

Office of Environmental Justice



1998 Environmental Justice Biennial Report: *Moving Towards Collaborative and Constructive Problem-Solving*

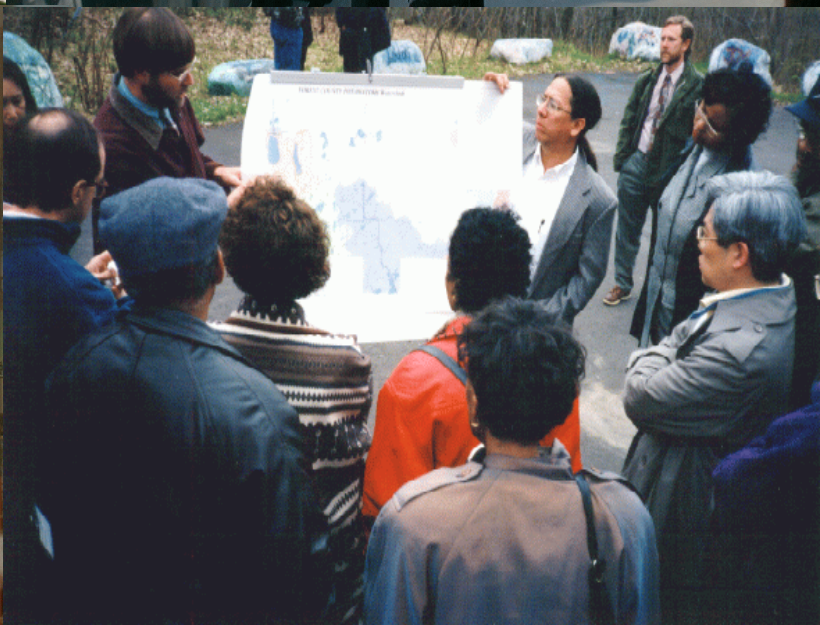


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Preface

Dear Reader:

The Office of Environmental Justice is committed to assuring that all communities have a full and fair opportunity to participate meaningfully in the environmental decision-making process and receive equal enforcement of protective environmental laws, rules, regulations and policies. This report documents actions taken by Federal departments and agencies to address environmental justice issues including: (1) targeting resources and providing information to the public regarding actions; (2) engaging all stakeholders involved in the environmental justice dialogue in outreach efforts; and (3) initiating effective compliance and enforcement actions. In particular, this report demonstrates, through case studies, that opportunities for achieving environmental justice do exist for community groups, grassroots groups, and industry to work collaboratively with government departments and agencies to address pressing environmental and public health needs.

The Environmental Protection Agency's experience shows that appropriate use of collaborative approaches to decision-making can result in decisions and agreements that all stakeholders consider fair, wise, efficient, and superior to the alternatives achievable through other processes, such as litigation or civil disobedience. Experience also shows (contrasting with litigation) that stakeholders who develop a solution through a collaborative process have better ongoing relationships, leading to fewer disputes in the future. A precondition to success, however, is the willingness and interest of all stakeholders in "coming to the table", and each stakeholder's ability to engage meaningfully in informed, principled negotiations.

Resolving disputes without litigation sometimes involves risks -- both real (i.e., commitment of time and resources) and perceived (i.e., fear of appearing weak). While risks may be involved, the Office of Environmental Justice believes that the earlier stakeholders begin to work together the more likely they are to prevent or resolve their differences. Using techniques such as negotiation, facilitation, and mediation, in addition to focusing Environmental Protection Agency resources on consensus building efforts and making technical resources available to communities, the Office of Environmental Justice hopes to engender greater trust, better understanding of stakeholders' issues and concerns, and a firm commitment to environmental justice. The case studies illustrate that all stakeholders have the sensitivity and capacity necessary to engage, as equal partners, in effective and constructive problem-solving.

This is the fourth report to be published since the creation of the Office of Environmental Justice in 1992. The other reports listed on the inside front cover are available for review at <http://www.epa.gov/oeca/main/ej/annreport.html>.

Barry E. Hill
Director
Office of Environmental Justice

Background

The goal of environmental justice is to ensure that all people, regardless of race, national origin or income, are protected from disproportionate impacts of environmental hazards. To be classified as an environmental justice community, residents must be a minority and/or low income group; excluded from the environmental policy setting and/or decision-making process; subject to a disproportionate impact from one or more environmental hazards; and experience a disparate implementation of environmental regulations, requirements, practices and activities in their communities. Environmental justice is about real people facing real problems and designing practical solutions to address challenging environmental issues. The environmental justice movement advocates programs that promote environmental protection within the context of sustainable development. Utilizing various methods, including traditional knowledge about the eco-system and community mobilization, the environmental justice community has become a formidable force in protection of both the urban and rural environments.

Early in 1990, the Congressional Black Caucus, a bi-partisan coalition of academicians, social scientists and political activists met with EPA officials to discuss their findings that EPA was unfairly applying its enforcement inspections and that environmental risk was higher in racial minority and low-income populations. In response, the EPA Administrator created the Environmental Equity Workgroup in July 1990 to address the allegation that “racial minority and low-income populations bear a higher environmental risk burden than the general population.” The Workgroup produced a final

report “Reducing Risk in All Communities” in June 1992 which supported the allegation and made recommendations for addressing the problem. One was to create an office at EPA to address these inequities. Another was to make environmental justice a national policy. The Office of Environmental Equity was established November 6, 1992. The name was changed to Office of Environmental Justice in 1994.

Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” was signed by President Bill Clinton on February 11, 1994. Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” was signed by President Bill Clinton on February 11, 1994, to focus federal attention on the environmental and human health conditions of minority and low-income populations with the goal of achieving environmental protection for all communities. The Order directed federal agencies to develop environmental justice strategies to aid federal agencies identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Order is also intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment. The Presidential Memorandum accompanying the Order underscores certain provisions of existing law that can help ensure that all communities and persons across this nation live in a safe and healthful environment.

Chapter 1

Background and Introduction

The Executive Order established an Interagency Working Group (IWG) on environmental justice chaired by the EPA Administrator and comprised of the heads of eleven departments/agencies and several White House offices. These include the EPA, the Departments of Justice, Defense, Energy, Labor, Interior, Transportation, Agriculture, Housing and Urban Development, Commerce, and Health and Human Services, the Council on Environmental Quality, the Office of Management and Budget, the Office of Science and Technology Policy, the Domestic Policy Council, and the Council of Economic Advisors.

Because of the Agency's strong belief that all Americans regardless of race, color, national origin, or economic circumstance are important to the future of our nation and should be able to live in a clean, healthy environment, EPA Administrator Carol Browner made environmental justice one of EPA's highest priorities and established environmental justice as one of the seven guiding principles in the Agency's strategic plan in 1993. In an Agency-wide meeting, she stated that "many people of color, low-income and Native American communities have raised concerns that they suffer a disproportionate burden of health consequences due to the siting of industrial plants and waste dumps, and from exposure to pesticides or other toxic chemicals at home and on the job ... EPA is committed to addressing these concerns and is assuming a leadership role in environmental justice to enhance environmental quality for all residents of the United States."

Since the Office of Environmental Justice was created, late in 1992, there have been significant efforts across EPA to integrate environmental justice into how the Agency conducts its day-to-day operations. Information

on these activities can be found throughout the Agency. The Office oversees the integration of environmental justice into EPA's policies, programs, and activities throughout the Agency. Every Headquarters Office and Region has an environmental justice coordinator to serve as a focal point within the organization. This network of individuals plays a key role in outreach and education to external as well as internal individuals and organizations. The Office also serves as the lead on the Interagency Working Group called for in the Executive Order.

EPA had begun developing an environmental justice strategy to address the issues prior to the signing of the Executive Order. The final document, *Environmental Justice Strategy: Executive Order 12898*, published in 1993, is consistent with the Executive Order and ensures the integration of environmental justice into the Agency's programs, policies, and activities. The strategy contains five major areas: 1) Public Participation and Accountability, Partnerships, Outreach, and Communication with Stakeholders; 2) Health and Environmental Research; 3) Data Collection, Analysis, and Stakeholder Access to Public Information; 4) American Indian and Indigenous Environmental Protection; and 5) Enforcement, Compliance Assurance, and Regulatory Reviews.

Introduction To This Report

As this report demonstrates, EPA continues to work to keep the environment clean so that all people can have clean air, clean water and a safe and healthy environment in which to live. The title of the report reflects the federal government's experience with the issue of environmental justice. Recently, federal departments and agencies have begun working proactively with communities, states, tribal and local governments, industry and others to address concerns of the communities. The efforts have

Chapter 1

Background and Introduction

produced “win-win” solutions in many cases, and contrast with a more reactive approach in which agencies wait for issues to grow into disputes. As a result of working together, divisive conflicts are reduced, allowing parties to resolve issues faster, fairer, cheaper, and more effectively.

Involving all stakeholders in the problem-solving process as early and as often as possible is a key to collaborative management of environmental justice concerns. As part of this process, stakeholders are encouraged to discuss their underlying interests, rather than attempting to package concerns within a formal legal argument as they would in court. Litigation and enforcement actions continue to play an important role in achieving the goal of environmental justice for all Americans, regardless of the race, ethnicity or economic status. However, principled negotiation, up-front consensus building, and public participation in the environmental decision-making process are increasingly becoming the norm.

Many projects in this report describe the Environmental Protection Agency’s attempts to foster partnerships, find, define, and resolve allegations of environmental injustice, or involve a broad group of stakeholders in a process to solve pressing problems or issues of concern.

This report differs from the prior Annual Reports issued by the Office of Environmental Justice (OEJ). It is organized by “subject matter” and contains information on the implementation of Executive Order 12898 by other federal departments and agencies. Chapters 2-5 describes EPA efforts, and include a mix of headquarters and regional projects. Those projects that have an EPA regional lead are identified. Projects that do not specify a region are led by headquarters. The subject matter chapters cover a number of similar topics:

- C Chapter 2 describes projects related to public participation, outreach, and training.
- C Chapter 3 primarily contains a “report” on the developing field of environmental justice data analysis and analytic methodologies. The chapter also describes several recent community assessment projects.
- C Chapter 4 describes activities which look at some environmental justice problems.
- C Chapter 5 covers many examples of how federal departments and agencies and stakeholders are working together to resolve and examine environmental justice issues.
- C The appendix includes a description of some of EPA’s assistance programs.

