NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL
SUMMARY OF THE FOURTH MEETING
JANUARY 17–19,1995
ATLANTA, GEORGIA

I. BACKGROUND

The National Environmental Justice Advisory Council (NEJAC) held its fourth meeting on January 17, 18, and 19, 1995 in Atlanta Georgia Major topics of discussion at this meeting included a review of EPA's Draft Environmental Justice Strategic Plan, hearing public testimony, and a joint meeting with the Interagency Working Group (IWG). NEJAC was created by EPA under the authority of the Federal Advisory Committee Act to provide independent expert advice and counsel to the Agency on policy matters related to environmental justice.

NEJAC is comprised of a parent council (Council) and four subcommittees. The Council is authorized to have up to 25 members who may also serve on one of the four subcommittees. The four established subcommittees are the following: Public Participation and Accountability, Enforcement, Health and Research, and Waste and Facility Siting. Members of the Council represent the following groups: academia; industry; community organizations; nongovernmental organizations; state, tribal, and local governments; and, environmental organizations. The Council is chaired by Richard Moore, and Dr. Clarice Gaylord serves as the Designated Federal Official (DFO).

On January 17, the Council was convened for a brief plenary session to review the agenda and welcome the members. The first two days (i.e., January 17 and 18) focused primarily on subcommittee meetings, and the major activity of the full Council-on these days W85 to hear public comment and testimony. It should be noted that the primary activity of the subcommittees during this three-day meeting was to review the Agency's draft strategy, and each subcommittee reported the results of it's review to the full Council On January 19, the Council reviewed the Agency's Draft Strategic Plan and held a joint meeting with the IWG. The review of the draft Strategic Plan consisted of both subcommittee reports and discussion among the Council.

Following is a summary of the Council's discussions and resolutions, which are organized by subject area. Also included are oral comments submitted by the public. [Note: See the individual "Subcommittee Notes" for a summary of each Subcommittee's meeting.

II. OPENING REMARKS

Mr. Richard Moore, Chair of the Council, extended his welcome to the Council members and the general public attending the meeting. The meeting proceeded with an introduction of the members, and Mr. Moore set forth the objectives of the meeting. Many Council members brought forth the issue that they had received their copies of the meeting materials the previous evening, and the review time was insufficient to provide adequate review. Some of these members noted that at the Albuquerque meeting it had been agreed that EPA would distribute meeting materials two weeks prior to the meeting, and that by not doing so EPA had violated the terms of the understanding reached at Albuquerque.

Dr. Gaylord apologized for the delay, and stated that the primary reason for the delay was difficulty in finalizing the draft strategy. She stated that the review cycle for a document of this importance was both complex and extensive. She noted that virtually every EPA office was involved in its development, and before being distributed in draft form, the document had to be reviewed by the Office of the Administrator.

Mr. Moore added that while the materials were late, he realized that the Agency staff had done their best to produce the materials. He stated that on one recent occasion he had called the Office of Environmental Justice (OEJ) at 11 p.m. eastern standard time, and Agency personnel were there working on these materials. He further stated that while the situation regarding review time was not optimal, the Council and it's subcommittees would have to do their best given the late receipt of the materials.

III. REVIEW OF EPA'S DRAFT ENVIRONMENTAL JUSTICE STRATEGIC PLAN

Subcommittees Report Out On EPA'S Strategic Plan

Each of the four subcommittees presented a report out on their review of EPA'S Draft Strategic Plan. A summary of these reports follows, although additional detail on issues discussed by each subcommittee is contained in the minutes for the individual subcommittees.

Health and Research Subcommittee Report:

- Three major recommendations- were made by the subcommittee to the NEJAC council for approval:

  1) Develop information on means-to access and develop enterprise zone;

  2) Work with IWG to resolve issues regarding public housing projects with HUD; and

  3) Develop a pilot project or model to deal with tribal/indigenous people on risk and related issues.

- Kenneth Olden, Co-Chair of the task force on research and health, submitted a written recommendation to the Council (Attachment 1).

- Other areas the subcommittee discussed include: health and ' research needs; methodologies for cumulative risk; pilot of key elements public participation models; and research around tools for training and the different models that could be developed for community driven research.

- Bob Bullard informed the Council that two presentations dealing with health, research and model projects had been made. One presentation, from Region 2 dealt with a risk characterization project, which provided input on how to make recommendations on risk. The other presentation was made by OPPTS and discussed a pollution prevention pilot project.

Comments/Questions on the Subcommittee Report:

- The Council decided that the three recommendations should be written up and then voted on later.

- Charles Lee commented that a lot of interconnection exists among the Health and Research subcommittee and other subcommittees. He mentioned that there aredifferent ways that subcommittees could coordinate together and address many issues including developing a framework for healthy communities.

