communities facing environmental justice issues to influence decisions at federal facilities undergoing cleanup actions.

ENSURING LONG-TERM ENGAGEMENT OF COMMUNITIES IN GULF COAST ECOSYSTEM RESTORATION

Keeping impacted communities actively and meaningfully involved after disasters can help communities recover from the aftermath of such disasters. Following the devastation of Hurricane Katrina and the Deepwater Horizon Oil Spill on the Gulf Coast, President Obama issued Executive Order 13554 in October 2010, which created the Gulf Coast Ecosystem Restoration Task Force to coordinate responsibilities, planning, and exchange of information to better implement Gulf Coast ecosystem restoration and to facilitate appropriate accountability and support throughout the restoration process. EPA asked the NEJAC to provide advice and recommendations about how to best ensure the long-term engagement of communities in the Gulf Coast ecosystem restoration efforts. In response to the task, the NEJAC formed a Work Group, comprised of public and private sector stakeholders, and produced a report entitled, *Recommendations to Ensure the Long-Term Engagement of Communities in Gulf Coast Ecosystem Restoration* in July 2011. Key recommendations from the report include¹⁵:

- Coordinate multi-stakeholder efforts to avoid confusion and make it easier for people to participate. Specifically, designate an entity to be responsible for overseeing and coordinating centralized, interagency community engagement efforts within federal initiatives.
- Create a broad based citizen advisory group to advise governments, including any new Council or regional bodies, about policies, funding allocations, megaprojects, and other broad decisions.
- Work with both Federally Recognized and Non-Recognized Tribes.
- Define the scope and focus of ecosystem restoration efforts, recognizing that people and communities are part of the ecosystem, and ensuring the diversity of input and opinions.

¹⁴ Environmental Protection Agency (September 30, 2005). EPA Response to National Environmental Justice Advisory Council Federal Facilities Recommendations. (https://www.epa.gov/sites/production/files/documents/hq_and_regnl_rspns.pdf)

¹⁵ National Environmental Justice Advisory Council (July 2011). *Recommendations to Ensure the Long-Term Engagement of Communities in Gulf Coast Ecosystem Restoration*.

- Address obstacles to participation and engagement by promoting innovative approaches to engaging community members and addressing language access issues and understanding the impact of cultural differences on engagement.
- Address inconsistent messages and information.

As a result of NEJAC advice and its emphasis on the importance of continuing to engage environmental justice stakeholders, EPA has sent Agency representatives to impacted areas following disasters to engage with environmental justice stakeholders to ensure that they are included in the response decisions. Communities have been able to work with Agency representatives to voice environmental justice concerns and share their thoughts on how their communities should be rebuilt following disasters.

The importance of actively practicing meaningful engagement with environmental justice stakeholders is emphasized in all NEJAC advice and recommendations. Community engagement is further emphasized in NEJAC's advice and recommendations on EPA's relationship with indigenous peoples and tribal governments. NEJAC's strong emphasis on the importance of actively communicating and informing communities and listening to their concerns related to disasters has been one of the strongest influences on Agency staff, policies, programs, and activities.

ENCOURAGING EQUITABLE DEVELOPMENT, REVITALIZATION, AND LAND USE

When the environmental justice movement was in its infancy, citizens expressed concerns about being "overburdened by pollution." Some of the concerns included untenable practices in housing, land use, infrastructure, and sanitation. Mindful of the sentiments expressed by impacted communities, the NEJAC understood environmental justice is not limited to community engagement and community clean-up. Equally important, the Council realized sensitivities to environmental justice carry through to community recovery and redevelopment. Within two years of being established, the NEJAC began examining the environmental benefits of urban redevelopment while emphasizing the best outcomes would come about through an inclusive process. In retrospect, the NEJAC was advocating for 'equitable development'. The Council had the foresight to appreciate the redevelopment of existing communities while realizing it is important to manage impacts that may disproportionately burden vulnerable populations. The following reports are an important reminder of how 'forward-thinking' the NEJAC has been.

EPA'S BROWNFIELDS PROGRAM

One of these EPA program areas where NEJAC advice and recommendations have had a tremendous impact is the national brownfields program administered by OLEM. Brownfields are real property, where the expansion, redevelopment or reuse is complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The NEJAC advice and recommendations resulted in a significant expansion in program capacity for the EPA brownfields program and for thousands of communities benefiting from this program to assess, cleanup, and redevelop these properties. These commercial and industrial properties are often located in low-income communities, communities of color, and indigenous communities, and these sites can have adverse impacts on such communities and their residents. NEJAC wanted to engage in the implementation of this new brownfields program because of concerns about the impact of the assessment and cleanup of these sites in disadvantaged communities. NEJAC sought to provide input on what the vision for brownfields redevelopment should look like; and ensure that environmental justice principles were being applied during program implementation.

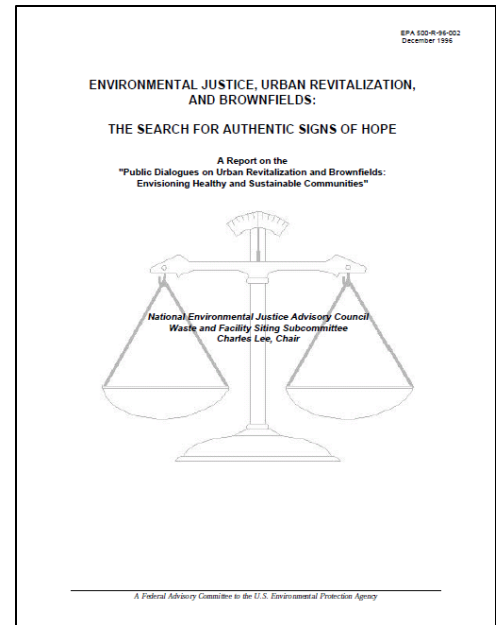
"In my experience, a remarkable thing happens in NEJAC work groups. The groups are always well balanced among grassroots, government and business experts. Hard and serious issues are discussed in an atmosphere of respect and willingness to learn. The results are a strong, durable and pragmatic consensus. I've seen this happen on brownfields, pollution prevention, cumulative risk, and other important policy issues."

--Sue Briggum, Vice President, State and Federal Policy, Waste Management, Inc.

In 1995, the NEJAC recommended to EPA that public meetings be held on the specific issues surrounding the revitalization of brownfields to provide new jobs, the elimination of the problems associated with abandoned buildings and other properties, and efforts to help establish sustainable communities. That year, the NEJAC Waste and Facility Siting Subcommittee and the U.S. EPA co-sponsored a series of public meetings called the Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities. These Public Dialogues were held in five cities: Boston, Massachusetts; Philadelphia, Pennsylvania; Detroit, Michigan; Oakland, California; and Atlanta, Georgia. They were intended to provide an opportunity, for the first time, for environmental justice advocates and residents of impacted communities to systematically provide input regarding issues related to the EPA's Brownfields Economic Redevelopment Initiative, which was announced in January 1995. The dialogues resulted in the report *Environmental Justice, Urban Revitalization, and Brownfields: the Search for Authentic Signs of Hope*, which was published in December 1996.¹⁶

¹⁶ National Environmental Justice Advisory Council (December 1996). *Environmental Justice, Urban Revitalization, and Brownfields: the Search for Authentic Signs of Hope*.

More than 500 persons from community groups, government agencies, faith groups, labor, universities, businesses, and other institutions participated in the five Public Dialogues. Public concerns were raised about the still evolving brownfields initiative. As a result of the input from the Public Dialogues, EPA took action to significantly improve its brownfields initiative to ensure that environmental justice considerations were explicitly incorporated into the national brownfields program. For example, it revised the award criteria for applying for Brownfields pilot grants, increasing the weight provided for the extent of community involvement, and environmental justice considerations were increased. Also, EPA initiated several Brownfields pilots in conjunction with the Department of Health and Human Services (HHS) where the focus was on an assessment of health risks associated with brownfields revitalization. EPA agreed to create a Brownfields Job Training Grants Program targeted toward residents living in proximity to brownfield sites. This later led to the creation of the EPA Superfund Job Training Initiative, and the Environmental Workforce Development Job Training Program. The NEJAC recommendations also led to the creation of the EPA National Brownfields Conference, held annually and attended by thousands of stakeholders, and the Brownfields Showcase Communities initiative. The Showcase Communities Initiative provided for the coordinated involvement by Federal agencies in addressing contaminated land reuse.



Cover of the *Environmental Justice, Urban Revitalization, and Brownfields: the Search for Authentic Signs of Hope* Report

Because NEJAC was at the forefront of this issue in 1995, EPA's brownfields program continues today to provide grants and technical assistance to communities, states, tribes, and other stakeholders, giving them the resources they need to prevent, assess, safely cleanup, and sustainably reuse brownfields. This program serves to protect public health and the environment, facilitate job growth, reduce blight, and take development pressure away from green spaces. The NEJAC advice and recommendations served to make a significant contribution to this program's success. This NEJAC contribution was consistently noted by EPA and NEJAC officials as a success story when discussions were conducted regarding this report. Due to this EPA and NEJAC collaboration on a vision for the brownfields program, this program was codified into Federal brownfields legislation on January 11, 2002, and continues to be implemented as a successful national program at present.

UNINTENDED IMPACTS OF REDEVELOPMENT AND REVITALIZATION EFFORTS

In evaluating the success of the Brownfields Program, the EPA requested that NEJAC examine community concerns about unintended adverse impacts that had resulted during EPA's cleanup, redevelopment, and revitalization efforts. The NEJAC Work group focused its data gathering in five communities with environmental justice concerns: East Palo Alto, California; Albina Community, Portland, Oregon; Washington Navy Yard, Washington, D.C.; Cherokee Nation in Oklahoma; and Pensacola, Florida. The NEJAC produced a report, *Unintended Impacts of Redevelopment and Revitalization in Five Environmental Justice communities* on August 10, 2006, which provided advice and recommendations about the unintended impacts of successful brownfields cleanup, redevelopment, and revitalization efforts.¹⁷ The report acknowledges that both positive and negative outcomes did occur; however, the adverse impacts resulting from such efforts were unintended and in most respects, beyond EPA's control. The report provided thinking about how to avoid or minimize unintended adverse impacts at redevelopment and revitalization sites.

"I believe that the NEJAC has evolved into a mature organization as evidenced by the production of concrete and more valuable recommendations. NEJAC has been helpful in raising the awareness of environmental justice issues to EPA and the public. NEJAC provides a view of the extent and seriousness of environmental justice issues."

--Dr. Shankar Prasad, Executive Fellow, Coalition for Clean Air

In response to the recommendations provided by NEJAC, EPA agreed in February 2007 to the following actions¹⁸:

- Assigning EPA staff to local redevelopment and revitalization projects. EPA agreed to provide capacity-building via the Intergovernmental Personnel Act (IPA) Program, Technical Assistance Grants offered by the Brownfields and Superfund programs, peer-to-peer information exchange workshops to assist nonprofit cleanup grantees, and the utilization of site reuse teams at Superfund sites.
- Meaningfully involve stakeholders as a central part of redevelopment and revitalization efforts. For example, the Office of Superfund Remediation and Technology Innovation (OSRTI) has a robust community involvement program dedicated to strengthening early and meaningful community participation during Superfund cleanups.
- Make a concerted effort to implement a coordinated approach to public outreach for settings where redevelopment and revitalization issues are complex. For example, OSRTI has utilized site reuse teams to ensure that the appropriate federal, state and local governments are involved, and that outreach messages are consistent.
- Consider addressing the cumulative impacts of environmental problems affecting communities with environmental justice issues. The Brownfields Office established an assessment program to assess and clean up environmental contamination from a

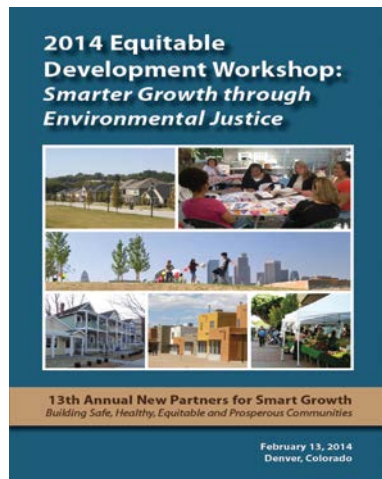
¹⁷ National Environmental Justice Advisory Council (August 2006). *Unintended Impacts of Redevelopment and Revitalization in Five Environmental Justice communities*.

¹⁸ Nakayama, Grant (February 2007). Letter in response to *Unintended Impacts of Redevelopment and Revitalization in Five Environmental Justice communities*.

multimedia perspective, as did the former EPA community-based program, Community Action for a Renewed Environment (CARE).

- Consider initiating demographic analyses to curtail community displacement in its redevelopment and revitalization projects. The Brownfields Office is committed to working with communities and informing them of ways to prevent inequitable redevelopment practices. The Brownfields Office is working to provide information to communities regarding methods which may assist in curtailing such practices.