Public Participation, Outreach, and Training

EPA-sponsored public participation, outreach, and training programs bring together federal, state and local governments, industry and community stakeholders to develop workable solutions to allegations of environmental injustice. These programs have grown and matured as stakeholders have become more familiar with the issue of environmental justice and ways of collaboratively participating in the decision-making process. While five years ago such projects were mostly lead out of EPA's Headquarters Office of Environmental Justice and consisted of basic environmental justice training courses, today each region sponsors these programs. The vast majority of current projects involve EPA outreach to, and involvement with local communities, joint investigations of specific areas of concern, community capacity-building and development of workable solutions. Following is a discussion of the regional environmental justice initiatives.

General/Multiple Environmental Justice Activities

REGION 3

City of Chester Initiative

During the week of April 20, 1998, Region 3 participated in a highly successful Earth Week celebration in Chester, Pennsylvania. Activities included the refurbishing of a garden at the Pulaski School, which Region 3 "adopted," the donation of ten new computers, and the planting of trees at the school.

In addition, the initiative included the Chester Lead Poisoning Prevention Project, funded by an EPA-funded Supplemental Environmental Project (SEP). The project works with community residents and leaders, on a voluntary basis, to collect and distribute

information about lead poisoning and to help residents remove lead from their homes. The project has trained two community coordinators and has begun the enrollment of participants in the lead project.

REGION 4

North Carolina Environmental Justice Conference/Workshop

Region 4's Waste Division worked with a coalition of North Carolina environmental justice groups and their steering committee to design and support the first environmental justice workshop in that state. In addition to funding this workshop, a senior EPA official delivered the keynote speech and other EPA staff participated on several panels. The workshop set a positive precedent for future collaborative work.

Environmental Justice Summit

The "Environmental Justice Summit II," held in Atlanta, Georgia, on February 6-7, 1998, was co-hosted by Region 4, the African American Environmental Justice Action Network, and the Southern Organizing Committee for Economic and Social Justice (SOC). The purposes were to: (1) continue fostering partnerships between EPA and impacted communities; (2) improve regulatory decision-making (e.g., selection processes and remedial action options) with respect to communities near hazardous waste sites in the southeast; and (3) develop recommendations on how EPA can improve its customer service responsibilities.

More than 100 participants attended and included representatives from: numerous local environmental justice groups; the Clark Atlanta University Environmental Justice Resource Center; Spelman College; the Department of

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Housing and Urban Development (HUD); the Agency for Toxic Substance Disease Registry (ATSDR); the Army Corps of Engineers; the Department of Defense (DOD); the EPA; the environmental regulatory offices of North Carolina and Georgia; and the Medical University of South Carolina.

Outreach to Environmental Justice Communities

Region 4 conducted a series of outreach meetings with community-based organizations. EPA initiated the meetings to learn about environmental justice concerns of, and to foster stronger working relationships with, the communities. These meetings were conducted in Oak Ridge, Tennessee, Bennetsville and Spartanburg, South Carolina, and several cities in Georgia including Fort Valley, Brunswick and Savannah. A large number of community and grassroots groups participated in the various meetings such as: the Southern Organizing Committee for Economic and Social Justice; People Working for People; Save the People; Citizens for Environmental Justice; Woolfolk Citizens Response Group; Scarboro Community Environmental Justice Council; Oak Ridge Health Liaison; Re-Genesis; and the People of Color & Disenfranchised Communities Environmental Health Coalition.

These meetings resulted in on-the-ground results. For example, in Bennetsville, South Carolina, participants discussed ways to obtain assistance for the community to help with health problems resulting from a former industrial facility, now a Comprehensive Emergency Response Compensation Liability Act (CERCLA or Superfund) removal site. The sponsoring partners were the ATSDR and a state representative.

In Spartanburg, South Carolina, state agencies and federal agencies provided vital health care information and resources to an impacted community. Meeting with members of the community at a health fair, the South Carolina's Office of Workmen's Compensation provided the forms necessary for community residents to apply for benefits. The Social Security Administration of the U.S. Department of Health and Human Services sent a local representative who provided information on how to apply for social security. South Carolina's Office of Health Care provided a pulmonary specialist to speak about asbestos-related illnesses and how to obtain health care necessary to receive a diagnosis. The health fair brought together both government resources and information necessary for the community to better protect their health from environmental irritants.

REGION 5

Environmental Justice Stakeholder Partnership Network

On November 10, 1998, Region 5 held its first Regional Environmental Justice Stakeholder Partnership Network (RESPN) forum in Gary, Indiana. The goals of the forum were to: (1) bring community members together to share information and learn about issues of most importance to them; (2) provide environmental education; (3) assist communities in developing and enhancing leadership skills; and (4) facilitate the development of local partnerships and networks by providing tools to help communities organize.

EPA worked with the City of Gary, the local community, and federal government agencies to develop an informational forum that would be of interest and benefit to Gary residents. The Mayor of Gary, Scott L. King, greeted the more than 100 conference participants. Attendees

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included community members and environmental professionals from various fields. The attendees participated in panel discussions and exchanged information and ideas on a wide variety of issues including job training, land redevelopment, and community organizing.

An educational tool kit containing “how to” information on organizing a community and developing leadership skills was distributed to participants. As a follow-up to the conference, all participants were sent a resource guide containing information on: the background of the environmental justice movement in the U.S.; the purpose of the RESPN project; highlights from the forum; and the methodology used to develop the Gary RESPN project. The resource guide can be found on the Internet at:

<http://www.epa.gov/envjustice/resguide.html>

REGION 6

Environmental Justice Newsletter

Region 6 published the first edition of its quarterly Environmental Justice Newsletter in November 1998. The newsletter featured community input and up-to-date environmental news and information of interest to the public. The public has been invited to provide ideas to Region 6 on possible features, and improvements. You can find the newsletter at:

<http://www.epa.gov/earth1r6/6ra/ej/ej.ht>

REGION 8

Brownbag Series

Beginning in 1997, the Region 8 environmental justice program sponsored a year-long brownbag series, to which more than 600 groups and individuals were invited. Topics in

1997 included: a discussion of migrant farm worker issues by a local activist, Lalo Delgado; a panel of community representatives speaking on challenges faced in environmental problem-solving; and a talk given by Stephen Pevar, American Civil Liberties Union (ACLU) Staff Counsel, and author of “The Rights of Indians and Tribes,” on the topic of EPA’s Indian trust responsibility. The community panel brownbag was repeated for the Region’s Senior Leadership team, upon the invitation of the Regional Administrator.

In 1998, the brownbag series featured Scott Jones, of the Lower Brule Sioux Tribe, who commented on the topic of cultural resource implications of management of the Missouri River. Other speakers included Reggie Harris, EPA Region 3 toxicologist, on the “stressed communities” concept, and Gerald Carney, EPA Region 6 toxicologist, on a methodology for incorporating environmental justice into a risk assessment. The fourth brownbag session featured Ann Goode, Director of the EPA Office of Civil Rights, who spoke on EPA’s Title VI Interim Guidance and the process for issuing the final guidance document. The discussions helped to disseminate information within the Agency and to the stakeholder community and provided an informal opportunity for discussion between federal government representatives and stakeholders.

REGION 10

Health and Safety Training

For the last three years, Region 10 has sponsored a 40-hour Health & Safety Training program known as “Hazwoper.” EPA provides the course in areas where there is a potential for local residents to be employed on or near hazardous material cleanup sites. Courses have

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been taught in native villages in rural Alaska and in Colville, Washington, where many of the students were from the Colville Indian Reservation. Native American populations account for 95% of the students in these classes. The Alaska Department of Environmental Conservation cosponsored classes taught in Alaska.

1998 ECO/EPA Partnership Highlights- Diversity Program

The seven-year training partnership between EPA and The Environmental Careers Organization (ECO) continues to evolve. In 1998, EPA sponsored 313 student "Associates." The Agency carried over 60 of the 247 Associates from 1997. This level of participation marked an increase of more than 25% from 1997. The Associates trained at eleven headquarters offices and in all ten EPA regions.

Consistent with the Agency's goal of increasing workforce diversity and minority representation in the environmental-oriented profession, 54% of the Associates were people of color, representing 76 different academic disciplines. The Associates were geographically diverse as well, coming from 120 different colleges and universities - a record high.

The Office of Environmental Justice has been a sponsor of the National Environmental Career Conference (NECC) for several years. In 1998, the Office of Environmental Justice provided scholarships for 27 Associates to attend the NECC in Boston. In addition, EPA provided conference speakers for panels on environmental justice, Native American environmental issues, careers within the EPA, and several other topics.

Where Were the 1998 Associates Trained in the EPA?	
<u>Headquarters</u>	<u>#Trained</u>
Office of Administrator	5
Office of Administration/Resources Management	14
Office of Air and Radiation	33
Office of Enforcement and Compliance Assurance	12
Office of Chief Financial Officer	6
Office of International Activities	19
Office of Policy	18
Office of Prevention, Pesticides and Toxic Substances	39
Office of Research and Development	14
Office of Solid Waste and Emergency Response	2
Office of Water	26
Office of Environmental Justice	6
<u>Regions</u>	
Region 1	9
Region 2	4
Region 3	5
Region 4	21
Region 5	59
Region 6	1
Region 7	5
Region 8	2
Region 9	8
Region 10	<u>5</u>
TOTAL	313

For more information about the ECO

Chapter 2

Public Participation, Outreach, and Training

Program, call, write, or send an E-Mail message to one of the following:

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or visit the EPA Program Team/Boston Office web site at <http://www.eco.org>.

The Environmental Careers Organization

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Compliance Assistance Centers Overview

EPA partnered with private sector trade associations and nonprofit groups to establish nine sector-specific Compliance Assistance Centers. The centers help small and medium-sized businesses better understand and comply with federal environmental regulatory requirements. The centers serve the following sectors: (1) agriculture; (2) automotive service and repair;

(3) metal finishing; (4) printed wiring boards; (5) printing; (6) chemical industry; (7) local governments; (8) transportation; and (9) paints and coatings.

The Compliance Assistance Centers provide information via Internet web sites, toll-free telephone assistance, fax-back capabilities, and distribution of hard copy materials. Some centers have special features such as virtual shop floors, state regulations on-line, expert help desks, and video conferencing capabilities.