Enforcement Subcommittee Report:

Deeohn Ferris reported that most of the work focused on the draft OECA workplan, and the purpose of OECA. She mentioned that Steve Herman and Scott Fulton participated in the discussions and people had an opportunity to meet with them and discuss the issues. Specific items reported included:

- Concepts for moving Enforcement forward were discussed and three points were made:

  1) There is a need to deal with the ability of communities to augment enforcement;

  2) OECA needs to focus on holding somebody liable and accountable; and

  3) OECA should be more forceful in terms of enforcing environmental justice.

- The subcommittee recommended that OECA develop a project in cooperation with a State environmental agency; and that State agency enforcement capability should be strengthened.

- It was noted that a lack of information about OECA enforcement on tribal lands exists and no clear role or definition of responsibilities exist.

- The subcommittee emphasized the importance of the employment diversity issue.

- There had been discussion around the attitudes of enforcement inspectors. There was some concern that a lack of enforcement and hence, noncompliance may exist because some inspectors fear to go into some of the neighborhoods.

- The subcommittee emphasized the need for timelines and accountability within the strategic plan.

- The subcommittee discussed penalty policies and the desire to see penalties enforced.

- It was noted that OECA and the Federal government have a lot of activity going on around the Mississippi River Project, and it was recommended that a better coordination among the Federal entities was needed.

- Deeohn stated that the presence of Mr. Herman and Mr. Fulton was beneficial, but expressed concern that there were problems with voluntary programs. The subcommittee wished to go on record as stating that compliance with environmental regulations is not voluntary, and it is the duty of OECA to ensure that compliance is not viewed as a voluntary activity.

- There seemed to be a consensus on the need to develop supplemental environmental programs (SEPs) for focusing on communities. Also communities should be trained to determine if companies are in compliance, and in this manner they would be empowered.

- It was pointed out that U.S. territories were not discussed in the draft, but these citizens and communities must also be protected.

- There was a limited discussion of the tools being used to enforce environmental justice during the subcommittee meeting. While the language in the draft talks about Title VI as the primary tool, there are many more tools (e.g., regulations) that could be used as the basis of enforcement actions, and the Agency should broaden the consideration of enforcement tools.

- Within the subcommittee there was discussion of NEPA. As now authorized, only environmental considerations trigger the EA or EIS processes, but the subcommittee believed that adverse socioeconomic effects should also be able to trigger an EIS/EA processes. Also, in general it was believed that socioeconomic effects were in effect given 'short shift' in the NEPA process, and in general were not seriously examined. There should be changes to require consideration of socioeconomic effects on the same level as the environmental effects.

<u>Comments\Questions on the Subcommittee Report:</u>

- Nathalie Walker inquired about the nature of enforcement activities within the Mississippi River Project.

- Deeohn Ferris replied that they are in the process of determining out how to perform enforcement targeting.

Public Participation Subcommittee Report:

- Peggy Saika reported that the subcommittee discussed the Strategic Plan and commented that the information previously requested by the subcommittee had not been collected by EPA. The subcommittee wants to make sure that it happens, especially in terms of budget and resources that might be allocated toward public participation activities.

- It was recommended that the Waste and Facility Siting subcommittee and Public Participation subcommittee should have a joint follow-up meeting. Issues of accountability needed to be discussed among all of the subcommittees.

Comments\Questions on the Subcommittee Report:

- Deeohn Ferris requested a Joint project be developed to address these issues.

- Charles Lee mentioned that enforcement and compliance issues are important in terms of the Brownfields initiative.

- John O'Leary commented that everyone has concerns about how many times people can get together meaningfully. He believes that NEJAC needs to sit down with EPA representatives and meet in Washington to develop a public participation model. He stated that Augusta was an example of what should be done.

- Charles Lee mentioned that it is important to understand what is happening, especially around Augusta, and cautioned that people should not quickly over characterize Augusta at this point He noted that there are a lot of other places that have the same issues.

- Peggy Saika commented that the question of what is being done with the information collected is more important, and a model should be created as a learning tool.

Waste and Facility Siting Subcommittee Report

- Charles Lee commented that a better relationship between EPA and the public needs to be developed.

- He reported that the subcommittee had discussed and agreed on the 10 point implementation strategy.

- He reported that the subcommittee had adopted two out of three mission statements; specifically missions statements regarding the health needs of impacted communities, and economic development and sustainable communities.

- He stated that Brownfields issues were a central part of the discussions. Three pilot projects have already started. It was resolved that the subcommittee should host public meetings to discuss issues on economic development and sustainable communities.

- Issues of health needs in impacted communities has to focus more on recommendations and projects.

- He noted that several presentations on public health issues in impacted communities had been made by invitation. These were as follows:

Greg Mertz	Health Care Services Delivery Pilot Project in an Environmental Justice Community
Warren Banks	Cumulative and Synergetic Risk
Sandee Coulberson	Minority Environmental Health Initiatives and Mississippi Delta Project

Community presentations during the subcommittee-meeting included:

Michael Hernandez	Relocation issues
Teresa Cordova	Community Based Planning and Health Needs

- Charles Lee noted that the subcommittee felt the need for more input from the Health and Research subcommittee.