As part of its effort to address unintended impacts of revitalization efforts, EPA notes that there is a limit to federal involvement in local land use planning. Within those limits, EPA and contractor staffs participate in appropriate local land use planning processes at many Superfund sites, with and without site reuse team involvement. This participation often focuses on, but is not limited to, helping the local officials understand a site's remedial components and how they relate to any future needs for land use restrictions. It also informs EPA of community land use needs, which may assist EPA in understanding future land uses and how they relate to remedy decisions.



2014 Equitable Development Workshop Report

The NEJAC recommendations in this area also have had a major impact on EPA's equitable development initiative, i.e., meeting the needs of underserved communities by reducing disparities while fostering places that are healthy and vibrant. As a result of the Unintended Impacts Report, the Brownfields program instituted the Area –Wide Planning (AWP) Program. The AWP informs traditional planning efforts by the research and strategies developed that take into account the unique nature of brownfields cleanup, reuse, and the social, environmental, and economic implications reducing any unintended impacts to the surrounding communities.

EXPANDING COMMUNITY CAPACITY FOR DECISION- MAKING

Communities disproportionately impacted by environmental hazards often need the necessary knowledge in order to actively participate in any decision-making processes. In addition to the leadership experience that the stakeholders gain from being on the NEJAC, the technical knowledge and expertise that the NEJAC members learn from their peers have also served as tools and resources that they bring back to their own communities to make improvements. Moreover, building capacity of communities and enhancing their ability to meaningfully participate in the improvement of their communities is another contribution provided by the NEJAC. NEJAC advice and recommendations have helped to shape a number of specific EPA programs, policies, and activities. Much of the advice and recommendations have created great benefits in communities with environmental justice concerns, and provided support to EPA in its efforts to advance environmental justice.

NEJAC's consistent emphasis on including impacted communities in all decision making processes and providing technical support to help communities build their capacities is also observed in its response to EPA's Cumulative Risk Assessment Framework. In early 2003, the NEJAC created a work group on Cumulative Risk and Impacts to research and draft recommendations that ultimately were incorporated into the NEJAC report entitled *Ensuring Risk Reduction in Communities with Multiple Stressors: EJ and Cumulative Risk and Impacts* in December 2004.¹⁹ The bulk of this report was about risk, but it also included a significant section on enhancing capacity.

As a result, NEJAC had a major impact on the establishment of EPA's Community Action for a Renewed Environment (CARE) Program. In 2004, the NEJAC recommended to EPA that it initiate community-based collaborative, multi-media risk reduction pilot projects. In 2005, the CARE program was established to support a community-driven process that uses the best available data to help communities to set priorities and take action on their greatest environmental risks. The CARE program helped communities develop broad based local partnerships (that included business) and conducted community-driven problem solving as they built capacity to understand and take effective actions on addressing environmental problems. The communities created collaborative stakeholder groups (e.g., consisting of government, academia, neighborhood partners, and others) that worked to reduce toxic exposures and address environmental concerns in their communities in their own ways, tapping EPA and other organizations for appropriate tools and best practices. The CARE process has proven to help environmentally overburdened, underserved, and economically distressed communities to work collaboratively with other stakeholders to solve the environmental issues in their community. EPA's [CARE Roadmap](#)²⁰ is the result of an effort by the CARE program to develop a practical tool for communities to identify, prioritize, and address environmental health risks. It incorporates the perspective of the NEJAC [report on ensuring risk reduction](#)²¹ in communities with multiple stressors and EPA's [Framework for Cumulative Risk Assessment](#). The NEJAC fully supports this program, and advised the Agency to continue in the direction of the CARE program and expand its growth.²²

Another initiative that had tremendous impact in helping communities with environmental justice concerns to expand their capacity to effectively address their concerns was the state Environmental Justice Cooperative Agreement (SEJCA) Initiative. In October 2008, the NEJAC agreed with the Agency on the establishment of this initiative as it emphasizes that states need to be an active, constructive part of solving environmental justice concerns in communities.²³ In its report, entitled *Recommendations for EPA's State Environmental Justice Cooperative Agreement Initiative*, NEJAC recommended that:

¹⁹ National Environmental Justice Advisory Council (December 2004). *Ensuring Risk Reduction in Communities with Multiple Stressors: EJ and Cumulative Risk and Impacts*.

²⁰ U.S. Environmental Protection Agency (June 2008). [The CARE Roadmap: 10-Step Plan to Improve Community Environment and Health](#).

²¹ National Environmental Justice Advisory Council (December 2004). *Ensuring Risk Reduction in Communities with Multiple Stressors: EJ and Cumulative Risk and Impacts*.

²² National Environmental Justice Advisory Council (April 2010). Recommendations for EPA's Community Action for a Renewed Environment (CARE) Program.

²³ National Environmental Justice Advisory Council (October 2008). Recommendations for EPA's State Environmental Justice Cooperative Agreement Initiative.

- The effort needs to target states that are proactive in addressing environmental justice concerns;
- States should be able to show that they are able to leverage resources that will trigger measurable results;
- Tribes should be included as potential recipients, as well as universities, and national nonprofit organizations; and
- Cross-state collaboration should be leveraged.

Following the recommendations, the SEJCA was established in 2009. The purpose of this program is to advance the integration of environmental justice goals into state government and support model activities that lead to measurable environmental or public health results. The program provided funding to eligible recipients to collaborate with affected communities to understand, promote and integrate approaches to provide meaningful and measurable improvements to these communities. While this program is not currently being funded, the principles recommended by NEJAC and implemented by EPA should continue. States should continue to work with affected communities to address environmental justice concerns.

CAPACITY BUILDING FOR COMMUNITIES IMPACTED BY GOODS MOVEMENT

The importance of capacity building is further stressed in NEJAC's *Reducing Air Emissions Associated with Goods Movement: Moving Toward Environmental Justice* report, submitted in November 2009.²⁴ In the report, as it relates to capacity building, NEJAC recommended that EPA:

- Increase impacted communities' capacity and effectiveness to engage in and influence decisions related to goods movement that impact them; and
- Support additional research and data gathering, with full community involvement and participation to accelerate emission reduction from goods movement activities.

Subsequently, in a response to the NEJAC report released in December 2010, EPA concurred with the recommendations and agreed to²⁵:

- Continue to evaluate how the current community-based goods movement grant programs are working;
- Explore simplifying/consolidating EPA's community-based grant programs;
- Expand community participation in the EPA Regional Clean Diesel Collaborative;
- Improve communications through establishing a community web portal, making goods; and movement materials more readily accessible and adding community members to EPA's federal advisory committees.

²⁴ National Environmental Justice Advisory Council (November 2009). *Reducing Air Emissions Associated with Goods Movement: Moving Toward Environmental Justice*.

²⁵ McCarthy, Gina (December 2010). Letter in response to *Reducing Air Emissions Associated with Goods Movement: Moving Toward Environmental Justice*.

EPA continues to work holistically, across multiple offices within the Agency, across all levels of U.S. and tribal governments, and with stakeholders to solve environmental problems, as stressed in the EPA Air Toxics Strategy and the 2010-2012 Ports Air Quality Plan. In addition, the EPA Regional Diesel Collaborative has encouraged communities to become active in state programs and partners with communities to fund projects. EPA has worked with communities across the country on collaborative projects that successfully address goods movement issues, including in Los Angeles/Long Beach, California; New York/New Jersey; Charleston, South Carolina; Houston, Texas; San Bernardino/Riverside, California; and Baltimore, Maryland. EPA also hosted a webinar entitled, [Goods Movement and Ports: Community Impacts & Collaborative Solutions](#), on January 2014 that highlighted the success of these projects.²⁶ EPA also continues to partner with private industries and ports, through programs such as [SmartWay](#) program and [Ports Initiative](#), to reduce greenhouse gas emissions and enhance and implement more efficient and sustainable goods movement strategies.^{27,28} The community projects and public-private partnerships reflect NEJAC's advice and recommendations to build community capacity to help communities to better address goods movement issues in their communities.



Waste transfer station located in New York

ENHANCING CAPACITY OF SCHOOL COMMUNITIES

Another example in which EPA improved its community capacity efforts as stressed by NEJAC's advice and recommendations is in EPA's efforts to reach out to communities about air pollution in schools. In commencing the School Air Toxics Initiative, EPA charged the NEJAC to advise the Agency about the types of information that communities with environmental justice concerns would need to investigate air pollutant levels in schools and the steps which EPA should take to ensure that its communication materials are accessible to such communities. In assessing how the EPA can more effectively promote and improve strategies for long-term school and community outreach and build school and community capacity, NEJAC issued the report, *Strategies to Enhance School Air Toxics Monitoring in Environmental Justice Communities*.²⁹ In its April 2010 report, NEJAC offered 19 recommendations. Key points included:

²⁶ U.S. Environmental Protection Agency (January 2014). [Goods Movement and Ports: Community Impacts & Collaborative Solutions](#) Webinar.

²⁷ U.S. Environmental Protection Agency. [SmartWay Program](#).

²⁸ U.S. Environmental Protection Agency. [Ports Initiative](#).

²⁹ National Environmental Justice Advisory Council (April 2010). *Strategies to Enhance School Air Toxics Monitoring in Environmental Justice Communities*.

- Develop community involvement and outreach plans that engage communities early in the planning process, supported by adequate funding.
- Promote and ensure Federal interagency coordination and effective national strategies to address school environmental health.
- Coordinate with EPA's Children's Health Protection Advisory Committee, particularly as monitoring results relate to the siting of schools.
- Expand the research agenda to support the establishment of child safe exposure standards.

The Agency has embraced most of the NEJAC's recommendations.³⁰ For example, the Agency resumed the Community-Scale Air Toxics Ambient Monitoring (CSATAM) grant competition in 2011 and included as a selection criteria direct and substantial engagement with community groups in developing, implementing, and evaluating the funded projects. Community involvement and outreach is intended to be incorporated in each grant. In addition, EPA continues to stay in close communication with communities and schools by developing and disseminating data and information to the public and regulatory partners and discussing results with schools and communities. EPA is also working closely with the Tribal Air Monitoring Support Center, Regional Tribal Operations Committees, and the National Tribal Operations Committee to reach out to schools to participate in the monitoring program. With the advice of the NEJAC, the School Air Toxics Monitoring Project was successfully improved.

NEJAC advice and recommendations have contributed to improving the Agency's ability to better engage communities and provide them with the tools and resources needed to effectively address environmental justice concerns. With programs such as the Environmental Justice Grant Programs [Small Grants and Collaborative Problem Solving (CPS) cooperative agreements], the former CARE and SEJCA programs, and technical resources, communities are continuing to enhance their capacity, and ability to work meaningfully together with federal agency officials, experts, and other stakeholders to identify the risks and address the issues.

³⁰ McCarthy, Gina (November 2010). Letter in response to *Strategies to Enhance School Air Toxics Monitoring in Environmental Justice Communities*.

ENHANCING RESEARCH AND ASSESSING RISKS

Effective research and an assessment of risks are critical to addressing environmental justice, which in turn raises important research questions and needs that the Agency should adequately explore in order to get to the root of the concern.

CUMULATIVE RISK ASSESSMENT FRAMEWORK

In response to EPA's Cumulative Risk Assessment Framework, NEJAC created a Work group on Cumulative Risks and Impacts. A report was subsequently issued in December 2004 entitled *Ensuring Risk Reduction in Communities with Multiple Stressors: EJ and Cumulative Risk and Impacts*.³¹ The report recommended short-term and long-term actions that EPA should take to implement its Risk Assessment Framework. Recommendations focused on eight overarching themes:

- Institutionalize a bias for action within EPA (i.e., a clear and urgent need to address the needs of disadvantaged, underserved, and environmentally overburdened communities and tribes in a timely and responsible manner) through the widespread utilization of an Environmental Justice Collaborative Problem-Solving Model.
- Fully utilize existing statutory authorities to address the multiple, aggregate, and cumulative risks and impacts faced by overburdened communities.
- Address and overcome programmatic and regulatory fragmentation within the nation's environmental protection regime.
- Fully incorporate the concept of vulnerability, especially its social and cultural aspects, into EPA's strategic plans and research agendas.
- Promote a paradigm shift to community-based approaches, particularly community-based participatory research and intervention.
- Incorporate social, economic, cultural, and community health factors, particularly those involving vulnerability, in EPA decision-making.
- Develop and implement efficient screening, targeting, and prioritization methods/tools to identify communities needing immediate intervention.
- Address capacity and resource issues (human, organizational, technical, and financial) within EPA and the states, within impacted communities and Tribes, and among all relevant stakeholders.

"The NEJAC Cumulative Risk and Impacts report provides a strong foundation on exposures of multiple chemical and non-chemical stressors in various communities particularly marginalized or underserved. It has had tremendous impact on my career and continues to influence the way I train students and work with communities through community-university environmental justice health partnerships. The NEJAC has been very instrumental and has had tremendous impact in EPA's effort in working on EJ-related policies, programs, and activities. It has also been influential on other federal agencies' EJ efforts."