The centers are making the environmental justice community aware of their services and products through speaking engagements (e.g., at the Enforcement Subcommittee of the National Environmental Justice Advisory Council and at the National Association of Black County Officials), distribution of compliance assistance materials, and through the centers' Internet web sites. For example, the Agriculture Compliance Assistance Center develops and distributes fact sheets to help agricultural employers protect migrant and seasonal workers from exposure to pesticides through compliance with the Worker Protection Standards.

Indoor Air

Indoor Environments Program *Region 1*

The Region 1 Indoor Environments Program works actively to assist New England schools to adopt the EPA's "Indoor Air Quality Tools for Schools" (TFS) Action kit. The program targeted several of the largest school systems in New England, introducing students to concepts about indoor air pollutants and steps that they can take to reduce indoor pollution at home and school.

Jointly, the Connecticut Council on Occupational Safety and Health (COSH) and the Latino Parents' Organization sent a letter to the Hartford School Superintendent recommending adoption of TFS system-wide (33 schools). Other pilot schools implementing TFS programs have been initiated in the school systems in Boston, Massachusetts and Manchester, New Hampshire. EPA also has recruited schools in the New Haven and Bridgeport, Connecticut School Districts.

Indoor Air Quality in Schools *Region 10*

The Region 10 Indoor Air Quality program is funding TFS training and school walk-through/site visits in all four states that comprise the region. The funding is provided through small grants to: (1) the Idaho Health Division; (2) the Oregon State University Cooperative Extension Energy Program; (3) the University of Alaska (Fairbanks) Cooperative Extension Energy Program; and (4) the Washington State University Cooperative Extension Energy Program. Each of these entities has committed to conducting at least four school walk-throughs and TFS training in the respective states. This program has a direct impact on student and community health and government regulatory compliance.

National Hispanic Coordinating Center on Indoor Air

The National Coalition of Hispanic Health and Human Services Organizations (COSSMHO), working with the Office of Radon and Indoor Air (ORIA), has served as the National Hispanic Coordinating Center on indoor air pollutants for many years. COSSMHO's many activities include, but are not limited to: (1) coordinating training sessions and workshops; (2) conducting national project meetings; (3) providing technical assistance; and (4) translating

and distributing bilingual documents.

ORIA supports the operation of the National Hispanic Indoor Air Quality Hotline (1-800-SALUD-12) at COSSMHO's national headquarters in Washington, D.C. The hotline receives thousands of calls per year, reflecting successful outreach efforts at the national, state and local levels.

Indoor Air Outreach **Asians and Pacific Islanders**

The Association of Asian and Pacific Community Health Organizations (AAPCHO) and ORIA entered into a multi-year cooperative agreement to develop outreach materials for Asian and Pacific Islanders, especially the medically under-served. The AAPCHO program includes the following activities: (1) translating indoor air outreach materials into Asian languages, including Chinese, Korean, and Vietnamese; (2) sponsoring workshops for health care workers to work in communities on indoor air quality issues; and (3) supporting community-based outreach projects in targeted communities.

Indoor Air Outreach **Local Communities**

The National Association of Counties (NACo) and the National Organization of Black County Officials (NOBCO) are working collaboratively with ORIA to establish local outreach programs. These programs teach local government officials how to address and respond to indoor environment health risks.

ORIA is entering its third year of cooperation with NACo and NOBCO to develop and administer training courses designed to provide indoor air quality health risk information to local officials. The training workshops support sustained local outreach efforts and are targeted to

communities with significant low-income and/or minority populations.

Additionally, many county health departments represented by NACo have utilized resources from other programs to address indoor air quality issues in low-income communities. Using local residents hired by counties under the Job Training Partnership Act (JTPA)--a summer youth program--local health departments can educate low-income communities about indoor air quality health prevention. Youth in the JTPA program, who must meet income-eligibility requirements, are trained by the health departments, and then work directly with residents in the communities where they live.

Indoor Air Outreach Self-Reliance Foundation/Hispanic Radio Network

The Self-Reliance Foundation /Hispanic Radio Network provides indoor air quality health risk prevention information to Spanish-speaking populations in the U.S. through a broad radio media outreach campaign. The Self-Reliance Foundation fosters indoor air quality health risk prevention through: (1) distribution of radon test kits; (2) live radio talk shows; (3) support of a toll-free Spanish speaking information line; and (4) syndicated newspaper columns in Spanish newspapers..

The Self-Reliance Foundation also links listeners with local social and health professionals who work "hands-on" in the communities. These professionals are trained and educated about indoor air quality issues to provide direct outreach services to community residents.

Waste

Brownfields Assessment Demonstration Pilots - Region 2

Region 2 has 26 Brownfields Assessment Demonstration Pilots: 12 in New York, 12 in New Jersey, and 2 in Puerto Rico. The brownfields program identifies, remediates, and puts into active use former contaminated properties frequently located in urban areas. These pilot projects in the various cities and counties must submit environmental justice and community involvement plans that incorporate mechanisms to ensure active community involvement in the decision-making process. For example, Jersey City held three neighborhood planning charettes to solicit local guidance for redevelopment activities in the mixed-use, brownfields-laden Lafayette area of New Jersey.

A "Life After the Grant Study and Pilot" meeting held by EPA found that pilot projects can be sustained, communities improved, and brownfields sites reused by actively addressing environmental justice concerns and involving the community early in the project and on a continuing basis. Region 2 publishes the "Brownfields Community Involvement Quarterly" which it distributes to more than 3,000 regional stakeholders, including community organizations. The brownfields pilot projects and the evaluations help communities improve their environment and public health, and help provide models for other communities, municipalities, industry and politicians to follow in initiating brownfields redevelopment efforts.

Superfund Community Outreach Region 2

At the request of Region 2, EPA's Headquarters Community Outreach and

Public Participation, Outreach, and Training

Involvement Office, in the Office of Solid Waste and Emergency Response (OSWER), created a Spanish language version of the “Superfund Community Advisory Group” toolkit. This document gives Spanish-speaking communities in Puerto Rico, and throughout the United States, a greater opportunity to participate in the Superfund cleanup process. EPA has found that community advisory groups (CAG) can be very effective in enhancing public involvement at Superfund sites and facilitating regular and direct consultations between EPA and community members. CAGs are initiated and directed by local community representatives who work with EPA throughout the Superfund cleanup process.

Community Involvement Criteria for Brownfields Redevelopment Region 10

In 1998, Region 10 staff worked with community groups in Portland, Oregon to revise EPA’s Pilot Project Guidelines to better address community involvement issues. These revisions were incorporated into the National Pilot Project Guidelines issued in October 1998. Specifically, the National Pilot Project Guidelines addressed community concerns by emphasizing the following three points:

- Statistics on the demographics and employment areas in each proposal must be tailored to the impacted community.
- C Proposals should demonstrate that the project has been developed with community involvement and support, and will involve the community throughout the project.
- Proposals should describe how the project will address the environmental and public health priorities of the impacted community.

Social Siting Criteria Brochure

The Office of Solid Waste’s, Permits and State Programs Division is working on a brochure that addresses community quality-of-life concerns (i.e., those concerns that are often social, cultural, or economic in nature) related to the siting and permitting of Resource Conservation and Recovery Act (RCRA) hazardous waste facilities.

The brochure is intended as an educational tool. The Office of Solid Waste hopes to improve cooperation and communication among all parties involved in the RCRA facility siting and permitting process by increasing awareness of, and sensitivity to, the quality-of-life concerns raised by communities. Additionally, the brochure examines ways in which EPA regional offices, state and local governments, land use planning agencies, and hazardous waste facilities address quality-of-life concerns raised by communities.

The target audiences are the regulated community, federal, state, and local government permitting authorities, and land use planning agencies. The information provided in the brochure may be viewed as a starting point for creatively addressing and possibly resolving quality-of-life concerns raised by environmental justice communities related to the siting and permitting hazardous waste facilities. It is scheduled to be completed September 1999.

Public Participation in RCRA Corrective Action Rule

The Office of Enforcement and Compliance Assurance (OECA) and the Office of Site Remediation and Enforcement, in conjunction with the OSWER, developed language on public participation for revisions to the Post-Closure Permit Requirements and Closure Process under the RCRA. The closure regulations require owners and operators of hazardous waste management units to close those units in a way

that is protective of human health and the environment.

The procedures for issuing post-closure permits provide an opportunity for public comment at the time the permit is issued (i.e., the public may comment on the plan for investigating suspected releases at a facility). Additionally, the permit modification procedures provide opportunities for public comment when the permit authority selects a remedy and when the permit authority concludes that corrective action is complete.

Other Federal Agency/State Training

Outreach to States - Development of State Environmental Justice Programs/Task Forces Region 2

Region 2's Environmental Justice Program directed its efforts toward its state and local government partners, after having, in past years, trained approximately 900 EPA regional managers and staff on the issue of environmental justice and Title VI of the Civil Rights Act of 1964 anti-discriminatory requirements. Introducing state and local government agencies to EPA's policies, Region 2's outward-looking emphasis will help improve coordination, compliance, and achievement of program goals. To date, outreach efforts have resulted in the following:

For New Jersey -

C New Jersey Department of Environmental Protection ("NJDEP") accepted Region 2's invitation for NJDEP's managers and staff to attend a region-wide environmental justice training course.

C NJDEP's Commissioner became a

member of the Title VI Federal Advisory Committee.

C NJDEP developed and is in the early stages of implementing its Environmental Equity (EE) Policy and Program. A Task Force was created to advise the state on the development of its environmental equity policy.

C NJDEP was a recipient of the Office of Environmental Justice's State and Tribal Environmental Justice (STEJ) Grants, receiving \$100,000. With matching funds of approximately 23%, NJDEP plans to further develop and implement its EE program, and to implement an innovative permitting process. NJDEP has developed this permitting process to address Title VI concerns through an "Interest-Based Alternative Dispute Resolution Process." NJDEP plans to conduct a pilot of the process with Region 2.

C NJDEP and Region 2 are in the final stages of incorporating EE into the state's Performance Partnership Agreement.