- He stated that there was a need to address the issue of relocation and make sure that EPA understands that it is an issue of great importance to communities.

- It was pointed out there should be a discussion of the issue of developing public participation models in the context of the Brownfields program. Charles Lee brought a motion for the Council to endorse the Brownfields position. NEJAC endorsed the holding of a series of public meetings using the public participation model for the Brownfields issue. The motion was passed.

General Comments from the Council:

The Council moved on to a general discussion of the strategic plan. The following major points were made:

1. Many Council members questioned why the Agency has issued such a short document. They believed it lacked substance in its current form. They questioned what had been deleted from earlier longer drafts.

2. Some Council members believed the draft strategy lacked the essential elements of a plan. They cited lack of goals, milestones, timelines, resource commitments and other elements, such as accountability for progress, that are typically the essence of a strategic plan. It was contented that because the draft lacked these elements it was not a strategic plan per se, but rather seemed to be a document to placate the environmental justice community. It was strongly recommended that the Agency incorporate these elements into the strategy document

3. Many Council members were concerned that because the Council contained only one tribal member, there was insufficient capability to review the plan from the Native American viewpoint. It was recommended that the opinion of Native Americans be sought on the plan.

4. Council members continued to be troubled by the short time they had been given to review the plan. They pointed out that the short timeframe had led to an incomplete review of the document.

5. Council members were troubled by the use of language in the draft. One council member pointed out that use of the word "options" in reference to action (e.g., "options for action") gave the impression that environmental justice was an optional activity on the part of the Agency. In general, council members expressed the view that activities to attain environmental justice are-not optional. Other council members felt the language in the draft was degrading. As an example, including low income groups as comprising a portion of the environmental justice community was given.

The following specific points were raised about the plan:

- Richard Lazarus pointed out that the plan was supposed to be an instrument of change. He stated that in the best of all possible worlds the plan would be insignificant, because of organic, inherent changes within the Agency, in particular the changes that need to occur at the lower levels, where policies are implemented.

- Deeohn Ferris questioned whether the NEJAC review was a paper exercise, and stated that it was unclear what happened to NEJAC comments on issues and documents. She further stated that there are big gaps in the plan including:

    1) Defining what constitutes an environmental justice problem;

    2) A means to address the issue of multiple hazards. She thought the discussion in the plan was too limited, and she urged the Agency to remember it is not just dumps or incinerators but rather the total assault on the humans in these polluted areas should be focused.

    3) There was a lack of means to address compliance issues, in particular compliance issues in relation to facilities located on tribal lands. She believed that there should be advances in the capacity of State environmental agencies to ensure that appropriate enforcement occurs, and that the tribes have the ability to enforce regulations.

    4) She requested that the discussion of integrating environmental justice be moved to the beginning of the document.

    5) She concluded by stating that OECA does not have enough time, resources or accountability to fully address environmental justice issues.

- Richard Lazarus mentioned that EPA can be asked to put two specific projects into the plan:

    1) Training - This project would provide training to lawyers and legal services representing communities in environmental and environmental justice issues; and

2) Community enforcement - It should be part of EPA's mission for enforcement. In particular EPA should come up with creative settlements to require reinvestments in the community that had experienced the effects of noncompliance.

- Art Ray commented that the EPA is hamstrung, in part because enforcement is decentralized. Additionally, he stated that States environmental agencies are not doing enough and these agencies should be held accountable by EPA.

- Peggy Saika inquired about the criteria for B1 reporting of data, and mentioned that the Indian tribes do not have to report on waste related activities on IRI.

- In response to this, Deeohn Ferris replied that there are many industries, facilities and organizations that do not have to submit TR1 reports, and that the Enforcement' subcommittee is examining this issue.

- Bob Bullard provided his comments on the Health and Research section of the Strategic Plan. These included the following: '

  1) Need to have strategies guided- by goals, and combine the goals with the definition of environmental justice.

  2) The need for timelines on how much time is needed before the EPA must demonstrate accomplishments. immediate goals have to be put in place.

Goals should be divided into the following subcategories:

Partnerships - emphasize that grassroots receive training to become full partners; one pilot dealt with evaluation of model partnerships how do we know when they are working?

Disproportionate impacts - who would be doing assessments? Emphasis should be on community participation to assess health disparities and elevated risk and data collection.

Question of sustainability - more research on healthy and sustainable communities is required; work through evaluation measures to highlight pollution prevention and look at stake holders.

Status of Native Americans and the idea that there should be priority given to work with tribes on health and research needs and other things that states are empowered to do.
Implementation - EPA should provide timelines and budgets; report cards should be maintained to see how well EPA has achieved these goals.