--Dr. Sacoby Wilson,
Assistant Professor, School of Public
Health, University of Maryland

³¹ National Environmental Justice Advisory Council (December 2004). *Ensuring Risk Reduction in Communities with Multiple Stressors: EJ and Cumulative Risk and Impacts*.

Among its 12 recommendations, NEJAC advised key actions that EPA should take:

- Initiate community-based, collaborative, multi-media, risk reduction pilot projects.
- Develop a toolkit of implementable risk reduction actions.
- Provide resources for community-based organizations.
- Develop and utilize tools for targeting and prioritization of communities needing urgent intervention.
- Conduct scientific and stakeholder dialogues in ways that enhance scientific understanding and collaborative problem-solving ability.
- Lay the scientific basis for incorporating vulnerability into EPA assessment tools, strategic plans, and research agendas.
- Establish an Agency wide framework for holistic risk-based environmental decision-making and incorporation of Tribal Traditional Lifeways in Indian Country.
- Integrate NEJAC concepts about Cumulative Risks into EPA's strategic and budget planning processes.

This report has also been cited consistently by current and former EPA officials and NEJAC members as important advice and recommendations, as it not only was critical for creating the CARE program, as mentioned earlier, but also raised the issue of cumulative risk and cumulative impact to the Agency and community stakeholders. This report continues to be used by EPA officials, including staff in the Office of Research and Development (ORD) and the Office of Environmental Justice, as a resource document when addressing risks and impacts in communities with environmental justice concerns.

COMMUNITY-BASED HEALTH MODELS

Due to concerns raised in 2000 by the U.S. Surgeon General regarding health disparities among different segments of the U.S. population. EPA requested that NEJAC convene a meeting focusing on mechanisms to ensure disease prevention and health improvements in communities, particularly minority and low-income communities. It was also requested that the meeting address situations where health disparities may result from, or be exacerbated by disproportionate effects of environmental pollutants. As a result, on May 23-26, 2000, NEJAC held a public meeting in Atlanta, GA focused on this issue. NEJAC subsequently issued a report in February 2001 entitled *Environmental Justice and Community-Based Health Model Discussion and Recommendations*.³² In that report, NEJAC recommended that the EPA encourage better understanding of community-based participatory research models; place greater emphasis on translating current and future scientific knowledge into positive action; promote more effective interagency collaboration and cooperation; include socioeconomic and cultural factors in health assessments; and respond to urgent needs of medically underserved communities.

Based on NEJAC advice and recommendations, the Agency continues to place emphasis on health assessments to ensure disease prevention and health improvement in environmentally impacted communities. For example, in order to better understand how scientific research

³² National Environmental Justice Advisory Council (February 2001). *Environmental Justice and Community-Based Health Model Discussion and Recommendations*.

can be improved in the area of health impacts, environmental risks and differential exposures that directly relate to environmental justice, EPA ORD issued another charge in March 2012, which is discussed in the next section.

ENVIRONMENTAL JUSTICE CROSS-CUTTING RESEARCH ROADMAP (EJ ROADMAP)

(EJ ROADMAP)

In March 2012, the EPA issued a charge to the NEJAC seeking advice on the EPA's Office of Research and Development (ORD) research programs and the scientific foundations required to address and prevent environmental inequities. Subsequently, the NEJAC formed a Research Work Group in May 2012 to address the charge themes:

- Critical opportunities for addressing environmental inequities
- Community-inclusive, meaningful and continuous participatory processes
- Customizing ORD tools and other outputs to be effective for local decision makers, impacted communities, and other stakeholders
- Criteria for independently assessing the impact of ORD's research
- Critical Agency skills needed to address environmental justice



Cover of the Recommendations for Integrating Environmental Justice into EPA's Research Enterprise Report

The NEJAC report, *Recommendations for Integrating Environmental Justice into EPA's Research Enterprise* issued on June 2014, provided recommendations under five overarching themes³³:

- Research Needs, Gaps and Framework
- Research Agenda Development in Collaboration with Stakeholders
- Research Implementation, Partnership and Funding
- Research Translation and Communication
- Research Evaluation

In general, the NEJAC recommended that the Agency consider a multi-, inter- and trans-disciplinary approach to its research agenda, and actively engage and communicate with vulnerable communities, particularly American Indians, Alaskan Natives, Native Hawaiians, and other Indigenous peoples. ORD was encouraged to incorporate successful community-engaged research models into research programs and implementation as well as provide resources, tools, and funding for extramural projects that can build community capacity. Data collection and sharing should be improved to evaluate improvements in environmental conditions and health outcomes. NEJAC also recommended that ORD focus on certain topic

³³ National Environmental Justice Advisory Council (June 2014). *Recommendations for Integrating Environmental Justice into EPA's Research Enterprise*.

areas that may impact vulnerable communities the most, including health disparities, air quality “hot spots,” diesel exhaust regulations, climate change, risk assessments, and pesticide exposure. NEJAC also encouraged ORD to leverage its relationships and partnerships with other agencies and institutions to collaborate on projects as well as share expertise and resources. Furthermore, EPA should also educate and train the next generation of scientists and engineers about environmental justice issues.

Following the issuance of the report, ORD met with the NEJAC to further discuss its recommendations.³⁴ ORD embraced the recommendations from the NEJAC report in its draft EJ Research Roadmap. For example, the Research Roadmap takes into consideration NEJAC recommendations to explore social determinants of disease and psychosocial stressors in over-burdened communities that may result in health disparities, as well as characterize or map communities that may be vulnerable to the effects of climate change. The Research Roadmap also outlines how ORD has addressed, or plans to address, each of the recommendations from the report. In addition, during that meeting, staff from ORD also presented the [Community-Focused Exposure and Risk Screening Tool](#) (C-FERST), a community mapping tool that provides information for community assessments and decision-making.³⁵ It also provides success stories and lessons learned on similar issues from other communities and recommendations from EPA and other federal agencies on exposure and risk exposure. The tool was well received by the NEJAC members and has been used by various communities to identify issues, gather information, and find solutions.

In discussions with senior ORD officials, it was evident that the work of NEJAC provided a significant contribution to the EJ Research Roadmap. They also indicated that it would be helpful to have additional input from and dialogue with NEJAC about the Roadmap. It was indicated that while a lot of the NEJAC recommendations have been addressed, others will be addressed in the future.

IMPROVING AQUATIC ECOSYSTEMS

³⁴ McCarthy, Gina (October 2014). Letter in response to *Recommendations for Integrating Environmental Justice into EPA’s Research Enterprise*.

³⁵U.S. Environmental Protection Agency. [Community-Focused Exposure and Risk Screening Tool](#).

In 2001, EPA requested the NEJAC to provide advice and recommendations on how EPA could improve the quality, quantity, and integrity of the nation's aquatic ecosystem in order to protect the health and safety of people consuming fish, aquatic plants and wildlife. The NEJAC, in response, transmitted a report to EPA entitled *Fish Consumption and Environmental Justice* on November, 2002.³⁶ This report contains six overarching consensus recommendations which advise EPA on how to manage fish consumption in environmental justice and Indigenous communities.

The NEJAC advised that EPA require states, territories, and authorized tribes to consider specific uses, including the use of the waterbody or waterbody segment for subsistence fishing, when designating uses for a waterbody, and to set water quality criteria that support the designated use. EPA should work expediently to prevent and reduce the generation and release of those contaminants to the nation's water and air that pose the greatest risk to human health and aquatic resources. It is also recommended that EPA should protect the health of populations with high exposure to hazards from contaminated fish, aquatic organisms and plants, and wildlife.

NEJAC also advised that EPA ensure that fish and other aquatic organism consumption advisories are used by regulators as a short-term, temporary strategy for informing those who consume and use fish, aquatic organisms and plants, and wildlife of risks while water quality standards are being attained and while prioritizing and pursuing the cleanup of contamination by appropriate parties. EPA should conduct environmental research, fish consumption surveys, and monitoring, in consultation with Federally recognized Tribes and with the involvement of concerned tribal organizations, to determine the effects on, and ways to mitigate adverse effects on the health of American Indian and Alaska Native (AI/AN) communities resulting from contaminated water sources and/ or the food chain. Finally, EPA should provide equitable funding and technical support for tribal programs to protect AI/AN communities and tribal resources from harm caused by contaminated water and aquatic resources, and until Tribes are able to assume responsibility for many programs, implement and require compliance with the federal environmental laws within Indian country.

This report continues to educate EPA staff about the importance of improving the nation's aquatic ecosystem as it relates to communities with environmental justice concerns. For example, EPA has invested a large amount of effort to ensure that consumption advisories reach high-risk consumers. To effectively communicate with minorities, people of color, low-income communities, tribes and other indigenous peoples regarding the hazards involved in



Cover of the NEJAC *Fish Consumption and Environmental Justice* Report.

³⁶ National Environmental Justice Advisory Council (November 2002). *Fish Consumption and Environmental Justice*.

consuming contaminated fish from certain waterbodies, and to recommend alternative sources of fish, EPA formulated an outreach project that will target minorities and people of color in rural communities in certain regions of the Southern U.S.

In addition, EPA finalized six new translations of the national mercury advisory, *"What You Need to Know About Mercury in Fish and Shellfish"* in Hmong, Chinese, Vietnamese, Portuguese, Cambodian and Korean, in addition to English and Spanish. EPA continues to work closely with American Indians and Alaskan Natives to provide technical assistance, grants, and technical guidance to better understand the issues impacting the aquatic ecosystems in their communities. EPA has also jointly worked with the U.S. Food and Drug Administration (FDA) to issue fish advisories that take into account the recommendations of the NEJAC. In addition, the 2012 National Fish Forum included a session on federal, state, and tribal fish advisory coordination, which described tribal partnerships to develop fish advisories.

ENHANCING REGULATORY AUTHORITIES AND POLICIES

Members of the NEJAC have been on the forefront of urging EPA to enhance and improve its regulatory authorities and policies to protect the health of vulnerable communities. NEJAC has issued several sets of advice and recommendations that have advanced EPA policies and regulatory authorities to better address environmental justice concerns.

EPA SUPERFUND PERMANENT RELOCATION POLICY

One of the first major policies that was influenced by NEJAC recommendations is EPA's policy on Permanent Relocation at Superfund Sites. NEJAC recommended that EPA modify the policy to ensure that the needs and concerns of affected low income and minority communities were taken into account. In response, EPA and NEJAC held a Superfund Relocation Roundtable in Pensacola, FL, on May 2-4, 1996. The primary purpose of the Superfund Relocation Roundtable meeting was to obtain input from attendees on how EPA should consider permanent relocation during Superfund cleanup actions. The key recommendations by NEJAC to EPA as a result of the Roundtable included³⁷:

"I have worked with NEJAC as a manager in OSWER (now OLEM) and the Office of Water, and have greatly appreciated the frank and diverse views, and thoughtful recommendations that they have provided to the Agency. For example, the NEJAC Report on *Fish Consumption and Environmental Justice* highlighted to EPA the challenges faced by communities of color, low-income communities, tribes, and other indigenous peoples who may be consuming fish that have been affected by environmental contaminants, especially bioaccumulative contaminants. Among other things, the NEJAC recommended that where subsistence consumption occurs, water quality standards should reflect these consumption patterns in order to protect the health of the affected communities. These recommendations have been an important influence on the direction of EPA's Water Quality Standards program."

*Michael Shapiro,
Deputy Assistant Administrator, Office of Water*

³⁷ National Environmental Justice Advisory Council (December 1996). *Proceedings from the Superfund Relocation Roundtable*.

- People and communities need to be included at the very beginning of the Superfund permanent relocation process; the integrity of a community needs to be considered when discussing relocation.
- Quality-of-life, health, and social welfare need to be addressed in their totality when discussing relocation.
- Public participation needs to be meaningful and empowering.
- Relocation requires the inclusion of other Federal agencies in the process.
- The effort made during the Relocation Roundtable meeting needs to lead to effective action.

As a result of the NEJAC input, EPA was able to take environmental justice considerations into account in the modification of its Interim Policy on Superfund Permanent Relocation, and relocate more than 300 residents in Pensacola, FL.

EPA WASTE TRANSFER STATION SITING AND OPERATIONS GUIDANCE

During its February 1998 NEJAC meeting, NEJAC requested that EPA examine the risks from the siting and operations of waste transfer stations in order to assess the best regulatory options, and prescribe requirements to reduce health risks associated with these facilities. NEJAC formed the Waste Transfer Station Work Group to conduct a factual examination of waste transfer station siting operations, with a focus on alleviating the impacts of clustering, disproportionate siting, and unsafe operations in low-income communities and communities of color. Accordingly, fact finding meetings were conducted by EPA and the NEJAC Waste Transfer Station Work Group in 1998 in New York, NY and in 1999 in Washington, DC. In deliberating on its proposed recommendations, the Work Group was challenged with resolving the issue of the clustering of waste transfer stations with few environmental controls and the legitimate role that waste transfer stations play in providing an essential service, i.e., the economic management of solid waste.