For New York -

C Following several high-level meetings between Region 2 and the New York State Department of Environmental Conservation (NYSDEC), the State of New York is forming a workgroup to consider integrating environmental justice into its State Environmental Quality Review Act (SEQRA) process.

Environmental Justice Training for Federal and State Agencies Region 5

Region 5 has provided environmental

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justice training to interested federal and state agencies. The region designed the training to provide the audience with a background and overview of environmental justice, an understanding of Region 5's roles in addressing environmental justice issues, and an update of current EPA environmental justice activities and case studies.

Federal and state government personnel were given the opportunity to present environmental justice activities in which they had been involved. Region 5 has conducted training for the U.S. Department of Agriculture/Resource Conservation Service, the Indiana Department of Environmental Management, and the Minnesota Pollution Control Agency.

Training of Federal and State Agencies Region 8

The Region 8 Environmental Justice Program has undertaken a major effort to provide environmental justice training to state agencies and other federal agencies. The training consists of a four-hour workshop on environmental justice. Region 8 designed the workshop to increase understanding of a complex issue and improve clarity about basic environmental justice concepts and the application of those concepts. The course challenges participants to explore the meaning of environmental justice first, generally, and then as it relates to their day-to-day responsibilities. Case studies focus on real life examples, such as: the permitting of a wood-fired power plant in Flint, Michigan; the cleanup of a Superfund site in New York, bordering the St. Regis Mohawk Tribe's reservation; the building of a highway in Lawrence, Kansas, near Haskell Indian Nations University; and the siting and permitting of a hazardous waste facility in the Silicon Valley.

To date, Region 8 has conducted several training sessions for the Denver Federal Executive Board Environmental Justice Task Force. They

have provided six sessions for the Department of the Interior's Bureau of Reclamation in Boulder City, Nevada; Sacramento, California; Denver, Colorado; Boise, Idaho; and Billings, Montana. The Department of the Interior's Bureau of Land Management, the Army Corps of Engineers, the Department of Agriculture's Forest Service, and the Natural Resource Conservation Service have also expressed interest in the training. These meetings not only serve to provide consistent training but also help state and federal agencies work more effectively together.

Tribal Empowerment

Tribal Air Quality Control Program Training

In cooperation with Northern Arizona University, the Office of Air Quality Planning and Standards (OAQPS) has developed two training programs for tribal environmental professionals. The training is designed to assist Indian tribes in forming their own air quality control programs, including tribal implementation plans and operating permit programs. EPA initiated the assistance program in response to the requirement that it treat tribal governments in the same manner as states. It will be a continuing effort, as OAQPS provides more training and guidance to tribal governments.

Opportunities under NEPA for Public Participation: A Tribal Focus Region 8

As a result of a written request from the National Environmental Justice Advisory Council, Region 8 presented a National Environmental Policy Act (NEPA) workshop for tribal members.

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Staff from Region 8's Ecosystem Protection Program, the Tribal Assistance Program, and the Environmental Justice Program jointly planned and coordinated the one-day workshop on NEPA. In April of 1998, in Bismarck, North Dakota, the Region, as part of the training program, presented a half-day session on NEPA for tribes, including a session on addressing environmental justice issues in the NEPA process.

During the second half of the day, Region 8 staff hosted an interagency panel entitled, "Opportunities Under NEPA for Public Participation: A Tribal Focus." Eighteen people, representing 10 different tribes attended the workshop. EPA coordinated the panel with other federal agency panelists, which included individuals from the Army Corps of Engineers and the Department of the Interior's Fish and Wildlife Service, the Bureau of Indian Affairs, and the Bureau of Reclamation.

Tribal Indoor Air Quality Region 10

The Region 10 Indoor Air Quality Program provided the course, "*Tribal Orientation to Indoor Air Quality*," to tribal members and tribal staff in Region 10. In response to comments from the Snoquamish Tribe, after attending the course, Region 10 worked with the tribe to develop a Model Tribal Indoor Air Project. Region 10 is using the model to help other tribes in Washington. Since the initiation of the program, five more tribes from throughout Region 10 have applied for, and have received, funding to develop their own tribal indoor air programs.

Informing Tribes About OPPT Programs

The Office of Pollution Protection and Toxics' (OPPT) "Tribal Program" was initiated in 1997. A major focus of the program is to improve communications with tribes about OPPT programs

and activities.

A comprehensive tribal communications package is being developed to make OPPT program information available to tribes. This information package includes the following: (1) staff contacts; (2) Internet access to OPPT programs; (3) OPPT and related program grants information; and (4) a quarterly tribal newsletter. OPPT published the first issue of "OPPT Tribal News" in September 1998. This newsletter contains articles on toxics and pollution prevention and tribal activities. They mail it to more than 680 tribes and tribal organizations.

Grants Workshops

Grants Workshop for FY97 Small Grants Recipients Region 4

On October 30-31, 1997, the Region's Environmental Justice Program hosted its first Grants Workshop. More than 30 people attended representing 18 organizations throughout the southeast. The Region's Environmental Justice Program designed this workshop to: (1) orient grantees on Federal grants/financial administration processes and procedures; (2) provide an overview of Region 4's organization and programs; and (3) provide a forum for grantees to network and to exchange ideas and information. A Small Grants Writing Conference was planned for potential grantees during FY99.

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Grants Workshops, Networking, and Grantee Coordination

Region 8

Region 8's Environmental Justice Program staff developed and presented a series of Environmental Justice Grants workshops for the public beginning in September and ending in December 1998. EPA made a special effort to reach out to communities in more rural areas, including: Casper, Wyoming; Meeker, Colorado; Jamestown, North Dakota; and the Lower Brule Reservation, South Dakota. The staff also conducted workshops in Salt Lake City, Utah, and Pueblo, Colorado.

The purpose of the workshops was to provide interested organizations and agencies information about the Environmental Justice Small Grants and the Pollution Prevention grant programs, illustrations of projects applicable to each of these programs, assistance in preparing grant proposals, and information about the life cycle of the grants process. The Grants Workshop included the development of a 75-page overhead/slide presentation, handout materials and evaluation forms. Participants were contacted after the workshop and the feedback was very positive. The success of these workshops will be measured by increases in the number of submitted proposals and the improved quality of the content of the proposals.

Other

Lead Outreach and Education

Region 1

Region 1 has funded several lead outreach projects directed toward low-income, minority and disadvantaged "at risk" populations. This funding comes from a variety of sources within the Agency, including Regional Geographic Initiative funds for the Region's Northeast Lead (Pb) Initiative, the Urban

Environmental Initiative ("UEI"), Toxic Substances Control Act (TSCA) State Grants, TSCA discretionary extramural funds, and EMPACT funds. A partial list of projects follows:

- C Through a TSCA grant to the Connecticut Department of Public Health, the University of Connecticut Cooperative Extension Service produced the manual, "What You Should Know About Lead Poisoning, a Resource Manual for Child Care Providers." The manuals are available in both English and Spanish.
- C Through its Northeast Pb Initiative, Region 1 funded the development of "Healthy Beginnings: Lead Safe Families," which is an "English as a Second Language" Curriculum. The curriculum teaches immigrants about lead poisoning prevention, and other urban dangers.
- C Region 1 worked with other local governmental, community, and private sector experts to produce the following documents: "Healthy Yard," "Is Your Yard Lead Proof," "Controlling Lead in Soils, Soil Abatement Specifications," and "Informational Report of the Lead in Soils Charette." The documents are targeted at landlords, tenants, and homeowners. The Northeast Pb Initiative provided funding for these publications.

Urban Toxics

Region 1

Region 1's Environmental Justice Pollution Prevention Program and UEI support a coalition of six Boston nonprofit organizations to prevent urban toxic pollution. This project is in its second year. Building on technical assistance and tools developed in the first year of support,

the coalition links resident-driven environmental assessments in six new neighborhoods to a citywide network.

Environmental Justice Stakeholder Meeting

The Office of Ground Water and Drinking Water held stakeholder meetings to address environmental justice issues arising from the implementation of the Safe Drinking Water Act Amendments in: Boston; New York; Edison, NJ; Philadelphia; Atlanta; Chicago; Kansas City; Dallas; Denver; San Francisco; and Washington, DC.

The project also provides education information about: (1) environmental issues in public housing; (2) pollution prevention assistance to local small businesses such as drycleaners, nail salons, film developers, and printers; (3) information addressing resident concerns about urban transportation; and (4) environmental education information for individuals to prevent pollution in their daily lives.

Environmental Justice Community Pilot Training Course Region 4

Region 4 is partnering with local groups (Save the People of Brunswick, Georgia, and the Southern Organizing Committee for Economic & Social Justice of Atlanta, Georgia) in the development of the "Environmental Justice Community Pilot Training Course." The goal of the pilot training course is to increase overall awareness and use community-based monitoring and environmental enforcement. The objectives of the pilot training course are to:

- C Develop a model framework for future community-based training.

- C Provide communities with knowledge that will enhance their understanding of opportunities for roles in community-based monitoring and environmental enforcement.
- C Establish partnerships with federal, state, and local governments, community groups, academic institutions and non-governmental organizations.

Office of Ground Water and Drinking Water Environmental Justice Stakeholder Meeting

On March 12, 1998, the Office of Ground Water and Drinking Water held a stakeholder meeting to address environmental justice issues arising from the implementation of the Safe Drinking Water Act Amendments of 1996. The meeting occurred simultaneously in eleven cities via a video conference to increase the opportunity for attendance. The meeting was held in: Boston; New York City; Philadelphia; Atlanta; Chicago; Kansas City; Dallas; Denver; San Francisco; Edison, NJ; and Washington, D.C.

The purpose of the meeting was to identify issues and solicit input from stakeholders and the public at large on several proposed drinking water regulations. Specifically, EPA addressed efforts to develop new regulations for radon, arsenic, ground water disinfection, enhanced surface water treatment, disinfection byproducts, and filter backwash recycling.

One hundred and sixty nine people attended the meeting, of which sixty one were EPA employees. The other stakeholders were from environmental organizations, church groups, community groups, tribes, public health organizations, academia, industry, and the general public. The stakeholders emphasized that: (1) the health effects data should be the most heavily weighted issue for setting standards; (2) EPA

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should try harder to reach out to minority and/or low-income populations; and (3) EPA should provide understandable information to the public in a timely manner so that stakeholders have time to respond and have their input become part of the regulatory process.

of governmental activities regarding public participation, outreach, and training with respect to environmental justice. Rather, it is a “snapshot” of activities representing the transition to a collaborative and constructive problem-solving approach. These examples demonstrate the Office of Environmental Justice’s mission to engage the community as earlier as possible in the process and to provide them with the necessary tools to participate meaningfully in the decision-making process.