- Chuck McDermott commented that the strategic plan should:

  1) attempt to weave in certain ideas like partnerships with communities;

  2) include cumulative and synergistic risk research, pollution prevention and risk reduction;

  3) include a section on sustainability, there are indicators such as animal health that are real and valid but they are not recognized; and,

  4) include an accountability table to track progress.

- Richard Lazarus questioned the use of the words "suffer disproportionately. He replied that he was not sure whether this is how it should be stated. He added that the environmental law protects people from levels of risk, not just injury, and mentioned that the section should be rewritten.

- Chuck McDermott mentioned that in the inclusion of language, first goal is to get equity then the second is to eliminate risks.

- Bunyon Bryant commented that the word priority has been eliminated.

- Charles Lee commented that in the importance of partnerships, research should reflect the knowledge of the partnerships, and there is a need to reflect health issues and emphasize public health needs.

- Peggy Saika mentioned the following changes:

  Bullet 2: should include HBCU's and other minority universities; Bullet 7: EPA will support EJ research; Bullet 1. on page 9: community and data gaps in research needs.

IV. NEW BUSINESS

Several topics were discussed by the Council during this portion of the meeting, including legislative issues, EPA's reorganization to better address tribal issues, an initiate by the American Bar Association, a Federal Highway pilot project, and farm worker issues.

A public presentation was made by Ms. Nan Aaron, of the Alliance for Justice, regarding certain provisions contained in *Contract with America;* most notably those provisions concerning unfunded mandates and takings. It was stated that these provisions if enacted into law as written would set back the entire civil rights movement, and environmental justice in particular. It was contended that these provisions represented the interests of wealthy landowners and facility owners, and that they could be construed as requiring governments to pay industry not to pollute. The NEJAC was invited to review the environmental justice implications of these legislative proposals.

Council members discussed the impact these provisions would have on environmental justice, but did not endorse the statement presented. Specific comments included:

- Richard Lazarus stated that the potential impact of these provisions on environmental justice was significant, and potentially use these provisions to avoid the effect of regulations.

- Deeohn Ferris agreed that these developments should be considered in combination with other provisions of the Contract. She cited those provisions requiring risk assessment and cost benefit analysis as being of concern, and stated that there needed to be an analysis of the consequences of all of these potential provisions.

- Mr. Bryant urged the Council to provide advice to the Administrator on the effect of these legislation provisions. He stated that rules and regulations are not the problem as evidenced by the "green gold" generated by stringent regulations enunciated by the Porter theory. Mr. Bryant cited Japan and Western Europe as examples. He said that we (i.e. the United States) developed technologies to reduce pollution, but that these technologies were implemented to the benefit of other counties, rather than here. Additional points included:

    - A suggestion that EPA identify instances where environmental regulations don't take jobs, but rather they produce jobs

    - A suggestion that unfunded mandates would not only be a large set back to environmental regulations but the entire civil rights movement would be adversely - affected.

- Charles Lee stated that these were important issues, but the Council's response needed to be placed in an overall context, in particular a context appropriate for environmental justice communities.

Because the Council had no time to study the issues adequately, it asked for background information and decided to draft a letter advising the Administrator about the impact of various legislative proposals on environmental justice.

Terry Williams, Director of EPA's Tribal Operations Office presented the roles and responsibilities of the new office. This office is located within the Office of Water, and will work with headquarters, regions, and tribes to address tribal and Native American issues. This office also would work with OEJ on tribal and Native American issues. In examining these environmental justice issues, Mr. Williams stated that it needed to be clear that tribes were self governing, and are governments; therefore, the EPA needed to conduct relationships more on a government to government basis, as opposed to other types of relationships. At the moment, the Office is trying to deal with resource issues, but had established a committee, which had representation of, many tribes.

Council members had questions about the relationship among various environmental justice efforts within EPA, in particular the relationship between- OEJ and efforts and the new office. Questions were also raised regarding access to top Agency management In response, Agency managers (i e., Gaylord, Aterno, Williams) pointed out that there was a high degree of cooperation between the two Offices, but because of the status of tribes and the issues faced by tribes (e.g., sovereignty issues, resource issues, such as water), it was

believed that a separate office was needed to handle tribal issues. Council members were assured that the new office had assess to top Agency managers, in particular Administrator Browner.

Robert Bullard raised the issue that the Council had voted to establish a Tribal and Native American Issues Subcommittee, but stated that the committee had not been established due to lack of a sponsor within the Agency. He asked if Mr. Williams would be willing to sponsor such a subcommittee as part of the Council's efforts to advise the agency of environmental justice issues. ID response, Mr. Williams stated that this may be considered, but that issues of resources and objectives would have to be examined.

Ms. Micozzi, of the Federal Highway Department made a presentation regarding the social equity of congestion pricing. Congestion pricing is a means to reduce vehicle miles traveled, and can play an important role in programs authorized by the Clean Air Act, in particular those aimed at attaining the National Ambient Air Quality Standard for Ozone. She-wanted the Council to be an active participant in this study.