"The reports and recommendations produced by NEJAC were very definitive and specific in terms of what NEJAC wanted EPA to do. NEJAC can take on issues that may be controversial or go against the traditions of EPA by adding an advisory body that is diverse with different stakeholders and interests. This is because NEJAC can provide an outside perspective that is not encumbered by the constraints that exist within a Federal Agency like EPA."

--Dr. Robert D. Bullard, Dean, Barbara Jordan-Mickey Leland School of Public Affairs, Texas Southern University



1998 NEJAC Meeting in Brooklyn, NY, to discuss waste transfer stations.

The recommendations in the report were designed to identify areas that would allow for the sustainable management of waste transfer stations, and promote equality in the distribution and siting of these facilities. In March 2000, NEJAC recommended that EPA prepare a *Best Practices Manual for Waste Transfer Station Siting and Operation*.³⁸ EPA worked with NEJAC and other stakeholders to finalize the [Best Practices Manual](#) in 2002.³⁹

As a result of the recommendations, EPA also worked hard to make substantial progress to reduce emissions from diesel engines, including those used for goods movement. These efforts include engine emission standards, incentives and other financial models, port emission inventories, and use of facility Environmental Management Systems.⁴⁰

LEGAL AUTHORITIES TO ADDRESS ENVIRONMENTAL JUSTICE

As a result of the November 30 to December 2, 1999 NEJAC meeting on Environmental Justice, NEJAC recommended in July 20, 2000 that EPA clarify the legal authority to address environmental justice in permitting issues.⁴¹ NEJAC specifically requested that EPA's Office of General Counsel 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. This led to the issuance of a December 1, 2000 legal opinion by EPA's Office of General Counsel to clarify the authority of EPA to address environmental justice issues in permits under its various environmental statutes: the Resource Conservation and Recovery Act; the Clean Water Act; the Safe Drinking Water Act; the Marine Protection, Research and Sanctuaries Act; and the Clean Air Act.⁴²

³⁸ Waste and Facility Siting Subcommittee of the National Environmental Justice Advisory Council (March 2000). *A Regulatory Strategy for Siting and Operating Waste Transfer Stations*.

³⁹ U. S. Environmental Protection Agency (June 2002). [Waste Transfer Stations : A Manual for Decision-Making](#).

⁴⁰ National Environmental Justice Advisory Council (November 2009). *Reducing Air Emissions Associated with Goods Movement: Moving Toward Environmental Justice*.

⁴¹ National Environmental Justice Advisory Council (July 2000). *Environmental Justice in the Permitting Process: A Report from the National Environmental Justice Advisory Council*.

⁴² Guzy, Gary (December 2000). Memorandum on EPA Statutory and Regulatory Authorities Under Which Environmental Justice Issues May Be Addressed in Permitting.

In addition, per NEJAC advice and recommendations throughout the years regarding EPA's legal authorities to address environmental justice, the General Counsel also developed the [Legal Tools document](#) in 2011 as part of EPA Plan EJ 2014. The tool is EPA's first compilation of the discretionary legal authorities that may be available to the EPA to advance environmental justice. The document assesses EPA's statutes and their relevant regulatory standards for action to protect public health and the environment. It also identifies examples when EPA may apply its discretion to advance environmental justice under existing policy, guidance, and regulations.

POLLUTION PREVENTION

EPA also requested that the NEJAC examine how the innovative use of pollution prevention can help alleviate pollution problems in communities with environmental justice concerns. As a result, the NEJAC conducted a public meeting on Pollution Prevention in December, 2002, in Baltimore, MD.

Subsequently, the NEJAC prepared a report dated July 3, 2003, with 14 consensus recommendations on how pollution prevention could be used to

address environmental justice in the following areas: (1) community and tribal involvement, capacity building and partnerships; (2) more effective utilization of tools and programs; and (3) sustainable processes and products.⁴³



Photo of a refinery located near communities in Baton Rouge, Louisiana.

The NEJAC recommendations on advancing environmental justice through pollution prevention were the result of a deliberate process that involved input from all stakeholder groups, including communities, tribes, business and industry, state and local government, non-governmental organizations, and academia. These recommendations included:

- Develop and promote implementation of a multi-stakeholder collaborative model to advance environmental justice through pollution prevention.
- Increase community and tribal participation in pollution prevention partnerships by promoting capacity building.
- Strengthen implementation of pollution prevention programs on tribal lands and Alaskan native villages.
- Identify and implement opportunities to advance environmental justice through pollution prevention in federal environmental statutes.
- Promote efforts to incorporate pollution prevention in supplemental environmental projects (SEP).

⁴³ National Environmental Justice Advisory Council (June 2003). *Advancing Environmental Justice through Pollution Prevention*.

- Provide incentives to promote collaboration among communities, business and government on pollution prevention projects in communities with environmental justice concerns.
- Encourage “Green buildings,” “Green businesses,” and “Green industries” through EPA’s Brownfields and Smart Growth programs.
- Identify opportunities to promote cleaner technologies, cleaner energy and cleaner production in industrial and commercial enterprises in communities with environmental justice concerns.

These NEJAC recommendations were incorporated into several EPA policies, programs, and activities. For example, the Agency’s [Source Reduction Assistance Grants Program](#) supports source reduction/ pollution prevention projects that will provide an overall benefit to the environment by preventing pollutants at the source and resource conservation work.⁴⁴ Eligible applicants include community-based grassroots organizations, federally-recognized tribes, and intertribal consortia. In addition, the grants request applicants to address three areas of emphasis, one being on state or Community Approaches to Hazardous Materials Source Reduction, which requests applicants to carry out research, studies, demonstrations, or trainings on state or community-based approaches to hazardous materials source reduction activities that result in reduced generation and use of hazardous materials.

“We came here to take care of business. What we’re really talking about is environmental democracy...from the bottom up, not from the top down. We want to make a new democracy that is an environmental as well as an economic democracy.”

--Richard Moore, Chair of NEJAC

Another example is that EPA’s Brownfields Program also actively promotes the use of green buildings, green businesses and green industries. Smart Growth principles and strategies can help reduce the environmental impacts of buildings and development and enhance the community’s health and economy. The 2003 Green Buildings on Brownfields Initiatives’ pilot projects provided technical assistance, including expert consultant services, to facilitate the development of green buildings in eight locations. The initiative is designed to promote the use of green building techniques at brownfield properties in conjunction with assessment and cleanup.⁴⁵ EPA continues to implement NEJAC’s advice and recommendations as it finds innovative ways to help communities build capacity to alleviate pollution problems. This is further demonstrated in the [SEPs](#) policy update in 2015, which includes pollution prevention as an acceptable category of projects.⁴⁶

ENSURING NATIONAL CONSISTENCY IN IDENTIFYING AREAS OF CONCERN

NEJAC has played a major role in the initiation, development, and implementation of environmental justice screening tools. EPA’s Office of Enforcement and Compliance Assurance (OECA) developed the Environmental Justice Strategic Enforcement Assessment

⁴⁴ U.S. Environmental Protection Agency. [Grant Programs for Pollution Prevention](#).

⁴⁵ U.S. Environmental Protection Agency (2003). Green Buildings on Brownfields Initiative: Pilot Project Fact Sheet.

⁴⁶ U.S. Environmental Protection Agency (2015). 2015 Update to the 1998 U.S. EPA Supplemental Environmental Projects Policy.

Screening Tool (EJSEAT) as a tool to identify areas experiencing disparate environmental and public health burdens for the purpose of focusing OECA's enforcement and compliance activities in those areas. The Agency first tasked NEJAC to identify possible policy-level issues, concerns, and benefits of EJSEAT in 2007⁴⁷, and later to identify ways to improve the tool's comprehensiveness, efficacy, and accuracy. A Work Group was formed to undertake the task. On May 2010, NEJAC issued a report, entitled *Nationally Consistent Environmental Justice Screening Approaches*.⁴⁸ The report identified several priority areas for EJSEAT and other tools that may be developed to identify priority areas with potential environmental justice concerns. EJSEAT was used for internal EPA purposes only and not available to the public. EPA's main publicly available environmental justice mapping tool until 2015 was EJVIEW, a web-based tool that displayed selected demographic and environmental data, and allowed users to overlay these data on maps of a community or wider area.

Key recommendations from the report include:

- EPA should carefully delineate how EJSEAT and similar tools are to be used. For example, EPA should avoid using the tool in an exclusionary manner where failure to be prioritized in EJSEAT results in a community not being treated as an environmental justice community.
- EPA should undertake a review of the EJSEAT variables to avoid undue weighting of elements, including reexamining age variables and performing sensitivity analyses of each EJSEAT variable to determine the degree to which each variable may influence scoring.
- EPA should expand the environmental indicators used in EJSEAT to include data on soil contamination, surface and groundwater contamination, and nuisance and non-point source pollution.
- EPA should consider broadly the possible uses of EJSEAT and be prepared to address unintended consequences. EPA should create an EJSEAT training program to prevent misunderstanding and misuse of tools like EJSEAT.
- EPA should ensure that, where EJSEAT is used prospectively, it must be part of a community specific (although consistently employed) process to identify areas not captured by the elements of EJSEAT.
- EPA should consult with Native American representatives to develop mechanisms to assure appropriate treatment within the context of the policy, permitting, enforcement, and other decisions the use of EJSEAT will affect.

As a commitment to develop a nationally consistent environmental justice screening and mapping tool and in phasing out EJVIEW and EJSEAT, EPA incorporated NEJAC advice and recommendations into EJSCREEN. EJSCREEN uses publicly available environmental and demographic data to map and screen communities with environmental justice concerns. It includes 12 environmental indicators, 6 demographic indicators, and 12 environmental

⁴⁷ National Environmental Justice Advisory Council (December 2007). NEJAC Initial Letter Regarding the Environmental Justice Strategic Enforcement Assessment Tool.

⁴⁸ National Environmental Justice Advisory Council (May 2010). *Nationally Consistent Environmental Justice Screening Approaches*.

justice indices. EJSCREEN was first used within the Agency in 2012 and in June of 2015, EPA shared EJSCREEN with the public. A new and improved version of EJSCREEN was shared with the public in June 2016.

The impacts that NEJAC has made on EJSCREEN go above and beyond the EPA alone. EJSCREEN is being used by university students to identify environmental concerns that affect communities, such as communities impacted by concentrated animal feeding operations in North Carolina, and to help community leaders gather the necessary data to improve their communities. Other federal agencies and departments, such as the U.S. Department of Transportation and the Federal Emergency Management Agency, are also incorporating regular use of EJSCREEN into their business practices, such as screening and outreach for future road projects and prioritization of disaster response and recovery efforts.

EPA'S ROLE IN LEADING ENVIRONMENTAL JUSTICE CHANGE

In order to ensure that EPA policies, programs, and activities are adequately addressing concerns of environmental justice communities, EPA consults with the NEJAC on its own environmental justice practice. For instance, EPA chairs the EJ IWG, which was established by the Presidential Executive Order on Environmental Justice of February 11, 1994. The EJ IWG includes 17 Federal agencies and White House offices with standing committees and other committees established as necessary to carry out responsibilities outlined by the Order.

The NEJAC report to EPA in June 2002, entitled *Integration of Environmental Justice in Federal Agency Programs*, outlined the a broad spectrum of recommendations for federal government efforts toward integrating environmental justice into Agency policies, programs, and activities⁴⁹:

- Support advancement of the Federal (EJ IWG) Action Agenda and its collaborative interagency problem-solving model as exemplified in the fifteen EJ IWG demonstration projects.
- Continue individual Agency-specific implementation of environmental justice.
- Explore and identify ways for greater use of legal authorities and removal of regulatory impediments to achieve environmental justice.
- Ensure that, in the case of federally-recognized tribes, including Alaska Native villages, integration of environmental justice into Agency policies, programs, and activities is consistent with federal trust responsibility to tribes, recognized principles of tribal sovereignty, and the government-to-government relationship with tribes.
- Collaborate in identifying specific focus areas or target programs where application of environmental justice principles could significantly benefit communities.
- NEJAC requested that EPA share its recommendations with other Federal agencies as well.

⁴⁹ National Environmental Justice Advisory Council (June 2002). *Integration of Environmental Justice in Federal Agency Programs*.

The issue of public participation at the EPA regional level is of special significance to the NEJAC because many local site-specific issues have historically been brought to the NEJAC's attention. NEJAC believes that its ability to function effectively in providing advice and recommendations to the EPA Administrator is dependent on the EPA's ability to find mechanisms which respond effectively to these local issues. It is important that the EPA Regional offices conduct public forums or listening sessions and other activities to address these site-specific environmental justice issues, many of which come to the NEJAC's attention by virtue of its public comment periods.