To be sure, the activities described above do not solely represent the entire universe

Assessment Methodologies, Community-Based Studies, Targeting, and Science

The proliferation of environmental justice assessment methodologies and community-based studies are another indication of the changing nature of environmental justice at the Agency. Rather than addressing allegations of environmental justice issues on an *ad hoc* basis, EPA has begun to systematically identify, assess, prioritize, and allocate resources to review those concerns.

In doing so, the Agency expects to manage and deliver environmental information in a form that is user-friendly to all segments of the public. By providing information through various data systems (e.g., Internet), educational materials, and analytic tools, the Agency anticipates that the accessibility of useful material will increase. In turn, this increase of available data and tools will allow communities to participate more meaningfully in the environmental decision-making process.

The following chapter presents a brief synopsis of activities that have been performed in enhancing our ability to quantitatively address situations of environmental injustice.

Assessment Methodologies

Potential Risk Indexing System

The Potential Risk Indexing System (PRIS) is a Geographic Information System (GIS) based risk screening methodology that ranks areas of concern (i.e., facilities, industrial sectors, geographic areas) using multimedia chemical releases data, chemical toxicities, and selected demographics of surrounding populations. Coupled with compliance history and complaint patterns, PRIS may provide a comprehensive and interactive information base for environmental justice assessments, comparative risk analysis, and

enforcement actions. An interoffice workgroup supports this project, including: EPA regional offices, the Office of Research and Development (ORD), the Office of Special Projects (OSP), and the Office of Enforcement Compliance and Assurance (OECA).

To access the data, the user specifies any state in the continental United States (the contiguous 48 states). The system automatically creates a color-coded map showing areas of relatively high release and toxicity, giving a screening estimate of impact. The system also contains census data to ascertain minority and poverty demographics as well as several other factors that may influence the relative vulnerability of sub-populations.

Environmental Justice Assessment Guidance

Environmental Justice GIS Application Region 2

Region 2 developed an Environmental Justice GIS application to support the Region 2 "Interim Policy on Identifying Environmental Justice Areas" (IP). The GIS has a user-friendly interface that provides Region 2 staff and managers with a simple tool for going through the steps outlined in the Draft IP methodology for identifying environmental justice potential areas of concern.

Currently, the IP pilot group is using the GIS to test the approach. They have defined the boundaries of five pilot communities using the GIS and the demographic statistics for those communities and analyzing the information in comparison to reference communities. This information will be used to determine the existence of disproportionate environmental impacts. The

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pilot group is currently investigating the utility of different methods for assessing allegations of environmental justice issues.

Region 5

Region 5 developed several tools for regional staff to use for identifying and mapping potential environmental justice areas/cases. One of those tools is the Waste, Pesticides, and Toxics Division's "Region 5 Mapping Data Assessment Program with environmental justice Capability" GIS program. This program, developed in partnership with the Indiana Department of Environmental Management, is an interactive GIS tool available to Region 5 staff and the public via the Internet.

Demographic Mapper

Region 3

Four divisions within Region 3 have coordinated their efforts to create the Demographic Mapper, a user-friendly GIS tool. The system enables Region 3 to describe the demographics surrounding a selected site and identify sites with potential environmental injustice concerns.

The Demographic Mapper includes a series of criteria to test the selected site for environmental justice issues. These criteria were derived from the Vulnerability Index (renamed PRIS - see above) and include: (1) minority status; (2) poverty status; and (3) other indicators of potential vulnerability (e.g., age, education, household environments, and employment status). The tool provides a consistent approach to the identification of environmental justice communities.

Interim Environmental Justice Guidelines

Region 5

In June 1998, Region 5 released the "Revised Region 5 Interim Guidelines for Identifying and Addressing Potential Environmental Justice Cases." This guideline outlines a process for Region 5 management and staff to use when determining whether an issue should be considered a potential environmental injustice case. The guideline also recommends a variety of options (e.g., EPA-lead enforcement, permitting, community involvement activities) to address identified problems.

Stakeholder participation in the development of the guidelines was an essential part of the design. During the development of these guidelines, Region 5 conducted a peer review process, requesting review and comment from more than 100 Federal, and state government, tribal, community, industry, and academia representatives. The Revised Interim Guidelines document can be found on Region 5's environmental justice home page at <http://www.epa.gov/envjustice/ejguidelines.html>

Targeting Studies

Sector Facility Indexing Project

In 1998, EPA launched the Sector Facility Indexing Project (SFIP). The SFIP is a program that is intended to integrate and provide access to more environmental information than has ever been available before to the public. The SFIP profiles approximately 650 individual facilities in five industrial sectors: (1) automobile assembly; (2) pulp manufacturing; (3) petroleum refining;

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(4)iron; and (5) steel production and the primary smelting and refining of aluminum, copper, lead, and zinc (i.e., nonferrous metals).

Providing ready access to such data gives communities the necessary information to engage in constructive dialogue and to reach informed decisions. Moreover, it also encourages industry to take more responsibility regarding their activities and the resulting impact on the environment. The multimedia information included for each facility includes: (1) the number of inspections; (2) compliance with Federal regulations; (3) enforcement actions taken; (4) chemical releases and spills; (5) background on location; (6) production capacity; and (7) the population of the surrounding area. The SFIP assists in addressing allegations of environmental injustice concerns by giving both citizens and industry the knowledge to work toward creating healthy communities and social well-being. EPA also provides all users of the SFIP the opportunity to comment on any aspect of the project. The SFIP web site is available on the Internet at <http://www.epa.gov/oeca/sfi>.

Public Access to Information

EPA has supported and enhanced the public's ability to retrieve and analyze environmental information that affects them on a daily basis. EPA continues to improve the Envirofacts Warehouse Internet access (www.epa.gov/enviro). Among other modifications, the Agency has increased data availability regarding facility-level permits under many regulatory programs.

Additionally, EPA added an Enviro-Mapper and Maps on Demand function to Envirofacts. These new Internet tools will allow users to map search/data results for their local communities. This tool is available through the Agency's web site at <http://www.epa.gov/enviro/html/qmr.html>.

EPA also opened the doors to the Center for Environmental Information and Statistics site, a clearinghouse for a wide variety of environmental quality data, located on <http://www.epa.gov/ceisweb1/index.html>.

In 1999, another enhancement has been added to the information tools to make the data more user-friendly for novice users. This enhancement will also expand the mapping capabilities to include the relevant health and demographic data surrounding a facility. This tool will be available through the Agency's web site through Envirofacts at http://www.epa.gov/enviro/index_java.html

Finally, public access to information about enforcement and compliance records continues to improve. The Integrated Data for Enforcement Analysis (IDEA) allows the public to search compliance and enforcement records. This tool combines more than ten EPA databases, and allows users to compare information in many different ways. The year 1998 marked the beginning of a new improved Windows version of the IDEA system. Enhancements to the IDEA system in 1998 included a new "Detailed Facility Profile" that provides the inspection, violation, and enforcement history of each facility, along with a comprehensive demographic profile of the surrounding area.

Targeting Federal Facilities Enforcement

In June 1997, the Federal Facilities Enforcement Office (FFEO) of OECA issued a report entitled, "Environmental Justice Enforcement Initiatives at federal Facilities." This initiative combined the most current Toxics Release Inventory (TRI) data, and data reported by Federal facilities and enforcement and compliance agencies to target facilities in low-income and/or

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minority communities for enforcement and compliance actions.

Targeting - Criminal Enforcement *Region 3*

In 1996, the Office of Criminal Enforcement, Forensics and Training (OCEFT) requested the development of a tool that would allow EPA criminal investigators to better screen cases and decide which cases are located in potential environmental justice areas. The result, the "Demographic Mapper," allows users to type in a site location and obtain an accurate demographic picture of the area's minority and low-income make-up.

The program officially debuted in FY 1998 and has been highly effective in creating demographic maps and as a screening tool for identifying potential environmental justice areas of concern. As of this writing, the Demographic Mapper program is being placed on CD ROMs to be shipped to the regions.

Enforcement Targeting *Region 6*

Region 6's enforcement targeting procedure ranks industrial facilities by estimating the potential risk each facility poses to human health and the environment. The system evaluates the population demographics of a community located within a four-mile radius of TRI industries. Each facility's air and water emissions are scored to address the effects of cumulative impacts.

Communities in proximity to individual or clustered TRI industries are identified and ranked, based on the potential impacts of the industrial facilities on each community. The methodology calculates a "Human Health Risk Index" and an "Environmental Justice Index." Those facilities located in areas with a high Human Health Risk

Index and Environmental Justice Index scores are targeted for inspection and enforcement activities.

Community Assessments

Study of Incinerators' Impacts, Lawrence, Massachusetts *Region 1*

Region 1 provided a grant to JSI, Inc., to assist community groups in addressing environmental issues in Lawrence, Massachusetts. JSI is a public health, nonprofit, consulting firm with extensive experience working with community groups. The grant continues EPA's collaboration with the Greater Lawrence Community Health Network to assemble and compile area health statistics based on environmental data collected by different state agencies. JSI will also develop a matrix of community health and environmental data to present to the community in order for residents to identify data gaps or areas of additional concern.

South/Southwest Philadelphia Environmental Health Characterization Study *Region 3*

In December 1994, Region 3 began a Community-Based Environmental Project in South/Southwest Philadelphia. The project was initiated in response to community concerns that their area of Philadelphia was subject to an inordinate amount of industrial development which resulted in higher than average pollutant levels and, therefore, adversely impacted the health of the community. The Region entered into a two-year Cooperative Agreement with the John Hopkins University School of Hygiene and Public Health to conduct an Environmental and Health Characterization of South/Southwest Philadelphia.

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The purpose of the study was to determine the state of the environment using existing databases and to develop a health profile of the community.

During the course of the study, the Johns Hopkins University (JHU) study team assembled a Community Advisory Committee (CAC) composed of representatives of federal, state and local governments, community organizations and a Science Advisory Committee (SAC) comprised of representative of local universities and health organizations.