- Charles Lee commented that a structural problem exists in that the environmental justice came to prominence only due to the efforts of people associated with the movement, and that now firms and people performing these studies are not people of color and the firms undertaking do not have minority ownership. But, these firms. tended to use leaders like himself as an unpaid resource, and get the credit for performing the job.

- Chuck McDermott responded that the issue of how the Council interacts with that issue should be addressed-later and sent to Ms. Micozzi. Mr. O'Leary made a presentation on the American Bar Association's Recommendations on Consensus Building. The effort involves addressing consensus building techniques and' innovations in the following categories

  Public Hearings;
  Consensus Building;
  Environmental Adjudication;
  Negotiated Rulemaking; and,
  Statutory Improvements.

There was a resulting discussion about the ability of communities to obtain legal support on environmental justice issues. This discussion originated as a result of some of the presentations made by the public. Specifically these issues regarded the ability of communities to obtain legal support.

- Bunyon Bryant asked if it is possible for EPA to identify lawyers around the country to serve as public defenders (i.e., pro bono counsel) in environmental justice-legal issues.

- Deeohn Ferris replied that John O'Leary and ABA are putting together a directory - of pro-bono lawyers.

- John O'Leary commented that there is an important role to be served through the legal process. The effort that ABA is going to undertake is to list people who are willing to work for free on EJ issues. The idea is to take resources and get people involved. He said that he is not sure if the Agency could do this.

On other matters, the Council passed two motions. The first was a motion brought by Robert Bullard regarding cooperative efforts between the Council and the Interagency Work Group to develop pilot projects on cumulative risk The motion was passed unanimously. The second was a motion brought by Baldemar Velasquez, which read:

> "NEJAC should go on record opposing the method of implementation of the Farmworker Protection Standards. Twelve years of creating the standards and two and one half years in implementing them is itself -a policy crisis of whether farmworkers are ever going to have justice and democracy. The present standards which the farmworker community consider substandard are indicative of the nonparticipatory role of farmworkers themselves. This runs counter to the essence of NEJAC and the NEJAC should go on record supporting a call to EPA to immediately convene the necessary meetings with appropriate farmworker organizations to amend the present regulations."

The Council agreed to endorse this resolution.

- Richard Moore commented that Agency enforcement organizations should do their job and stay on track. He further said that good points have been made in the NEJAC meetings and community members have made two important points:

  1) Reaction - The NEJAC and the Agency have to respond to communities; and,

  2) Proactive actions - He asked the council members to identify ways to make the strategic plan both proactive and reactive in responding to communities.

V. JOINT MEETING OF IWG AND NEJAC

The meeting started with the introduction of the Interagency Work Group members and Mr. Richard Moore in conjunction with Kathy Aterno, requested Charles Lee to start with his comments.

- Charles Lee provided his remarks on the implementation of the executive order and the implementation of the strategic plan commented that a framework needs to be developed that is easy to embrace. He further added that public participation is an important issue that could be a starting point, and models could be developed on the public participation issue, which will provide a good example.

- Charles Lee further emphasized that the Council needs to come out of this workgroup with the method to develop relationships between communities.

- Jerry Poje- commented that the inter and intra agency planning and developing process should be strengthened. He believes that the current activities violate the interagency principles. He further added that more free communication process should be developed and the public comment process should be improved.

- Grace Crunican from the Department of Transportation informed that the DOT has included public participation process in the transportation planning and development process, and added that the DOT has public participation issues throughout the DOT legislation. She wanted the Council to address ways to incorporate the public participation process at the federal level.

- Nilda Mesa from the Department of Defense stated that DOD had developed a checklist which would provide the federal government ideas at the grassroots level and help involve the public in the decision making process. She further added that the comments made by the subcommittee have been included in the draft and requests more input in finalizing the document.

- Clarice Gaylord responded that the Public Participation Subcommittee did not feel the comments incorporated in the document were adequate and the Subcommittee was making more changes.

- Georgia Johnson from the Department of Energy stated that it would be good to have the committee go through the information on their agenda This would facilitate understanding of the checklist and provide more focus on public participation, which has to be the next step.

- Robert Bullard stated that the best way to create true partnerships is to create equality in access to reports and strategy documents. This is needed to create true dialog and meaningful strategies and bring everyone on the same page. An informational partnership between NEJAC and the Interagency working group is needed. Federal agency draft environmental justice strategies should be commented on and to do that NEJAC needs the draft strategies. NEJAC members have not been privy to the development meetings on these draft strategies. He asked which federal agency strategies were available for review.

- Richard Moore stated that some documents were received yesterday. He noted that the NEJAC has come along way; the group has been through a lot together. He stated that all groups are represented on NEJAC and there is a great collaboration among individuals who have made a commitment to this process.- At the last meeting, NEJAC looked at EPA's strategic plan and reviewed it again at this meeting. The environmental justice community has been involved with EPA for the past five to six years. It has been a continuing process. He added that it is difficult for a person to look at a document and respond to it without having bean able to review it. He asked the federal agencies present to describe their status in the process of developing their plans.