STRATEGIC PLANNING

The NEJAC also consulted with EPA in the development of the EPA Plan EJ 2014. In particular, the Agency asked NEJAC in 2011 to review the five cross-Agency focus areas to ensure that they are priority areas, to explore ways in which EPA can strengthen actions within the focus areas, and to prioritize the focus areas. A Work Group was formed to develop recommendations to the Agency.⁵⁰ In general, NEJAC asked EPA to provide more specificity to the Plan by having a clear process for implementation with a timeline and expected outcomes. It also asked the Agency to provide explicit criteria and outcome measures by which the Plan will be evaluated.

"The NEJAC has played a crucial role in moving "environmental justice" from a slogan to a program. NEJAC's consistent focus has been essential in ensuring EPA continues to move forward incorporating environmental justice principles into all of the Agency's programs. NEJAC's role is especially critical because the environmental justice community does not have a natural advocacy group, but rather is composed of a diverse and geographically dispersed group of individuals and groups, who come from different backgrounds, and have issues that span all of EPA's many programs."

---Granta ("Grant") Nakayama,
Former Assistant Administrator for EPA,
OECA

Among the recommendations in the report include:

- Ensure environmental justice concerns in selecting national priorities for enforcement and compliance assurance attention.
- Target specific compliance strategies and enforcement actions to address problems that affect overburdened communities.
- Seek remedies in enforcement actions that benefit overburdened communities affected by compliance.
- Work with other federal agencies, state and tribal governments, businesses, nonprofit organizations, universities, foundations, and others to provide support for community based organizations to participate in community or government convened collaborative processes that afford meaningful and substantive participation in decision-making processes.
- Explore in a cross-Agency fashion whether there exists in communities with environmental justice concerns the opportunities to remove or reduce impacts of the zoning practices in the past.

⁵⁰ National Environmental Justice Advisory Council (May 2011). NEJAC Comments on Plan EJ 2014.

- Raise the level of attention given to focus areas 4-Supporting Community-Based Action Programs, and 5-Fostering Administration-Wide Action on Environmental Justice.

NEJAC advice and recommendations were taken into consideration in the final Plan EJ 2014. For example, under Goal 3.3. Advancing Environmental Justice in Compliance and Enforcement in Plan EJ 2014, the Agency committed to effectively communicate the Agency's enforcement activities and plans, as well as to "fully integrate consideration of environmental justice concerns into the planning and implementation of Agency enforcement and compliance program strategies, case targeting strategies, and development of remedies in enforcement actions to benefit these communities".⁵¹ In addition, OECA also selected National Enforcement Initiatives for FY 2011-2013 that include working with the Department of Justice to take action against sewer overflows, Concentrated Animal Feeding Operations (CAFO) that discharge manure to surface or ground waters, and facilities that emit excessive amounts of air toxics. Furthermore, the Agency also committed to seeking appropriate remedies in enforcement actions to benefit overburdened communities and address environmental justice concerns by providing information on enforcement actions, improving sharing of public information, and enhancing communication on the benefits of the enforcement actions.

"NEJAC brought a perspective to the dialogue on environmental justice issues, and broader environmental issues as well, that EPA officials and staff had not always heard or appreciated. That perspective made a difference, both in the terms of how the Agency viewed and ultimately addressed the issues."

---Steve Herman, Assistant Administrator for EPA, OECA

Plan EJ 2014 also included the NEJAC's advice and recommendations to incorporate perspectives from community-based organizations and community leaders into EPA research agendas and engage in collaborative partnerships with them on science and research to address environmental justice. In addition, it emphasized strengthening the Agency's scientists in conducting research in partnership with impacted communities and translating research to inform change. The goals, strategies, and activities in Plan EJ 2014 reflect the various advice and recommendations by the NEJAC to improve and enhance environmental justice considerations within the Agency.

PERMITTING IN EPA

Community concerns about permitting are an important decision-making topic for both communities with environmental justice concerns and EPA since the 1983 General Accounting Office report, *Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities*. EPA has been actively engaging with the NEJAC to find solutions to improve its permitting process and policy.

⁵¹ U.S. Environmental Protection Agency (2011). *EPA Plan EJ 2014*.

In July 1996, due to a recurrent discussion in the NEJAC and its Enforcement Subcommittee about the extent to which EPA possesses the authority to condition on environmental justice grounds permits to regulate entities pursuant to the various federal environmental protection laws, the NEJAC Enforcement Subcommittee issued a “*Draft Memorandum on Integrating Environmental Justice into EPA Permitting Authority.*” The memorandum explores the issue of whether EPA possesses authority that it has not yet chosen to exercise, and the extent to which EPA exercises such authority in the permitting process to promote environmental justice concerns. The Memorandum summarizes environmental justice legal authorities under various Acts, such as the Clean Air Act, Clean Water Act, and Toxic Substances Control Act.

The NEJAC convened a public meeting on November 30 to December 2, 1999, to address environmental justice in the permitting process. Several key themes surfaced repeatedly in stakeholder interviews and public testimony. In its August 2000 report, *Environmental Justice in the Permitting Process: A Report from the Public Meeting on Environmental Permitting Convened by the National Environmental Justice Advisory Council in Arlington, Virginia*, NEJAC recommended that EPA do the following⁵²:

- Exert 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.

The NEJAC Memorandum led to the previously mentioned EPA Memorandum on EPA Statutory and Regulatory Authorities Under Which Environmental Justice Issues May Be Addressed in Permitting in 2000.

In July 2010, EPA asked NEJAC to provide advice and recommendations on how to enhance environmental justice throughout its permitting programs, for both EPA and state and tribal government issued permits. In particular, the Agency asked NEJAC to explore the types of EPA-issued permits in which to incorporate environmental justice concerns, and the types of permits issued pursuant to federal environmental laws that are best suited for exploring and addressing cumulative impacts.

⁵² National Environmental Justice Advisory Council (August 2000). *Environmental Justice in the Permitting Process*.

The following is the list of key recommendations proposed by the NEJAC in its May 2011 report, *Enhancing Environmental Justice in EPA Permitting Programs*⁵³:

- Cumulative environmental impacts, permitted or not, must be addressed and mitigated within existing and new permits, regardless of permit type.
- Permitting covers a broad range of regulatory work, including renewals, modifications, enforcement actions, and settlements. All of these permit-related processes have important elements for environmental justice engagement. This is not just about new facilities and their permit applications.
- Formal agreements between EPA regions and their respective delegated or authorized states, tribes, and/or other jurisdictions need to have environmental justice addressed more – both in general and with specific actions and noted responsibilities. Multiple ideas and examples are provided.
- More recent permit issues related to hydraulic fracturing and mountain top mining need immediate review from an environmental justice perspective. Acknowledging several prior Council reports to EPA related to permitting over past years, this report draws attention to newer permit related challenges in need of environmental justice attention and action by EPA and others.
- Permits from other federal agencies need environmental justice review and support from EPA and the Interagency Working Group on Environmental Justice. Examples include: U.S. Army Corps of Engineers Section 404 permits; U.S. Department of Defense clean-up work on Formally Used Defense Sites; and U.S. Department of Interior environmental work/oversight in Indian Country.

Based on the NEJAC's advice and recommendations on permitting, EPA created a basis for considering environmental justice concerns in the permitting process in Plan EJ 2014. Under Plan EJ 2014, the Agency developed guidance on when and how to conduct enhanced outreach to communities in conjunction with EPA permits or permit renewals. As a result, each EPA regional office developed and is implementing a Regional Implementation Plan identifying how they will do this enhanced outreach. EPA also provided promising practices for business and industry on engaging neighboring communities to build trust and promote better understanding. EPA continues to emphasize and highlight public participation requirements in all permitting processes to ensure that permit writers consult with affected communities on an ongoing and continuing basis.

NEJAC's advice and recommendations on permitting continue to be considered within EPA's draft Plan EJ 2020. The environmental justice in permitting area of Plan EJ 2020 will ensure that environmental justice is routinely considered in EPA permitting in all appropriate circumstances. This means that in initiating a permitting action, EPA permit writers will consider whether there are environmental justice concerns present in the community affected by the permit. Wherever appropriate, EPA will conduct enhanced outreach to fully understand those concerns and perform analyses of potential local impacts on overburdened communities. Under this plan, EPA will also expand the availability of information resources, especially web-based information, to help communities further understand EPA permitting

⁵³ National Environmental Justice Advisory Council (May 2011). *Enhancing Environmental Justice in EPA Permitting Programs*.

processes, and how they might participate effectively in it. EPA will engage in discussions with our regulatory partners and external stakeholders, including community representatives and permit applicants about considering environmental justice concerns in permitting. Over time this information may grow to include best practices that permitting agencies, permit applicants, and communities might employ to ensure meaningful communication and participation. The recent release of Plan EJ 2020 is a continuation of the work and progress achieved within Plan EJ 2014 and EPA's continued commitment for public participation.

IMPROVING RELATIONS WITH TRIBAL GOVERNMENTS AND INDIGENOUS PEOPLES

Since the establishment of the Office of Environmental Justice, and the creation of NEJAC, the Agency has worked to determine how it can effectively work with federally recognized tribes and indigenous peoples to address their priority environmental and public health concerns. The NEJAC first focused its recommendations on the importance of the Agency affirming and developing effective government to government relationships with federally recognized tribes to provide for environmental protection in Indian country, and noted the importance of public participation in environmental programs. As such, the NEJAC's Indigenous Peoples Subcommittee helped the NEJAC create a set of recommendations in 2000, resulting in a [Guide on Consultation and Collaboration with Indian Tribal Governments and the Public Participation of Indigenous Groups and Tribal Members in Environmental Decision Making](#).⁵⁴ The Guide sought to address concerns raised about the lack of effective consultation and collaboration between federal agencies and American Indian and Alaska Native tribal governments. The NEJAC also wanted to help EPA and other interested stakeholders better understand the necessity of, and principles for, effective consultation with tribal governments, and the need for meaningful involvement of tribal communities and tribal members in environmental decision making processes. Some of the advice and recommendations in the Guide are:

- Operate within a government-to-government relationship with tribes.
- Consult, to the greatest extent practicable, with tribes prior to taking actions that affect tribes. These consultations must be open and candid so that all interested parties may determine the potential impact of proposed actions.
- Assess the impact of all federal plans, projects, programs, and activities on tribal trust resources, and assure those tribes' rights and concerns are considered during the development of plans, projects, programs and activities.
- Take appropriate steps to remove procedural impediments to working directly and effectively with tribes on activities affecting the property or rights of tribes.

This Guide was instrumental in helping inform the development of the EPA Policy on Consultation and Coordination with Indian tribes, which was completed in 2010, as well as other federal agencies which have developed their own tribal consultation policies.

SUPPORTING TRIBAL CAPACITY FOR ADVANCING ENVIRONMENTAL JUSTICE

⁵⁴ National Environmental Justice Advisory Council (November 2000). *Guide on Consultation and Collaboration with Indian Tribal Governments and the Public Participation of Indigenous Groups and Tribal Members in Environmental Decision Making*.

A few years later, to build upon the Guide, the NEJAC developed advice and recommendations on how EPA can help tribes develop effective public participation processes to meaningfully involve interested members and residents in the environmental decision-making processes, to enhance environmental justice for indigenous peoples and others living and working in Indian country and in Alaska Native villages. This advice and recommendations were included in the NEJAC's 2004 document, [Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs](#). Some of the advice and recommendations in the document are⁵⁵:

- EPA should work with tribes to develop an understanding of tribal traditional principles of equity, fairness, and justice so as to better understand the tribes' due process and public participation approaches.
- EPA should develop materials to inform tribal governments about the federal environmental laws and regulations requiring public participation and due process.
- EPA should work collaboratively with tribes to develop training and education for tribes, tribal members, and tribal community-based organizations on meaningful involvement and fair treatment.
- EPA should assist the tribes who are interested in developing administrative procedures (including processes for public participation and due process) so they will be better prepared to develop and implement federally-approved tribal environmental programs.
- EPA should support coordination and collaboration among the tribes that have established meaningful involvement and fair treatment processes with the tribes seeking to develop their own processes.

⁵⁵ National Environmental Justice Advisory Council (2004). *Meaningful Involvement and Fair Treatment by Tribal environmental Regulatory Programs*.

Several years later, in October 2011, EPA asked the NEJAC to expound on its earlier input and provide advice and recommendations about how the Agency can more effectively work with federally recognized tribes and indigenous peoples to address environmental justice issues in Indian country and in other areas of tribal and indigenous interest. In particular, the Agency wanted recommendations on ways to improve the incorporation of environmental justice in tribal environmental capacity-building and federal implementation programs; collaboration with federally-recognized tribal governments in addressing environmental justice concerns; collaboration with tribal community-based organizations and other indigenous peoples; and coordination with other federal agencies on tribal and indigenous peoples environmental justice issues. To respond to the charge, NEJAC formed a NEJAC Indigenous Peoples Work Group, who finalized a report in January 2013 entitled, *Recommendations for Fostering Environmental Justice for Tribes and Indigenous Peoples*.⁵⁶ The Work Group is comprised of tribal and indigenous environmental justice stakeholder representatives.