The study, published in 1997, presented recommendations such as improving and increasing the links between the community, industry, academia and government, as well as filling in the gaps in the understanding of community exposures by developing strategies to measure the level of key pollutants in the environment.

South Baltimore Environmental justice Community Involvement Partnership Project Region 3

South Baltimore EJ Community Involvement Partnership Project

The project established a partnership among: EPA; Region 3; Maryland Department of Environment (MDE); the City of Baltimore; area business and industry; and the residents of the communities of Cherry Hill, Brooklyn, Brooklyn Park, Curtis Bay, Fairfield, Hawkins Point, and Wagner's Point.

This project focused on the use of community cooperative partnerships to help EPA address concerns of low-income and/or minority communities. At a facilitated public meeting, approximately two hundred community residents

from the South Baltimore area developed a list of their environmental concerns and prioritized them. Working groups (co-chaired by a community resident and an area business or industry representative) were formed to develop action plans for environmental improvement. The Air Subcommittee, for example, conducted a screening exercise designed to inventory pollutants in the air in South Baltimore.

Exposure Studies/Other

Mexican Border Human Exposure Study

An international coalition including EPA, the Republic of Mexico, and border states has undertaken efforts to study and improve environmental conditions along the U.S./Mexico border. The EPA Office of Research and Development, for example, is engaged in the following projects which included an environmental justice component:

- < The Border Health Alert and Disease Outbreak and Environmental Health Organization and Information.
- < The Lower Rio Grande Valley Transboundary Air Pollution Project.
- < The Pesticide Exposure and Adverse Health Effects in Young Children Along the U.S. - Mexico Border.
- < The Retrospective Study on Pediatric Asthma and Air Quality.
- < The Texas Neural Tube Defect Project.
- < The U.S.-Mexico Border Geographic Information System (GIS) for Environmental Health.

<

The U.S.-Mexico Border XXI Initiative for Pediatric Lead Exposure Identification and Risk Reduction.

< The National Human Exposure Assessment Survey (NHEXAS) Border Project.

Hazardous Air Pollutants in Urban Areas

The Office of Air Quality Planning and Standards (OAQPS) is in the process of developing a draft strategy which will include a methodology for identifying priority Hazardous Air Pollutants (HAPs) in urban areas. Data will be drawn from a wide variety of sources, and pollutants will be analyzed on the basis of their toxicity and exposure potential. The results, by area, will allow the identification of possible environmental justice hot spots.

The OAQPS expects the issue of environmental justice to be an important component of the risk identification and risk management phase of the program. During the development of the draft strategy, consideration will be given to developing an outreach program to address allegations of environmental injustice.

Community Conducted Air Monitoring *Portland, Oregon*

EPA funded a research project which will allow residents of northwest Portland, Oregon to conduct air monitoring studies in their neighborhoods. They will create an emissions inventory of large point sources in the area. Small sources will be mapped using the GIS database of the local government. Sampling for gaseous and particulate pollutants will be conducted by the residents themselves with guidance from the Oregon Department of Environmental Quality.

Confronting Environmental Justice Problems

This chapter highlights a wide variety of allegations of environmental injustice and their solutions. The allegations described here include those that communities have identified and those which EPA found through some form of an assessment. In many instances, EPA is working with the communities and other stakeholders to develop solutions. EPA believes that impacted communities frequently have critical knowledge and the requisite ability to help resolve local environmental issues.

Pesticide Problems and Solutions

Pesticide Worker Protection

The Office of Pesticide Programs (OPP) supports the implementation of the EPA's Worker Protection Standards. The Department of Health and Human Services' (HHS), Office of Migrant Health, estimates that there are 2.7 million migrant and seasonal farm workers and dependents nationwide. Of that number, 800,000 are migrant farm workers and dependents who are overwhelmingly minority (Hispanic) and low-income.

OPP conducted a series of public field hearings so that the EPA could hear directly from growers and farm workers on issues of worker protection. OPP published the transcripts of the public hearings and began assembling lessons learned for a report.

Other actions OPP has underway to improve standards and/or their enforcement include:

- C Revising exposure assessment standard operating procedures to better characterize pesticide exposure involving spray drift and other residential

exposures. These exposures may occur from pesticide use in nearby agricultural areas or from agricultural workers who may carry pesticide residues into the home.

- Assessing the implementation and enforcement of the agricultural farm-worker's protection regulation. The assessment will include the establishment of a worker protection group composed of EPA, the Department of Agriculture (USDA), the Department of Labor (DOL), the HHS, state regulators, state extension service safety educators, farm worker advocacy groups, farm worker service/training associations, agricultural employer associations, farm worker clinicians' networks, and others.
- Co-funding the collection of actual data on pesticide exposures in five states: California, New York, Texas, Oregon and Florida.
- Initiating a multi-agency effort to create a national plan for increasing training and awareness among health care providers of pesticide-related health conditions. This initiative, "Pesticides and National Strategies for Health Care Providers," is led by the EPA in partnership with the DOL, the HHS and the USDA.

DuPont Penalized for Violating Worker Protection Standard

While EPA attempts to work with stakeholders when a violation occurs, the Agency also takes appropriate enforcement actions. Federal law requires pesticide labels to warn workers of risks and to direct them to take proper

Confronting Environmental Justice Problems

precautions. In a landmark decision issued April 30, 1998, an administrative law judge of the Environmental Appeals Board imposed the largest administrative penalty in the Agency's history against E.I. DuPont de Nemours & Co. (DuPont) for violating these requirements.

DuPont will pay \$1.89 million for ignoring EPA orders to stop shipping pesticides with labels that omitted protective eye wear warnings required by the Worker Protection Standards (WPS). The WPS was promulgated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) in August 1992, to reduce the number of pesticide-related illnesses and injuries to agricultural workers from on-the-job pesticide exposures.

Worker Protection Standard Region 10

Region 10 collaborated with representatives from state government, and academic, industry, and nonprofit organizations to assess and help ensure compliance with the WPS. The collaborative group developed a bilingual survey designed to determine the extent of farm worker knowledge of existing regulations, the extent to which federal regulations are implemented, and the effectiveness of the regulations once they are implemented. One hundred and ninety-four surveys were completed and analyzed. A Final Report and Recommendations are expected in the latter part of 1999.

Methyl Parathion Pesticide Contamination

Region 5 found methyl parathion in dozens of Chicago-area homes. Methyl parathion is a pesticide, which is restricted by law, for use on farm crops. Although methyl parathion is

highly toxic, it degrades relatively quickly outdoors, it breaks down slowly indoors and remains toxic for a much longer time.

The response to this problem included the following actions: (1) testing residents to determine the level of contamination; (2) relocating residents from contaminated homes; (3) decontaminating homes; and (4) restoring homes to habitable conditions. In addition, the illegal use of methyl parathion was found in Lorain County, Ohio, and Wayne County, Missouri, as well as in Mississippi, Louisiana, Tennessee, and Arkansas.

Methyl Parathion Pesticide Criminal Enforcement

Ruben Brown, doing business as Ruben Brown Extermination and J. D. McKinley Extermination, operated a pest extermination business without state certification for several years in the Chicago area. EPA investigators executed an administrative search warrant at Brown's residence on April 9, 1997, which led to the seizure of containers of methyl parathion, spraying equipment, and spraying records. The records indicated that Mr. Brown had sprayed more than 600 residences since 1991 in the Chicago area.

Brown admitted spraying the residences with methyl parathion between 1991 and 1996. He also admitted selling bottles of methyl parathion to individuals for spraying. The spraying occurred in predominantly low-income, African-American communities. Many of these households included young children.

On December 9, 1997, Brown was sentenced to two years in federal prison and one year supervised release. As of March 11, 1998, Superfund had expended \$9.6 million for cleanup,

relocation, and restoration costs associated with Brown's actions. Total anticipated Superfund expenditures are \$12.5 million.

Lead Problems and Solutions

Lead in Children

Exposure to lead can produce serious health effects, particularly in children. Lead poisoning can result in Intelligence Quotient (IQ) deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, antisocial behavior, and other problems. Years of using leaded gasoline and lead-based paint have spread this metal liberally throughout the environment. The problem is particularly acute in urban areas, and in other areas with older housing stock (pre-1978).

Studies from the Centers for Disease Control indicate that nearly one million children aged one to five have elevated blood lead levels. The rates are highest among children who were non-Hispanic blacks or Mexican-American, from lower-income families. These families are living in metropolitan areas with a population greater than one million, or living in older housing.

Title X (Residential Lead-Based Paint Hazard Reduction Act of 1992)

Title X (Residential Lead-Based Paint Hazard Reduction Act of 1992) directed EPA to develop a national strategy to: (1) eliminate lead-based paint (LBP) hazards in housing; (2) establish a framework for LBP hazard evaluation and reduction; (3) mobilize national resources; (4) partner with all levels of government and the private sector; and (5) educate the public concerning the hazards and sources of LBP poisoning and ways to reduce or eliminate them.

Consistent with this mandate, the Agency established the National Lead-Based Paint Professionals Training & Certification Program. This is an ambitious program designed to promote standardized training and certification programs nationwide. Twenty-nine states are expected to have authorized programs by September 1999, with EPA running the programs in the remaining twenty-one states.

EPA has undertaken a significant technical program to promote the safe, effective, affordable monitoring and detection of lead in paint, dust and soil, and to abate or remove lead-based paint hazards in homes. More than 20 studies have been conducted over the past six years to evaluate the effectiveness of: low-cost abatement methods; lead detection technology; in-home education on reducing blood lead levels; and dust cleaning products on various surfaces. In addition, studies were conducted to measure the effects of renovation and remodeling activities on home occupants and workers. These efforts helped form the basis for different regulatory and policy decisions made by the Agency since the passage of Title X.

While EPA has made significant strides over the past twenty years to prevent childhood lead poisoning, the extensive need continues for outreach, education, technical studies, and new rules designed to protect human health and the environment. Examples of outreach and education include the following:

- C The Lead Hotline--National Lead Information Center - an 800 number (1-800-424-LEAD) to provide the public access to information regarding lead hazards. A lead web site is also available to the public:
<http://www.epa.gov/lead>.