- Bob Faithful of DOI stated that the DOI draft plan notes the NEJAC plan. DOI has been involved in many efforts, and he is aware that the Native American task force is prepared to share some of their ideas and information with NEJAC. DOI has not consulted with affected groups to receive feedback on their plan and still needs to develop ways to get this type of active public participation. The meetings today and tomorrow are just the beginning. The task force is searching for ways to get to the next phase. It has the public participation model, but now it is time to start looking at more practical means. The task force does have information to share but he does not think that now is the appropriate time to provide a report.

- Robert Bullard claimed that a report is not necessary. He wanted to know to what extent each federal agency has incorporated the new paradigm of stakeholder participation in developing their plans. NEJAC can assist agencies in their public participation efforts if they are unsure how to proceed.

- Nilda Mesa noted that there may be some misunderstanding on how far along the agencies are in developing plans. DOD sees these meetings as an opportunity to get comments from NEJAC and the public on their draft strategy. There have been programs in the past that have not been recognized as "environmental justice" programs, but have had an environmental justice component. The agencies are recognizing that they need to do better. As for DOD, that agency is looking at a - variety of different mechanisms that have been put in place in the last few years.

- Beverly Wright stated that she wanted the IWG to know that she had not read any other strategic plan besides EPA's. She had an interests in hearing about the DOD environmental justice programs because her university is involved in training minority people around DOD sites. She was very interested in knowing what the other agencies are doing in terms of environmental justice programs and their attempts to involve communities or develop a progressive public participation plan. She also wanted to know what efforts they have taken to involve HBCU's, MIs, and tribal colleges.

- Charles Lee stated that EPA staff can attest to the fact that the NEJAC Council has come together to work with them in good faith. The Council understands the need for public participation. There is a basic agreement on the importance of public participation, but this does not mean the Council understands the process. Understanding is reflected in what the Council does, and not in what it says. It is important to understand and evaluate the process as it progresses. There is a need to question if the Council really understands what it has done thus far and then analyze and rectify the mistakes it has made. NEJAC is trying to learn what's happening in EPA to make things work.

- Peggy Saika stated that the Council has seen the public participation checklist and that it is a good idea to have one. The key question is accountability for NEJAC and EPA actions. It is impossible for everyone to comment on the draft strategies today or tomorrow. She questioned what could the Council do to solicit public comment on the drafts. The public participation subcommittee is developing a model that she ' believes should be incorporated into the strategic plans of the federal agencies. The model is not just a checklist, it is a process, and this type of public participation is needed.

- Dolores Herrera stated that she was sorry that agency representatives were not here yesterday to listen to the public comments. Community people do not participate in meetings because they are not asked; the agencies have to ask community people to ' ' come to their meetings. She claimed that she did read every plan, but that there was no mechanism in any of the five documents that she read for dealing with human beings. They were filled mostly with boiler plate language. She stated that these documents do not adequately address human suffering.

- Wendell Stills from the Council on Environmental Quality stated that draft strategies are needed and that boiler plate language is necessary so that when the time comes, the language may be adjusted as appropriate.

- Jerry Poje had the benefit of understanding better participation through the symposium held in February of last year. It was very successful and participants had the opportunity to develop partnerships. HHS is likely to engage in public review of the documents and then set the stage for an implementation plan. He would like the Council to consider what is the organizing principle for public review and development of an implementation strategy that would increase the number of people participating in the process. . How do you get additional people from the agencies involved in the process? This is strategic in building the next level of organizing.

- Peggy Saika stated that tying the model to a specific activity can make the model real This would' work, but there must be time, resources, and a commitment to internalize the process.

- Deeohn Ferris 'questioned how to persuade people within the agency to commit to resolving problems. She thought that this meeting was supposed to provide the opportunity for NEJAC to talk with decision makers and find out what the IWG is doing to advance environmental justice. She noted that the Agency decision makers were not here today and that is disappointing. She has doubts about commitment, genuineness, and the progress made on the Executive Order. Access to decision makers is paramount.

- Cathy Shaefor from DOJ stated that personal stories make environmental justice more effective and she hopes there will be an opportunity for NEJAC and the public to speak directly to decision makers tomorrow. The DOJ held an advocates meetings in May and many there told their stories; it was very effective and conversations were very productive. DOJ is willing to listen and make efforts to be responsive. DOJ is making plans to meet with the National Association of Manufacturers in early February. -In addition, she outlined three components of the DOJ strategy 1) developing an enforcement strategy in conjunction with EPA (will have an environmental and a civil rights component); 2) mediating, advising, and counseling within and outside the federal government; and 3) educating (including environmental justice videos) and briefing sessions for DOJ personnel.