"The NEJAC reports on Tribal government, indigenous community, and Alaska Native consultation, collaboration, meaningful involvement, and fair treatment have taught EPA staff and Indian stakeholders a lot. It has taught us about internal EPA policies regarding Tribal government and indigenous communities, and how EPA can better communicate and establish relationships with these organizations. Many Tribal governments and indigenous communities also use these documents as guidance to develop environmental programs."

--Tom Goldtooth, Executive Director
Indigenous Environmental Network

Key recommendations of the report include:

- EPA should seek input and the meaningful involvement and engagement of tribal and indigenous communities, state-recognized tribes, and other indigenous stakeholders in the Agency's decision-making processes, pertaining to policies, projects and activities that may affect them and/or their traditionally used lands, waters, air and territories.
- EPA should comply with its long-standing Indian Policy principles, which have established sufficient guidance (EPA's 1984 Indian Policy, and Executive Order 12898) for the Agency to work effectively with tribal governments regarding on- reservation environmental justice issues.
- EPA should continue to recognize and support tribal authority to set environmental standards, make environmental policy decisions, and to manage environmental programs, demonstrating respect for internal tribal governmental affairs.
- EPA should elevate the role of Regional Environmental Justice and Tribal Coordinators/ Liaisons.
- EPA should create a standing Indigenous Peoples Environmental Justice Committee (or standing Subcommittee of the NEJAC) to help advise EPA to address Environmental Justice concerns.
- EPA should meaningfully consult with tribal governments and obtain community input prior to making policy or project decisions that may affect them and/or their traditionally used lands, waters, air and territories. It is equally important that both the EPA and tribal governments seek input from their tribal members whose subsistence lifeways, lands,

⁵⁶ National Environmental Justice Advisory Council (January 2013). *Recommendations for Fostering Environmental Justice for Tribes and Indigenous Peoples*.

waters and air quality may be impacted by decisions made by tribal entities and governments.

The Agency also charged NEJAC to provide advice and recommendations on its draft “EPA Policy on Environmental Justice for Tribes and Indigenous Peoples.” The Council provided EPA with a list of recommendations that improved the wording and language of the draft document, as well as asking the EPA to consider developing Memoranda of Understandings with other federal agencies to coordinate and collaborate when addressing tribal and Indigenous peoples environmental justice concerns. The NEJAC also issued *Proposed Advice and Recommendations on Implementation of the EPA Policy on Environmental Justice for Tribes and Indigenous Peoples* in September 2014.⁵⁷

Key recommendations from this report include:

- Adopt the Indigenous notion of Traditional Ecological Knowledge and Wisdom (TEKW) to inform EPA policy, making explicit reference to a “holistic” approach.
- Promote the EPA Tribal/Indigenous EJ Policy at the regional level to enhance tribal government and program-level awareness and solicit feedback from tribal representatives regarding implementation effectiveness and/or issues pertaining to environmental justice.
- Include in EPA’s National Program Manager (NPM) guidance goals and targets for the EPA Tribal/Indigenous EJ Policy as headquarters and regional offices continue implementation efforts on a government-to-government basis with tribal leadership.
- Elevate tribal government leaders, tribal or indigenous elders, and other community identified leaders to increase tribal government and indigenous peoples’ visibility through collaboration/co-management/joint learning between tribes, federal agencies, states and non-profit organizations working within tribal or indigenous communities.
- Increase funding for the Environmental Justice Collaborative Problem- Solving Cooperative Agreement Program (EJCPS) so that tribal-specific programs can be increased.
- Help other federal agencies and interagency work groups develop an understanding and comprehension of environmental justice as it pertains to federally recognized tribal governments and indigenous peoples, recognizing the relationship to each other, distinction from each other, and necessity for separate engagement and responsibilities to each.
- Establish regional Environmental Justice Liaisons who can help conduct outreach and share information that is relevant to tribal nations and indigenous peoples within their jurisdiction who may be impacted by an EPA decision or proposal.

NEJAC advice and recommendations helped inform the Agency’s policy in working with tribal governments and all other indigenous peoples, and has been influential in how the Agency plans to implement the policy and influence the EPA’s programs, policies and activities.

⁵⁷ National Environmental Justice Advisory Council (September 2014). *Proposed Advice and Recommendations on Implementation of the EPA Policy on Environmental Justice for Tribes and Indigenous Peoples*.

Based on the January 2013 NEJAC recommendations on the draft EPA Policy on Environmental Justice, EPA released its Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples. The Policy describes how EPA works with federally recognized tribes and indigenous peoples and explains how the Agency protects the environment and public health in Indian country and in other areas of interest to tribes and indigenous peoples. It contains 17 principles in the areas of⁵⁸:

- Direct implementation of federal environmental programs in Indian country, and throughout the United States.
- Work with federally recognized tribes/tribal governments on environmental justice.
- Work with indigenous peoples (state recognized tribes, tribal members, etc.) on environmental justice.
- Collaborate with federal agencies and others on environmental justice issues of tribes, indigenous peoples, and others living in Indian country.

The Agency is currently in the process of developing effective measures for the implementation of the Policy, which include measures which are planned for the Agency's next five year environmental justice strategy, the EJ 2020 Action Agenda.

PROMOTING STRATEGIES TO REDUCE IMPACTS OF GOODS MOVEMENT ACTIVITIES

In June 2007, the EPA charged the NEJAC to provide advice and recommendations in assessing how the Agency can most effectively promote strategies with various stakeholders to identify, mitigate, and/or prevent disproportionate burden of air pollution caused by goods movements. The NEJAC created the Goods Movements Work Group, who produced the previously mentioned report in November 2009 entitled, *Reducing Air Emissions Associated with Goods Movement: Moving Toward Environmental Justice*. The recommendations focused on ways in which EPA can support reducing air pollution from goods movements and its impacts on communities with environmental justice concerns living near goods movement facilities, such as air and marine ports, rail yards, highways, and distribution centers.

In addition to providing advice and recommendations on how to effectively engage the public to help them make better decisions, as mentioned earlier, the report focused on six other areas of focus:

- Health Research Gaps and Educational Needs
- Regulatory and Enforcement Mechanisms
- Land Use
- Technology
- Environmental Management and Performance
- Financing

⁵⁸ National Environmental Justice Advisory Council (January 2013). *Recommendations for the Working Draft of EPA Policy on Environmental Justice for Tribes and Indigenous Peoples*

Some key advice and recommendations on EPA's goods movement related policies, programs, and activities include:

- Direct each of the ten regions of EPA to identify and prioritize areas or communities maximally exposed or affected by goods movement related facilities and activities for taking action.
- Initiate mechanisms, processes and venues for reaching agreements on actions needed to reduce health impacts from goods movement in the identified communities.
- Accelerate introduction of existing, cleaner technologies and systems by providing needed resources using incentives, regulatory actions, modifying existing funding and financing programs, creating new funding mechanisms, and offering technical assistance.
- Support additional research and data gathering, with full community involvement and participation to accelerate emission reduction from goods movement activities.

On July 2010, EPA released a response to NEJAC's advice and recommendations on goods movement. The Agency addressed its response and actions related to the NEJAC recommendations. Key responses and actions included:

- EPA regions are in the process of creating an inventory of goods movement facilities located near communities with environmental justice concerns using Geographic Information Systems and other tools.
- EPA has made significant progress in regulating emissions from engines and vehicles used in freight operations and programs.
- The 2010-2012 Ports Air Quality Plan contains specific commitments for actions to address emissions from port operations.
- EPA's draft transportation conformity guidance for quantitative hot-spot analysis provides a method for quantitatively assessing the local impacts of transportation objects.
- EPA will continue to promote Environmental Management Systems through its SmartWay and Clean Ports USA Programs.
- EPA will encourage eligible communities to submit applications for Clean Diesel Grants.
- EPA will build on the success of the Tribal Diesel Emissions Reduction Grants.

Moreover, based on NEJAC's advice and recommendations, the EPA Executive Management Council selected two Agency goods movement goals in its strategic planning process.

The recently established Federal EJ IWG Goods Movement Committee goal is to help reduce environmental and health effects of commercial transportation and supporting infrastructure that may impact low-income, minority, and tribal populations while ensuring efficient goods movement and assuring overburdened communities have greater opportunities to benefit. Further, EPA charged its Mobile Sources Technical Review Subcommittee under the Clean Air Act Advisory Committee to establish a Port Initiative Workgroup, to provide the Agency with recommendations on 1) how to effectively measure air quality and GHG performance of ports and/or terminals within ports; and 2) design elements for an EPA-led voluntary program to improve environmental performance as goods move through ports (including program element requirements for meaningful engagement between port communities and ports). Once finalized, these recommendations will inform EPA's development and

implementation of an EPA-led voluntary initiative to improve port environmental achievement and air quality for port communities.

IMPROVING EMERGENCY PREPAREDNESS, PREVENTION, AND RESPONSE

Disasters have detrimental impacts on overburdened and underserved communities that are already being impacted by environmental hazards. EPA is often called upon to respond to emergency events that have environmental impacts on the environment and human health. NEJAC has provided advice and recommendations to help EPA better address concerns of communities that have been, as well as may be in the future, impacted by emergency events and disasters.

GULF COAST HURRICANES AND ENVIRONMENTAL JUSTICE

In August 2006, in the aftermath of the 2005 Gulf Coast hurricanes, NEJAC issued a report which provided recommendations on how EPA could enhance its disaster preparedness and response procedures, better facilitate risk communication and environmental health response, and foster environmentally sound redevelopment.⁵⁹

As a result, on February 7, 2007, EPA communicated to NEJAC that it was amending its emergency management procedures to enhance the Agency's ability to address environmental justice issues. For example, the emergency management Incident Command Systems Liaison Officer, who is in charge of coordinating contact with key stakeholders, will ensure that environmental justice issues are addressed in a timely manner and brief the Incident Commander as necessary.

Other actions were taken by EPA in response to the recommendations contained in NEJAC's August 2006 Gulf Coast Hurricanes and Vulnerable Populations report to incorporate environmental justice considerations into its disaster preparedness and response procedures. In its response, EPA noted that it was taking the following actions⁶⁰:

- Use a geographic information tool to identify vulnerable populations to establish baselines and outreach strategies during emergency situations.

"Environmentalism is not only about protecting wilderness or saving polar ice caps. As important as those things are, environmentalism is also about protecting people in the places where they live, and work, and raise families. It's about making our urban and suburban neighborhoods safe and clean, about protecting children in their schools, and workers at their jobs."

--Lisa Jackson, Former EPA Administrator

⁵⁹ National Environmental Justice Advisory Council (August 2006). *The 2005 Gulf Coast Hurricanes and Vulnerable Populations—Recommendations for Future Disaster Preparedness/Response*.

⁶⁰ Nakayama, Granta (February 2007). Letter in response to *The 2005 Gulf Coast Hurricanes and Vulnerable Populations—Recommendations for Future Disaster Preparedness/Response*.

- Update its list of environmental justice contacts, from all stakeholder groups, that can be accessed quickly in case of future disasters. These contacts can assist the Agency in ensuring adequate outreach to vulnerable communities.
- Develop information materials about the use of environmental waivers during disasters, and use these materials as part of its stakeholder communications activities during future emergency response situations.
- Utilize its long history of effectively using neutral parties to help solve complex, multi-party environmental issues. EPA's Alternative Dispute Resolution (ADR) policy, adopted in 2000, affirms the Agency's strong support for using ADR to deal with environmental disputes and conflicts. EPA will evaluate and consider where the use of dispute resolution tools could assist EPA's response efforts with communities and others.

In response to the NEJAC's advice and recommendations regarding emergency response, EPA sent environmental justice envoys to the Gulf Coast following the Deepwater Horizon Oil Spill in 2010 in order to ensure that environmental justice considerations were incorporated into the response to the oil spill. In 2012, EPA sent environmental justice staff to assist with ensuring that environmental justice considerations were addressed during the aftermath of Superstorm Sandy.



Destruction caused by Hurricane Katrina; New Orleans, LA; September 2005

IMPROVING CHEMICAL PLANT DISASTERS

Following the requests of several environmental justice advocates in the October 2011 NEJAC meeting on the urgent need for EPA to act to prevent chemical disasters, in March 2012, the NEJAC issued a letter to advise EPA to use its authority under the "General Duty Clause" of the 1990 Clean Air Act, section 112(r), known as the Bhopal clause. NEJAC recommended that EPA require covered chemical facilities to prevent catastrophic chemical releases. This action would reduce the danger and imminent threat that chemical plants, chemical manufacturing, and the transport and storage of hazardous chemicals pose to environmental justice and all communities.⁶¹

On August 2013, EPA issued a response to this letter, which noted that the Agency has been working across the federal agencies to improve overall programs in the area.⁶² In addition, the President also signed Executive Order 13650, "Improving Chemical Facility Safety and Security," on August 1, 2013, which directs the federal government to:

- Improve operational coordination with state, local, and tribal partners, including developing a plan to support and further enable state regulators, emergency responders,

⁶¹ National Environmental Justice Advisory Council (March 2012). *Recommendations for the Prevention of Chemical Plant Disasters*.