Confronting Environmental Justice Problems

- C “Lead in Your Home: A Parent’s Reference Guide,” published in order to provide parents with useful information on lead in the home.
- C Tribal Lead Hazard Program Development Grants - Grants awarded to seven tribes for infrastructure development and identification of high risk communities.
- C National Cinema Pilot Project - This movie about lead is running in: 17 states; 57 cities; 510 screens; 1,530 screenings each day; and 45,900 viewings each month. The pilot program has the potential for reaching an audience of almost one-half million people.
- C “Runs Better Unleaded” - A new lead awareness poster has been developed to raise public awareness for childhood lead poisoning prevention.

Significant Regulations from Title X

- C Pre-renovation Information Rule - This rule, which was published on June 1, 1998, requires housing renovators to provide, prior to commencing renovation, a lead hazard information pamphlet to owners and occupants of pre-1978 housing stock. This rule became final on June 1, 1999.
- C Identification of Lead-Based Paint Hazards, Lead-Contaminated Dust, and Lead-Contaminated Soil Rule - This rule establishes standards for identifying lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil. EPA proposed the regulation on June 3, 1998. EPA will revise the proposed regulation

based on the comments received and then publish the final regulation and accompanying guidance.

- C Management and Disposal of Lead-Based Paint (LBP) Debris - HUD, DHHS, several states, advocacy groups, and the regulated community have expressed concerns about the costs of testing and disposal of debris containing lead-based paint under RCRA. The cost is a significant obstacle to the financing of lead abatement. The new standards proposed by TSCA allow LBP debris to be managed and disposed of in a more consistent and less costly manner. The rule was proposed in December 1998.



- C Buildings, Bridges, and Structures - EPA is developing regulations for lead-based paint activities in commercial and public buildings and structures, such as bridges and water tanks. EPA expects to publish a proposed rule in September 1999.
- C Renovation and Remodeling (R&R) Rule - EPA is developing regulations for R&R activities in target housing. These regulations will revise the training and certification regulations of 40 CFR 745 subpart L to include those R&R activities which create a lead-based paint hazard.

Lead Projects - Region 1

Region 1 has initiated the following projects:

- C An English as a second language curriculum that teaches immigrants about Lead Poisoning Prevention and urban dangers.
- C Region 1 worked with other governmental, community and private sector experts to produce the following guidance documents: “Healthy Yard, Is Your Yard Lead Proof?”; “Controlling Lead in Soils, Soil Abatement Specifications”; and “Informational Report of the Lead in Soils Charette.” The guidance documents are targeted toward landlords, tenants and homeowners and were funded by the Northeast Pb Initiative.
- C Region 1 funded EPA a project designed to monitor and abate lead in Spanish and Creole speaking communities. Among other activities, lead in soils is tested and graduates of the Boston Urban Gardeners “City Gardner Certificate Program” do the physical restoration work. The project builds on the work of the Boston Urban Environment Initiative (UEI), which was conducted over the last several years. Grantees include the Bowdoin Street Health Center, Boston University School of Public Health, and Garden Futures.

Environmental Justice Community Grants - Region 3

During 1996 and 1997, Region 3 awarded two environmental justice grants to community groups for lead-based paint projects. Region 3 awarded the grants to Tinbridge Hill Neighborhood Council in Lynchburg, Virginia and the African American Men on a Mission in Baltimore, Maryland. The two groups developed activities to promote awareness of the dangers of lead-based paint. Both groups provided opportunities for young adults to receive training and education on lead poisoning prevention. They distributed lead cleaning kits to families, provided education on how to improve residential cleaning methods, and tested homes for lead using a dust wipe test. The Tinbridge Hill group also developed and performed in a video program geared to educate people on proper lead dust reduction cleaning techniques.

Enforcement of Lead Paint Notification Requirements

EPA issued its first administrative civil penalties against alleged violators of the “Real Estate Notification and Disclosure Rule” (Disclosure Rule), under the Residential Lead Based-Paint Hazard Reduction Act of 1992. The four complaints have penalties totaling \$439,725 and involved properties occupied by families with young children. EPA and the Department of Housing and Urban Development (HUD) promulgated joint regulations, effective September 6, 1996, for the disclosure of information regarding lead-based paint in housing built before 1978.

Under the Disclosure Rule, sellers, landlords, and agents must provide purchasers and tenants with an EPA-approved lead hazard

information pamphlet. The Disclosure Rule also gives purchasers a ten-day period to inspect housing units for the presence of lead-based paint and associated hazards. Finally, the Disclosure Rule requires that sale and leasing contracts include certain notification and acknowledgment language.

Subsistence Populations Problems and Solutions

The standards used for determining safe levels of contaminants in fish may not fully address the habits and customs of certain communities that depend upon fish for a major source of protein in their diet. These groups, which can include, among others, Native American, African American, Asian, and low-income communities, frequently consume greater quantities of fish, and different varieties of fish, than the population used for setting consumption standards. See "Environmental Equity: Reducing Risks for All Communities," (EPA 1992) pp. 12-14. These groups also consume parts of the fish (e.g., skin, fat, head, tail and liver) that contain higher pollutant levels than the portions of fish eaten by the general population. Therefore, these groups are at a comparatively higher risk for adverse health effects resulting from fish consumption than the general population, as a whole.

Subsistence Populations

Subsistence fishers, particularly Native Americans, African-Americans, Asian-Americans and low-income fishers consume greater amounts of fish than the population used to determine the "standards" for safe levels of contaminants in fish. These populations may consume parts of the fish (e.g., skin, fat, and liver) that contain higher pollutant levels, and are therefore at higher risk for health effects due to higher exposure.



Several projects sponsored by Region 10 are examining consumption habits of various populations to determine the degree of risk to these populations. EPA has also summarized available studies on fish consumption for various recreational and subsistence fishers in its "Technical Support Document for the Ambient Water Quality Criteria Derivation Methodology for Human Health," (USEPA July 1998, EPA-822-B-98-005).

Great Waters Program

Region 5 is the lead region for the Great Waters Program, a consortium of groups, which studies the effects of atmospheric deposition of toxic air pollutants into the Great Lakes and other water bodies.

Elevated levels of mercury, polychlorinated-biphenyls (PCBs), and dioxin/furan in fish tissues have been linked, in some cases, to atmospheric sources of these pollutants. The populations most at risk are

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Native Americans, African-Americans, Asian-Americans and low-income fisherman who consume large quantities of contaminated fish.

Fish Consumption Advisories

The states and tribes report information to EPA's Office of Water (OW) on the development and issuance of fish consumption advisories. This information is used to develop the "National Listing of Fish Consumption Advisories." The listing has recently added fish tissue data used by the states and tribes for making advisory determinations. The National Listing of Advisories includes tissue data submitted by eight states, which should increase in the future. The database is currently available for downloading at the Internet site:

<http://www.epa.gov/OST/fishadvice>.



In 1997, EPA issued the first "Federal Fish Consumption Advisory" designed to protect individuals consuming fish from the Great Lakes bordering the State of Michigan. EPA used fish tissue data provided by the state.

Mexican Border Problems and Solutions

For the people living along the U.S. border with Mexico, there continues to be a special set of problems and circumstances. Many people living along the border are poor, non-English speaking, and not U.S. citizens, who reside in communities known as Colonias. Colonias are Hispanic rural neighborhoods and unincorporated subdivisions in or near cities in Texas, New Mexico, Arizona, and California along the U.S.-Mexico border. As a result, they make up some of the least politically empowered and uninformed communities on environmental issues in the country.

Texas and New Mexico Colonias Program

Public health and environmental problems created by the lack of safe drinking water and sewer services are affecting unincorporated communities located along the U.S./Mexico Border. The State of Texas has identified 1,500 Colonias representing 350,000 people. The State of New Mexico estimates 20,500 people live in Colonias, within the state.

The Regional Colonia Assistance Program, as part of the U.S./Mexico Border environmental program, has provided grant funds to Texas and New Mexico to assist with needs identified for wastewater and plumbing. During fiscal years 1993 to 1998, Congress appropriated a total of \$315.3 million for Texas and \$20.2 million for New Mexico. To date, the total federal commitments for wastewater projects completed or currently underway represent more than \$230 million in Texas and \$8 million in New Mexico. More than 150,000 people living in the Colonias will benefit from these programs.

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Colonia Enforcement Initiative

The Region 6 Colonia Enforcement Initiative is committed to looking for cases where developers are responsible for contamination of underground sources of drinking water. When the Colonias are built, the purchasers are promised proper sanitary services. However, they often have substandard wastewater facilities which contaminate local groundwater and threaten the water supply.

Using the emergency powers of the Safe Drinking Water Act, Region 6 can take action against the developers. The U.S Attorney filed a civil complaint, on behalf of the EPA Administrator, against developers Rio Bravo Farms, Ltd., et. al (Pecotos Corp., Cuna del Valle, Ltd. and CDV Investments). The developers agreed in a consent decree, filed April 17, 1997, to provide residents with immediate/temporary access to a public water source and a permanent connection to public water. As of January 1, 1999, a public water system is serving eighty six out of eighty eight residences.

Concentrated Animal Feeding Operations

Over the past several years, Concentrated Animal Feeding Operations (CAFOs) have been at the center of a number of environmental justice complaints and highly visible ecological problems.

To address these problems, EPA is revising effluent guideline regulations for CAFOs. The Agency promulgated the existing regulation in 1974, and required zero discharge from CAFOs with more than 1,000 animal units. However, the regulations did not specifically address the land application of the manure from

the CAFO, which has become a significant environmental issue today. Runoff from excessive or improper application of manure can be a significant source of pollution.

EPA is also revising the implementing regulation which specifies how CAFOs are permitted through the National Pollutant Discharge Elimination System (NPDES). The effluent guidelines regulation will be revised in two phases. The first phase will address swine and poultry CAFOs. Those regulations are scheduled to be proposed in December 1999. The second phase will address dairy and beef cattle CAFOs, and will be proposed in December 2000. The revisions to the implementing regulation are scheduled to be proposed in conjunction with the swine and poultry effluent regulation.

Animal Feeding Operations

“Feedlots” have been at the center of a number of environmental justice complaints and highly visible ecological problems (e.g., new hog operations in poor African-American communities in eastern North Carolina and the possibility of pfiesteria outbreaks).