- Grace Crunican explained that the DOT strategy has not been approved yet. In DOT there are different departments and some of them deal with direct environmental justice issues. They began a process with all the agencies of DOT to develop the plan. She emphasized that conversation is important and that the agency needs to sit down with the advocates and explain DOT to them. The proposal is comprehensive and representative of the whole department. Also, DOT is investing 25 percent of its research program into HBCU's and Mls. They have a program called "Liveable Communities in which DOT takes transit capital improvement dollars and invest them into projects that bring the community into the DOT process and connect the transportation process to the community. In order to get grants related to this program you must prove that the design of the project includes public participation. Thus, process and public participation are very important.

- Charles Lee stated that community-driven training of agency personnel can be a specific project. He commended the DOJ for producing an educational video.

- Jerry Poje stated that it is important to understand the enforcement and-compliance related activities embedded within individual agencies. It is necessary to find experts within the agency at the OGC level to think through the models to make them work for the agencies.

- Velma Charles-Shannon explained that within USDA they hope to take the public participation checklist and see how to apply the process to their programs. For example, the forest service has a long history of public participation. How can that process be improved with this checklist? The USDA plan provides for services and products to support environmental justice activities in 89 schools. They are trying to make partnerships with these schools.

- Richard Brown stated that HUD's strategy was approved only yesterday morning and that HUD would like to have NEJAC's comments on it. He explained that the agency has about 7 billion dollars for community development budgeted in consolidated plans. This planning approach offers an opportunity for local groups to participate in determining the type of projects that are developed. They have task forces working on how to combine 60 categorical programs into three major funds, that will have to be administered in accordance with a consolidated plan. HUD, therefore, needs to go well beyond the normal federal training to train state and local government staff who are developing the plans and administering the funds.

- Deeohn Ferris asked if there were any efforts to create consistency between agencies in the public participation process. Is there any consistency in relation to the process and individual elements of the process or consistency in respect to the "how?"?" This is important, especially to the community.

- Jean Nelson of EPA's General Counsel stated that they need to spend some time thinking about consistency. She would really appreciate input from the Council.

- Deeohn Ferris stated that she was apprehensive about the flow of this discussion. She thought that the discussion should focus on project development -and implementation aspects and the process to facilitate future communications between NEJAC, the federal agencies, and the IWG.

- Nilda Mesa stated that the IWG was to provide some level of consistency. DOD usually deals with public participation through the NEPA process. It is difficult, because they are speaking in abstract terms; it is easier to talk about specific projects. It would be helpful to hear from impacted communities, but it is difficult to get people involved.

- Georgia Johnson wanted to clarify some misconceptions. She wanted people to realize that DOE has put forth their best effort to be at the meeting. She wanted some discussion on the public participation model.

- Charles Lee stated that people are here to learn about the complicated and controversial issues of environmental justice. He emphasized that there are experts • here who can speak to these issues. Environmental justice efforts need to be community-driven. There is a need for

partnerships and a need to maximize resources (mainly human resources) to enable communities to conduct environmental justice efforts on their own.

- Jerry Poje asked what components can be done concretely in the future. One possible example to contemplate is to take all the items on the public participation checklist and boil it down to getting focused community review of HHS strategy. For example, how could the agencies help the United Parents Against Poisoning organization become engaged in a review of the departmental strategy with HHS staff involved in lead abatement. This would require a certain degree of community-lead training. The organization would review the strategy through a special window of need. Such a review would start to build an infrastructure for the environmental justice strategy, and it could be an important step of introducing people in government to a broader array of community participants.

- Peggy Saika stated that they must ask the United Parents what the agency needs to know from them. That is the environmental justice process.

- Jerry Poje stated that the first step is how do you provide the access to get the discussion going. There is a need to get more people within the agency aware of the Environmental justice strategy and how it relates to their own work.

- Hazel Johnson stated that she is working on the lead program that Jerry Poje talked about and that it has been very successful. It gave community members jobs and an opportunity to work on environmental justice issues. She agreed that it has been a very good program.

- Robert Bullard said that there needs to be some mechanism that will pull together agency strategies into one document that will embody all the problems and which addresses the problem on a multi-agency effort and perspective. The question is How do you achieve healthy and sustainable communities in a just and fair way?" What happens to the IWG when the strategies are complete?

- Clarice Gaylord was asked to explain the process by which the two committees could interact.

- Wendell Stills stated that it is necessary to create a linkage with smaller groups of the IWG and NEJAC. There needs to be a mechanism/framework by which to share information between the two bodies in a more consistent manner. IWG can get information on cross-cutting issues from NEJAC.

- Bob Faithful stated that natural teams exist in terms of the subcommittees. Comparable task forces and subcommittees could meet.

- Chuck McDermott proposed establishing a time table by which representatives of the four subcommittees could meet with their IWG counterparts.

- Charles Lee stated that the Waste and Facility Siting Subcommittee could link with the Pilot Projects task force.

- Beverly Wright stated that if and when the Native American subcommittee is added it should meet up with IWG.