⁶² Stanislaus, Mathy (August 2013). Letter in response to *Recommendations for the Prevention of Chemical Plant Disasters*.

chemical facility owners and operators, and communities to work together to improve chemical facility safety and security.

- Enhance federal agency coordination, including a pilot program which has already begun, creating standard operating procedures, and updating agreements with the Chemical Safety and Hazard Investigations Board.
- Enhance information collection and sharing, including ways to help identify chemical facilities which may not have provided all required information or may be non-compliant with federal requirements, propose a flexible data-sharing process, and recommend changes to streamline and improve data collection to meet the needs of the public and agencies.
- Modernize policies, regulations and standards, including developing options for improved chemical facility safety and security that identifies improvements to existing risk management practices, engaging key stakeholders in the effort, and developing a plan for implementing improvements.
- Identify best practices, including convening stakeholders to identify and share successes to date and best practices to reduce safety risks and security risks in the production and storage of potentially harmful chemicals, including through the use of safer alternatives, adoption of best practices, and potential public-private partnerships.

In February 2014, as a response to the catastrophic chemical spill at Elk River that contaminated the public water source that services 300,000 residents (20-29 percent of the population lives below the poverty line), the NEJAC issued a letter recommending EPA, and other officials, convene a listening session on President Obama's Executive Order 13650 in Charleston, West Virginia by March 31, 2014.⁶³ The listening session would provide a voice to the individuals, organizations, and communities impacted by the spill and shape the implementation of the EO.

The EPA issued a response in May 2014, which agreed with the issues raised by the NEJAC.⁶⁴ EPA OLEM Assistant Administrator Mathy Stanislaus and staff held a call with the West Virginia Community Development Hub and her partners to discuss their concerns and the Executive

Order. As part of the effort to further address the issues raised by the spill as it relates to the actions of the Order, the federal agencies were reviewing the hazardous chemical regulatory authorities, including strengthening the planning and preparedness capabilities of local responders and replicating best practices. The EO Working Group also developed a set of actions to improve stakeholder coordination in six categories:

- Expand engagement of the chemical regulated community in the local emergency planning process.

⁶³ National Environmental Justice Advisory Council (February 2014). *Recommendations Regarding the January 2014 Chemical Spill in Charleston, West Virginia*.

⁶⁴ Stanislaus, Mathy (May 2014). Letter in response to *Recommendations Regarding the January 2014 Chemical Spill in Charleston, West Virginia*.

- Improve training and protection for first responders, including a comprehensive implementation and compliance strategy for Hazardous Waste Operations and Emergency Response regulations.
- Provide further technical assistance to State Emergency Response Commissions, Tribal Emergency Response Commissions, Local Emergency Planning Committees (LEPCs), and Tribal Emergency Planning Committees (TEPCs) preparedness activities.
- Identify and coordinate funding sources for LEPCs/TEPCs to sustain planning activities.
- Increase use of electronic reporting and data management.
- Improve public participation in LEPC/TEPC emergency response planning and access to information about chemical facility risks.

Moreover, the Working Group will continue to review feedback and commentary on the recommended actions from stakeholders. NEJAC advice and recommendations continue to impact how the Agency and other federal agencies address the future of chemical facility safety.

CLIMATE CHANGE AND HEALTH

During discussions with NEJAC stakeholders for the development of this report, many stakeholders noted that NEJAC has been in the forefront of raising new and emerging environmental health concerns to the Agency. One of those emerging issues was climate change. In the aftermath of Superstorm Sandy, the NEJAC began working on recommendations for addressing the impacts of sea level rise in industrial waterfront communities. The final report was issued in 2015.

The issue of climate change has also been raised several times by the NEJAC Indigenous Peoples Workgroup as it addressed issues around adverse weather and persistent organic pollutants. The NEJAC will continue to be involved and engaged with the Agency about this critical issue and the discussions about how to address the adverse impacts of climate change that effect communities with environmental justice concerns.

STRENGTHENING THE PARTICIPATION OF BUSINESS AND INDUSTRY IN ENVIRONMENTAL JUSTICE, GREEN BUSINESS AND SUSTAINABILITY

In April 2008, EPA asked the NEJAC to consider how EPA might enhance its efforts to engage the private sector—business and industry—in a meaningful dialogue to strengthen the links between environmental justice, green business, and sustainability. After careful consideration, NEJAC believes that EPA is well positioned to facilitate a meaningful dialogue with business and industry on these topics.

“NEJAC has been instrumental in bringing a spotlight to important environmental justice issues, and where they are occurring. It provides a forum for raising issues for environmental justice communities, and working together to resolve those issues. NEJAC’s greatest success has been identifying specific actions within the role and responsibility of EPA and overseeing EPA’s implementation. This requires dedicated staff and resources by EPA working with a subgroup of the NEJAC to translate issues raised by the NEJAC and by stakeholders to the NEJAC to actionable items.”

—Mathy Stanislaus, Assistant Administrator,
Office of Land and Emergency Management,
EPA

NEJAC recommended on September 30, 2008, that EPA do the following⁶⁵:

- EPA should address both the potential disproportionate impacts of climate change on communities with environmental justice concerns and opportunities to achieve environmental justice benefits.
- EPA should maximize the benefits of its existing programs in this area by increasing the internal organization and coordination of relevant existing EPA programs.
- EPA should continue to facilitate a meaningful conversation in this area—that has in many ways already begun—with businesses and communities and other interested parties, through various forms, to ensure a broad and inclusive scope for this dialogue.
- EPA should increase and actively encourage policy-relevant research by its Office of Research and Development (ORD), Office of Air Quality Planning and Standards (OAQPS), and other internal and external partners to identify and maximize the potential to achieve environmental co-benefits and environmental justice benefits in this area.
- EPA should reach out to educate businesses—large and small—and related organizations by creating a practical and persuasive “toolbox” to help environmental and policy professionals within companies (as well as community members and shareholders) make the environmental as well as the business case for environmental justice and co-benefits.

EPA has taken action in all these areas subsequent to the NEJAC report. For example, EPA has developed many programs and projects that partner with industry and others to reduce greenhouse gas emissions. EPA plays a significant role in these partnerships, providing technical expertise and encouraging voluntary reductions from the private sector. For instance, EPA's Climate Protection Partnerships Division launched the Center for Corporate Climate Leadership to establish norms of climate leadership by encouraging organizations with emerging climate objectives to identify and achieve cost-effective greenhouse gas emission reductions, while helping more advanced organizations drive innovations in reducing their greenhouse gas impacts in their supply chains and beyond.⁶⁶ In addition, programs such as SmartWay and the National Clean Diesel Campaign aim to reduce pollution and improve air quality by means of forming partnerships with small and large businesses, citizen groups, industry, manufacturers, trade associations, and state and local governments.⁶⁷ EPA is planning more responsive actions in the future, e.g., the 2016 EPA National Funding Resources and Training Summit for Vulnerable Communities.

⁶⁵ National Environmental Justice Advisory Council (September 2008). *Strengthening the Participation of Business and Industry in Environmental Justice, Green Business, and Sustainability*.

⁶⁶ U.S. Environmental Protection Agency. [Center for Corporate Climate Leadership](#).

⁶⁷ U.S. Environmental Protection Agency. [Transportation and Air Quality Programs](#).

THE PATH FORWARD

NEJAC'S CONTINUING CONTRIBUTIONS

As we complete this 20-year retrospective on the major impacts of the NEJAC's advice and recommendations to EPA, it is important to remember that NEJAC will continue this work. As NEJAC completed its work in 2014 (its 20th year of operation), it was already beginning to address future challenges moving forward at the request of EPA.

During 2014, the NEJAC completed several important documents (described earlier in this report) that provided advice and recommendations to EPA. At the same time, NEJAC was beginning activities to address the following environmental justice topics:

- Assess the implementation of EPA's Agricultural Worker Protection Standard rule from the perspective of improving the environment and public health in communities disproportionately burdened by environmental harms and risks.
- Reaffirming the need for EPA to address the issue of goods movement, particularly the concerns of communities significantly affected by goods movement.
- Need for more sustained dialogue between EPA and the NEJAC on issues pertaining to improving full and vigorous enforcement of the Civil Rights Act of 1964.
- Assess the goals contained in EPA's proposed Clean Power Plan rule to reduce carbon dioxide emissions from power plants, and minimize detrimental impacts of climate change on communities with environmental justice concerns.

In 2016, the EPA established the NEJAC Youth Perspectives on Climate Change Work group, requesting NEJAC to provide recommendations to assist the Agency in developing best practices for addressing climate change concerns from a youth perspective. With substantial input from NEJAC, EPA also released in 2016 its updated version of EJSCREEN, its online tool for environmental justice mapping and screening.

It is clear that the important work of NEJAC on environmental justice continues into the future.

APPENDIX A

HISTORICAL NEJAC MEMBERSHIP

2014

- Margaret May (Chair)
- Sherri White (DFO)
- Teri Blanton
- Peter Captain, Sr.
- Charles Chase
- Kerry Doi
- Ellen Drew
- Mike Ellerbrock
- Andrea Guajardo
- Stephanie Hall
- Effenus Henderson
- Savonala 'Savi' Horne
- Cynthia Kim Len Rezentes
- Rosalyn LaPier
- Vernice Miller-Travis
- Michelle Moore
- Kandi Mossett
- Edith Pestana
- Deidre Sanders
- Fatemeh Shafiei
- Nicky Sheats
- Paul Shoemaker
- Kenneth Smith
- Horace Strand
- Javier Francisco Torres
- Kimberly Wasserman
- Jill Witkowski

2013-2014

- Elizabeth Yeampierre (Chair)
- Margaret May (Co-chair)
- Victoria Robinson (DFO)
- Terri Blanton
- Peter M. Captain, Sr.
- Andrea Guajardo
- Stephanie Hall
- Monica Hedstrom
- Effenus Henderson
- Savonala 'Savi' Horne
- Vernice Miller-Travis
- Edith Pestana
- Nia Robinson
- Deidre Sanders
- Fatemeh Shafiei
- Nicky Sheats
- Horace Strand
- Paul Shoemaker
- Kenneth Smith
- Nicholas Targ
- Javier Francisco Torres
- Kimberly Wasserman

2011-2012

- Elizabeth Yeampierre (Chair)
- Victoria Robinson (DFO)
- Terri Blanton
- Sue Briggum
- Peter M. Captain, Sr.
- Jolene Catron
- Stephanie Hall
- Jodena Henneke
- Savonala 'Savi' Horne
- Langdon Marsh
- Margaret May
- Vernice Miller-Travis
- Paul Mohai
- Fr. Vien T. Nguyen
- Edith Pestana
- John Ridgway
- Nia Robinson
- Patricia Salkin
- Nicholas Targ
- Kimberly Wasserman

2009-2010

- Richard Moore (Chair)
- Victoria Robinson (DFO)
- Don Aragon
- Chuck D. Barlow
- Sue Briggum
- M. Kathryn Brown
- Peter Captain, Sr.
- Jolene M. Catron
- Wynecta Fisher
- William Harper
- Jodena Henneke
- Christian R. Holmes
- Hilton Kelley
- J. Langdon Marsh
- Gregory J. Melanson
- Paul Mohai
- Shankar Prasad
- John Ridgway
- John Rosenthal
- Patricia E. Salkin
- Omega R. Wilson
- Elizabeth Yeampierre

2007-2008

- Richard Moore (Chair)
- Charles Lee (DFO)
- Chuck D. Barlow
- Sue Briggum
- M. Kathryn Brown
- Jolene M. Catron
- William Harper
- Jodena Henneke
- Christian R. Holmes
- Joyce King
- J. Langdon Marsh
- Gregory J. Melanson
- Paul Mohai
- Shankar Prasad
- John Ridgway
- John Rosenthal
- Patricia E. Salkin
- Donele Wilkins
- Omega R. Wilson
- Elizabeth Yeampierre

2005-2006

- Richard Moore (Chair)
- Charles Lee (DFO)
- Sue Briggum
- Charles T. "Chip" Collette
- Stephen Brian Etsitty
- Eileen Gauna
- Tom Goldtooth
- Jodena N. Henneke
- Richard Lazarus
- Harold Mitchell
- Shankar Prasad
- Juan H. Parras
- Andrew Sawyers
- Wilma Subra
- Connie Tucker
- Kenneth Warren
- Benjamin Wilson