- Charles Lee stated that the policy and coordinating task force of the IWG should be linked with the protocol workgroup.

- Chuck McDermott modified the motion that the subcommittee/task force counterparts arrange to meet no later than February 19. Wendell Stills modified the proposal saying that at least a conference call could be made.

The final motion read as follows: The NEJAC subcommittee heads and their IWG counterparts will meet or have a conference call before February 19th. The IWG Native American task force will meet with any and all NEJAC volunteers within this time frame as well. The motion passed with the approval of fourteen members.

- Clarice Gaylord asked if it would be possible to have a discussion on the topic of project development and implementation.

- Charles Lee suggested that, as Robert Bullard had proposed, specific issues be identified around which joint discussions on project implementation and development could take place. This should begin to happen by February 19.

- Chuck McDermott stated that the Health and Research Subcommittee came up with specific initiatives/pilot projects and thought that other subcommittees did the same thing. Therefore, there is no need for a formal motion for identifying interagency issues.

- Deeohn Ferris was concerned that there needs to be a clear role for both bodies.

- Clarice Gaylord stated that one of the first things that NEJAC will do is circulate the public participation model.

- Charles Lee said that if you develop training programs for your staff do it by listening to the people who are affected. Do not do it in isolation. EPA started with a series of conferences and they brought in people from community groups.

- Chuck McDermott thanked the IWG and noted that there is a real desire to begin implementation and to develop pilot projects that can change lives. Jean Nelson wanted to thank people for being there and that starting this process a£ communication between the IWG and NEJAC is an important first step.

- Peggy Saika requested that another meeting occur between representatives of NEJAC and the IWG to plan meetings and set specific goals.

- Bob Faithful recommended that- an EPA document produced in December on children and the environment (a comparison between advantaged vs. disadvantaged children) be shared and used as an example.

VI. OTHER TOPICS OF DISCUSSION

Jean Nelson spoke on EPA's organization of environmental justice program. The Administrator has asked the new Chief of Staff for an immediate process on how to address the organization of environmental justice in the Agency. She stated that there was not sufficient time left in the meeting to deal with it now, but hile she was there she wanted to talk with Council members individually. Any comments that they have about Michael Gelobter's report also would be helpful. She suggested setting a timeline for submitting comments. Charles suggested that two weeks would be fine.

- Deeohn Ferris asked that if the direction the Agency is headed in terms of organization around environmental justice issues and Michael Gelobter's report are related, is there anyway to merge these two processes? She suggested meeting again to discuss this.

- Chuck McDermott suggested that maybe only a small group from NEJAC should go who really have an interest in working with this issue. Beverly Wright, Robert Bullard, (Chuck McDermott, and Deeohn Ferris expressed an interest in meeting and reviewing the document.

- Richard Moore suggested that a deadline be set for comments. Chuck McDermott proposed that members submit comments on this document in a week. Charles Lee stated that he thought two weeks was a reasonable amount of time.

- Charles Lee made the motion that Clarice Gaylord be a part of the group to meet with Jean Nelson and Carol Browner for reorganization. The motion passed.

- Jean Nelson clarified that determining what is the best way to reorganize is key; the reorganization is not riding on the particulars of Michael Gelobter's document.

- Clarice Gaylord stated that they will integrate the comments and come up with summarized comments for the meeting in three weeks.

- Charles Lee proposed the following motion that came out of his public comment. He motioned to establish an annual environmental justice lecture series and awards series to begin in 1996 in Washington, D.C., to be coordinated with the NEJAC meeting. NEJAC also should recommend that other federal agencies coordinate as appropriate. The Smithsonian Institute may also wish to coordinate the opening of their exhibit on environmental justice at this time. The details will be worked out with the Office of Environmental Justice. The motion passed.

- Clarice Gaylord stated that the NEJAC charter ends in July. The EPA committee limit for next year's FACA is 11 and currently there are 19 chartered committees. All appointments to the NEJAC: (full Council] and subcommittees) expire on March 31. Charter calls for a one-third turn-over; the Council must be reduced by seven. Those who recently have not attended NEJAC meetings will have their Council memberships evaluated and the office will incorporate the resignations in the turn-over decision. Also people may voluntarily give up their position on the Council. Decisions for membership will be based, in part, on categories of subcommittees; the

Agency is cognizant of areas that must stay represented or must be increased (e.g., labor and indigenous categories). NEJAC is a public advisory committee and must abide by FACA rules.

- Deeohn Ferris stated that there is a need to organize an ad hoc workgroup to attenda briefing with the Office of Federal Activities to occur no later than January 1, 1995, in which the workgroup will pull together a report to the full NEJAC around the issues of LES. The workgroup consists of Beverly Wright, Deeohn Ferris, Richard Lazarus, and possibly John O'Leary if they agree to go. A fax will be sent to Council members requesting more volunteers.

- Charles Lee and Chuck McDermott thanked Richard Moore for chairing the meeting and Clarice Gaylord for her efforts.