2004

- Veronica Eady (Chair)
- Mary Nelson
- Charles Lee (DFO)
- Charles Collette
- Judith Espinosa
- Richard Gragg
- Jason Grumet
- Walter Handy, Jr.
- Robert Harris
- Philip Hillman
- Lori Kaplan
- Pamela Kingfisher
- Juan Parras
- Graciela Ramirez-Toro
- Andrew Sawyers
- Wilma Subra
- Connie Tucker
- Kenneth Warren
- Terry William

2003

- Veronica Eady (Chair)
- Mary Nelson
- Charles Lee (DFO)
- Charles T. Collette
- Larry Charles Judith Espinosa
- Richard Gragg, III
- Jason S. Grumet
- Walter S. Handy, Jr.
- Robert L. Harris
- Jodena Henneke
- Philip Hillman
- Lori F. Kaplan
- Pamela Kingfisher
- Juan H. Parras
- Graciela I. Ramirez-Toro
- Andrew Sawyers
- Wilma Subra
- Connie Tucker
- Kenneth J. Warren, Esq.
- Terry Williams
- Tseming Yang

2002

- Peggy Shepard (Chair)
- Charles Lee (DFO)
- Larry Charles
- Veronica Eady
- Judith Espinosa
- Anna Frazier
- Tom Goldtooth
- Richard Gragg, III
- Jason Grumet
- Eileen Guana
- Walter Handy, Jr.
- Robert Harris
- Lori Kaplan
- Pamela Kingfisher
- Adora Iris Lee
- Harold Mitchell
- Mary Nelson
- Graciela Ramirez-Toro
- Jane Stahl
- Wilma Subra
- Jana Walker
- Kenneth Warren
- Terry Williams
- Tseming Yang

2001

- Peggy Shepard (Chair)
- Charles Lee (DFO)
- Rose Augustine
- Larry Charles
- Fernando Cuevas
- Anna Frazier
- Eileen Gauna
- Michel Gelobter
- Richard Gragg
- Robert Harris
- Savonala Horne
- Annabelle Jaramillo
- Vernice Miller-Travis
- Harold Mitchell
- David Moore
- Mary Nelson
- Graciela Ramirez-Toro
- Alberto Saldamando
- Jane Stahl
- Dean Suagee (proxy for Jennifer Hill-Kelley)
- Kelley
- Wilma Subra
- Jana Walker
- Kenneth Warren
- Pat Wood
- Tseming Yang

2000

- Haywood Turrentine (Chair)
- Peggy M. Shepard
- Charles Lee (DFO)
- Don J. Aragon
- Rose Augustine
- Luke Cole
- Fernando Cuevas
- Arnoldo Garcia
- Michel Gelobter
- Tom Goldtooth
- Jennifer Hill-Kelley
- Patrica Hill-Wood
- Annabelle Jaramillo
- Vernice Miller-Travis
- Meghan Magruder
- Harold Mitchell
- Carlos Padin
- Marinelle Payton
- Rosa Hilda Ramos
- Jane Stahl
- Gerald Torres
- Robert W. Varney
- Jana Walker
- Damon Whitehead
- Jess Womack
- Patricia Wood
- Tseming Yang

1999

- Haywood Turrentine (Chair)
- Charles Lee (DFO)
- Don Aragon
- Rose Marie Augustine
- Leslie Ann Beckoff Cornier
- Sue Briggum
- Dwayne Beavers
- Luke Cole
- Fernando Cuevas, Sr.
- Rosa Franklin
- Arnoldo Garcia
- Michel Gelobter
- Tom Goldtooth
- Jennifer Hill-Kelley
- Annabelle Jaramillo
- Vernice Miller-Travis
- David Moore
- Marinelle Payton
- Gerald Prout
- Rosa Hilda Ramos
- Peggy Shepard
- Jane Stahl
- Gerald Torres
- Damon Whitehead
- Margaret Williams
- Tseming Yang

1998

- Haywood Turrentine (Chair)
- Robert Knox (Acting DFO)
- Don Aragon
- Leslie Beckhoff
- Jean Belille
- Christine Benally
- Sue Briggum
- Dollie Burwell
- Luke Cole
- Mary English
- Rosa Franklin
- Arnoldo Garcia
- Grover Hankins
- James Hill
- Lawrence Hurst
- Annabelle Jaramillo
- Lillian Kawasaki
- Charles Lee
- Gerald Prout
- Arthur Ray
- R. Lewis Shaw
- Gerald Torres
- Baldemar Velasquez
- Damon Whitehead
- Margaret Williams

1995-1996

- Richard Moore (Chair)
- Dr. Clarice Gaylord (DFO)
- John C. Borum
- Walter Bresette
- Robert Bullard
- Mary R. English
- Deoohn Ferris
- Jean Sindab
- Haywood Turrentine
- Baldemar Velasquez
- Jean Gamache
- Dolores Herrera
- Lawrence G. Hurst
- Hazel Johnson
- Richard Lazarus
- John O'Leary
- Charles Lee
- Velma Veloria
- Nathalie Walker
- Beverly Wright
- Charles McDermott
- Michael Pierle
- Arthur Ray
- Honorable Salomón Rondón-Tolléns
- Gail Small
- Peggy Saika

1994

- Richard Moore (Chair)
- Clarice Gaylord (DFO)
- Jose Bravo
- Bunyan Bryant
- Robert Bullard
- Herman Ellis
- Deoohn Ferris
- John Hall
- Delores Herrera
- Richard Lazarus
- Charles Lee
- Charles McDermott
- Laurie Morissette
- John O'Leary
- Peggy Saika
- Jean Sindab
- Gail Small
- Cindy Thomas
- Baldemar Velasquez
- Velma Veloria
- Sam Winder
- Beverly Wright

APPENDIX B

CURRENT AND FORMER EPA OFFICIALS AND NEJAC MEMBERS WITH WHOM DISCUSSIONS WERE CONDUCTED

Mustafa Ali^o

*Senior Advisor to EPA
Administrator on EJ and
Community Revitalization*

Myra Blakely*

*Former Deputy Director
Office of Brownfields and
Land Revitalization, EPA*

Rob Brenner*

*Former Director
Office of Policy and
Regulatory Review
Office of Air and Radiation,
EPA*

Sue Briggum*^o

*Vice President, State and
Federal Policy
Waste Management, Inc.*

Bunyan Bryant*

*Professor Emeritus
University of Michigan*

Robert D. Bullard*

*Dean of the Barbara Jordan-
Mickey Leland School of
Public Affairs
Texas Southern University*

Mike Callahan*

*Former Senior Science
Advisor to the Regional
Administrator
EPA Region 6
Director of the Washington
Division
National Center for
Environmental Assessment*

Jerry Clifford*

*Former Deputy Assistant
Administrator
Office of International
Affairs, EPA
Former Deputy Regional
Administrator
Region 6, EPA*

Veronica Eady Famira*

*Former Associate General
Counsel and Environmental
Justice Program Coordinator*

*New York Lawyers for the
Public Interest*

*Former Director of the
Environmental Justice and
Brownfields Programs*

*Massachusetts Executive
Office of Environmental
Affairs*

*Former Assistant Regional
Counsel, EPA*

Deeohn Ferris*

*President
Global Environmental
Resources, Inc.*

Tim Fields*

*Senior Vice President
MDB, Inc.*

*Former Assistant
Administrator
Office of Solid Waste and
Emergency Response, EPA*

Linda Garczynski*

*Senior Advisor
MDB, Inc.
Former Director, Office of
Brownfields Cleanup and
Redevelopment
Office of Solid Waste and
Emergency Response, EPA*

Eileen Gauna*

*Professor of Law
University of New Mexico*

Andrew Geller^o

*Deputy National Program
Director
Sustainable and Healthy
Communities Research
Program
Office of Research and
Development*

Danny Gogal^o

*Program Manager
Tribal and Indigenous
Peoples, OEJ*

Tom Goldtooth*

*Executive Director
Indigenous Environmental
Network*

Wendy Graham*

*Former International
Environmental Program
Specialist
Office of International
Affairs, EPA*

Phyllis Harris*

*Senior Vice President and
Chief Compliance Officer
Wal-Mart Stores, Inc.
Former Deputy Assistant
Administrator
Office of Enforcement and
Compliance Assurance, EPA
Former Regional Counsel
Region 4, EPA*

Reggie Harris^o

*Senior Toxicologist/Regional
Environmental Justice
Coordinator
Office of Enforcement,
Compliance and
Environmental Justice
Region 3, EPA*

Fred Hauchman^o

*Director, Office of Science
Policy
Office of Research and
Development*

Marla Hendriksson*

*Former Director
Office of Communications,
HHS Program Support
Center
Former Associate Director
Office of Environmental
Justice, EPA*

Steve Herman*

*Principal
Beveridge & Diamond
Former Assistant
Administrator
Office of Enforcement and
Compliance Assurance, EPA*

Rosa Hilda-Ramos*
Co-Founder
Communities United Against Contamination

Chris Holmes*
Deputy Assistant Administrator and Global Water Coordinator
U.S. Agency for International Development
Former Senior Vice President for Program Development
Global Environment and Technology Foundation
Former Chief Financial Officer
Office of Administration and Resources Management, EPA

Marva King*°
Senior Policy Advisor
Office of Environmental Justice, EPA

Richard Lazarus*
Professor of Law
Harvard University
Professor of Law
Georgetown University

Charles Lee*
Deputy Associate Assistant Administrator for Environmental Justice
Office of Enforcement and Compliance Assurance, EPA

Ira Leighton*
Former Deputy Regional Administrator
Region 1, EPA

David Lloyd*
Director, Office of Brownfields and Land Revitalization
Office of Land and Emergency Management, EPA

Angelo Logan°
Policy Director
Moving Forward Network
Urban & Environmental Policy Institute
Occidental College

Langdon Marsh*
Fellow
National Policy Consensus Center
Former Director
Oregon Department of Environmental Quality

Margaret May°
Executive Director
Ivanhoe Neighborhood Council

Stan Meiburg*
Acting Deputy Administrator
EPA

Vernice Miller-Travis*°
Vice Chair
Maryland State Commission on Environmental Justice and Sustainable Communities

Harold Mitchell*
House of Representatives
State of South Carolina
Director
ReGenesis, Inc.

Richard Moore*°
Executive Director
Los Jardines Institute

Althea Moses°
Environmental Justice Coordinator
EPA Region 7

Granta Nakayama*
Partner
King & Spalding
Former Assistant Administrator
Office of Enforcement and Compliance Assurance, EPA

Edith Pestana°

Administrator,
Environmental Justice Program
Connecticut Department of Environmental Protection

Cynthia Peurifoy*°
Environmental Justice Coordinator
Region 4, EPA

Shankar Prasad*
Executive Fellow
Coalition for Clean Air
Former Deputy Secretary
Science and Environmental Justice, Cal-EPA

Deldi Reyes°
Environmental Justice Coordinator
EPA Region 9

John Ridgway°
Section Supervisor
Washington State
Department of Ecology

Victoria Robinson*
Environmental Justice Specialist
Former Designated Federal Official for NEJAC
Office of Environmental Justice, EPA

Dr. Deidre Sanders°
Environmental Justice Program Manager
Pacific Gas & Electric

William Sanders*
Former Director
National Center for Environmental Research
Office of Research and Development

Mike Shapiro*
Deputy Assistant Administrator
Office of Water, EPA

Peggy Shepard*
Executive Director
WE ACT

Mathy Stanislaus*°

Assistant Administrator
Office of Land and
Emergency Management,
EPA

Larry Starfield*

Principal Deputy Assistant
Administrator
Office of Enforcement and
Compliance Assurance, EPA

Wilma Subra*

President
Subra Company
Southern Mutual Help
Association
Louisiana Environmental
Action Network

Matthew Tejada°

Director
Office of Environmental
Justice, EPA

Connie Tucker*

Former Executive Director
Southern Organizing
Committee for Economic
and Social Justice

Director of Community and
Outreach Involvement
Superfund Program, EPA

Terry Williams*

Commissioner, Fisheries
and Natural Resources
The Tulalip Tribes of
Washington

Sacoby Wilson°

Assistant Professor
School of Public Health
University of Maryland

Wil Wilson*

Former Environmental
Justice Coordinator
Office of Air and Radiation,
EPA

Jim Woolford*

Director, Office of
Superfund Remediation and
Technology Innovation
Office of Solid Waste and
Emergency Response, EPA

Elizabeth Yeampierre°

Executive Director
UPROSE

Laura Yoshii*

Former Deputy Regional
Administrator
Region 9, EPA

Jose Zambrana°

Senior Science Advisor in
the Immediate Office of the
Assistant Administrator
Office of Research and
Development

* Interviewed in 2008

° Interviewed in 2016

Suzanne Wells*



Office of Enforcement Compliance and Assurance

Office of Environmental Justice (2201A)

1200 Pennsylvania Avenue, NW

Washington, DC 20460 www.epa.gov/environmentaljustice

EPA-300-R-16-002

October 2016