EPA, in conjunction with the USDA, issued a strategy paper for controlling pollutant releases from CAFOs on September 11, 1998. The strategy can be found on EPA’s web site. <http://www.epa.gov/owm/afo.htm>.

While the current regulations are being revised, EPA and the states are working to better implement the current regulations. Better compliance is a major part of the new implementation strategy. In March 1998, the Office of Enforcement and Compliance Assurance issued a multi-year plan for the Agency’s

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compliance efforts for CAFOs. Coordination with states through their development of state compliance strategies is key to meeting the goal of inspecting all facilities and addressing environmental justice concerns.

Communities With Multiple Problems; Working Toward Solutions

Many communities have numerous environmental problems to deal with. The following are examples of communities trying to help solve their problems through empowerment, partnerships with government and industry, and community-based assessments of their environment. Often EPA assists these efforts by awarding grants to the communities taking action.

Child Health Champion Campaign (CHC)

The City of Prichard, Alabama has a population of 34,000 - 80% percent of which is minority, with 44% living below the poverty level. A significant number of children have blood lead levels exceeding the Centers for Disease Control threshold of concern. Prichard is also in one of the top ten contaminated counties in the country based on Toxic Release Inventory (TRI) data. Eight Mile Creek, which meanders through the city, is considered the most contaminated watershed in the state.

Prichard received, in cooperative agreement funding \$35,000 from EPA, for the first phase of the Child Health Champion (CHC) Campaign. This new pilot program will provide \$135,000 over a two-year period to help identify and prioritize sources of environmental risks to

children. The CHC will then implement actions to address those concerns. The City of Prichard is also a brownfields pilot project and a recipient of an Environmental Justice Grant from the Office of Environmental Justice to identify, disseminate information about, and address environmental threats.

Baltimore Urban Environmental Initiative

The Baltimore Urban Environmental Initiative, is a major project being conducted in Baltimore, in cooperation with the Maryland Department of the Environment (MDE), the Baltimore City Health Department, and the Baltimore City Planning Department. This cooperative effort will identify and rank areas of disproportionate risk. It will use this information to implement risk reduction, pollution prevention, public awareness, and other activities. Grants awarded to the City of Baltimore and the MDE have already lead to the development of a number of projects designed to address environmental concerns. The initiative has:

- Provided more than five thousand lead-dust cleaning kits and training to citizens living in areas at high-risk for lead-based paint exposure. Lead awareness and education videos have been completed and provided to health care agencies in all twenty-four Maryland subdivisions. A study to evaluate the effectiveness of these cleanups is nearing completion.
- Provided training to heating, ventilating and air conditioning workers in the Baltimore City public schools. The training will help to improve indoor air quality in the schools by improving the efficiency and operation of school heating

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and cooling systems. An evaluation program to measure the program's effectiveness has been completed.

- Provided a grant to the MDE for a comprehensive fish consumption survey of subsistence fishermen in Baltimore Harbor. The survey data are being used to develop education and outreach strategies for the area regarding subsistence fishing and fish consumption, as well as to provide valid fish consumption data for risk estimates. Assessment of crab consumption is underway at this time.
- Developed a system to inventory and maintain a hazardous waste database for businesses in Baltimore. This project was completed in conjunction with the Baltimore City Fire Department, the Baltimore City Departments of Health and Planning, the MDE, and regional personnel.

South Baltimore Community Environmental Partnership

Three years ago, EPA initiated a pilot community partnership project in south Baltimore and northern Anne Arundel County with residents, local businesses, and local, state, and Federal agencies. The project seeks to identify, assess, and address the community's environmental issues. Environmental concerns include the high level of concentration of industrial and waste treatment facilities and brownfields site in the area. The partnership has achieved some notable accomplishments:

- C Harnessed a tremendous amount of volunteer effort to improve the

community. Hundreds of school children and parents have participated in two major park cleanups.

- C Initiated a major environmental restoration project for the Masonville Cove area, strengthening the community's link to the Chesapeake Bay and making available to the community a priceless natural resource.
- C Generated the first comprehensive model of the cumulative concentration of air toxics from all of the industrial and municipal facilities in the area.
- C Brought together a wide range of individuals, government agencies, businesses, and organizations to help the community address its problems.

Permits - Environmental Justice Problems and Solutions

Bio-Oxidation, Inc., Harrisburg, Pennsylvania

A potential environmental injustice was averted in Summer 1999. As a result of an educated public protest and media attention, along with Region 3's early advisory role to Pennsylvania, Bio-Oxidation, Inc. voluntarily withdrew their permit application for the construction of an infectious medical waste autoclave facility in Harrisburg, Pennsylvania. The facility was proposed for a low-income African American community, without full consideration of the community's health and quality-of-life issues. The facility would also have greatly increased truck traffic in the area around the plant, as well as in an African

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American neighborhood across town.

Pilgrims, Pride Walker Creek Project

During the permitting process for the Pilgrim's Pride Walker Creek chicken processing plant in Camp County, Texas, issues were raised about impacts on an Indian burial site. The Texas Historical Commission and the Caddo Indian Tribe of Oklahoma sought resolution under the National Historic Preservation Act (NHPA).

A Memorandum of Agreement (MOA) between Pilgrim's Pride Walker Creek (permittee) and the Texas Historical Commission required the inclusion of the Caddo Indian Tribe in the activities at the site. The permittee was required to comply with the MOA for continued coverage under the National Pollution Discharge Elimination System (NPDES) general permit for storm-water discharges from construction activities.

EPA is working jointly with all parties to integrate conditions established by the Texas Historical Commission and the Caddo Tribe, under the NHPA, to preserve identified and suspected funerary objects and possible human remains at the Walker Creek construction site.

Supplemental Environmental Projects

As part of the settlement of an enforcement action, violators may volunteer to undertake supplemental environmental projects (SEPs). The performance of such activities may lower their cash penalty payment. These SEPs are designed to redress adverse consequences or take actions that are broader than a penalty alone. An acceptable SEP must improve, protect, or reduce risks to public health or the environment. One important legal requirement of a SEP is that there is a direct relationship between the SEP and the

violation at issue. Affected communities can be consulted on proposed environmental justice provisions and, in some cases, derive environmental benefit from the SEP. As EPA continues to explore SEP provisions, the Agency believes that SEPs can be used as a means to promote community involvement in protecting and enhancing the public health and the environment.

The Agency developed and issued a SEP brochure, entitled "Supplemental Environmental Projects". The brochure defines the legal requirements for a SEP, the categories of acceptable SEPs and the opportunities to participate in the SEP process. Copies of the brochure are available from the EPA Enforcement and Compliance Docket and Information Center (ECDIC). Please refer to Docket No. ECP 1998-159.

The Sewage and Water Board of New Orleans Consent Decree

As part of a June 1998 consent decree, credit was given to the Sewage and Water Board of New Orleans for a SEP. The SEP required the Board to address water quality issues in the Lake Pontchartrain area surrounding Lincoln Beach, a historically African-American recreational beach in New Orleans. The beach had been abandoned for many years. The Board, in concert with other New Orleans area organizations, proposed to rehabilitate the beach area and lake to allow recreational bathing. Given the location of the restoration area and the population and economic demographics of the surrounding area, this project was determined to have significant environmental justice benefits. The restored beach will provide both recreational opportunities and an environmental education resource for local citizens.

Weirton Steel Corporation

Community residents participated in a \$6.4 million settlement between Region 3 and Weirton Steel Corporation in Weirton, West Virginia. This enforcement action involved numerous criminal and civil violations of environmental laws. Under the provisions of the SEP, the Weirton Steel Corporation will install new air pollution control technology for its blast furnaces and collect meteorological data for air quality planning purposes. Neither action is required by law nor regulation, and both will improve area air quality and benefit the community.

Relocation Problems and Solutions

Many communities around the country believe the best solution to their problems would be for the community to be relocated to another area. While this may be their preferred solution, most often they cannot afford to move, because their homes have been devalued because of the environmental problem. Therefore, they seek to get outside assistance to relocate, usually from EPA. To address this issue, the Agency examined the problem further.

The National Relocation Policy

The Office of Emergency and Remedial Response (OERR) worked closely with the National Environmental Justice Advisory Council on the development of a National Superfund relocation policy. This interim policy will provide direction to EPA regional decision-makers on when to consider permanent relocation as part of a Superfund remedial action. This policy applies to National Priorities List (NPL) sites where

remedial authority is being used. It does not affect previous remedy selection decisions, nor does it limit potentially responsible party (PRP) liability under CERCLA. PRPs may agree independently with residents (or business owners) to relocate them, as long as the relocation neither compromises, nor interferes with EPA's sanctions at a site.

The major points of this interim policy are:

- C EPA's preference is to address the risks posed by the contamination by using well-designed methods of cleanup which allow people to remain safely in their homes and businesses;
- C EPA may consider a permanent relocation alternative as part of the Feasibility Study (FS) should certain site conditions, such as those described in this policy, be encountered;
- C EPA should involve the community early in the process and keep residents informed of activities at the site; and
- C EPA cannot conduct a permanent relocation of tribal members without tribal government concurrence.

EPA anticipates developing a final policy after receiving public comments. Feedback generated by the regions using the interim policy and from stakeholders who offer comments will be incorporated into the final document.

Other Problems and Solutions

Use of Mercury in Religious Rituals and Folk Medicines

Region 5

A pilot study by the Office of Hispanic Affairs, Chicago Department of Public Health, found that mercury is being used in religious rituals and as folk medicines in Chicago's Hispanic community. The study, conducted with the assistance of a grant from the Region 5 Air Quality Program, found that mercury or "azogue" is readily available in Chicago in religious goods stores called "botánicas". The mercury is often used to cure ailments and provide perceived spiritual benefits. These uses of mercury could result in dangerous levels of exposure from vapor inhalation and ingestion. This study is the first to confirm significant use of mercury in the Midwest. A follow-up outreach effort will provide the affected Hispanic community with information on the dangers of mercury use.

Model Tribal Environmental Policy Act

Region 10

The Tulalip Tribes of Washington State used an EPA grant to develop a model Tribal Environmental Policy Act (TEPA), similar to the NEPA. The TEPA was developed to help the tribes balance the competing demands of economic development and environmental protection.

The project produced several products: (1) a model TEPA that tribes can use when reviewing development proposals; (2) a pollution

prevention reference chart for tribes to use in conjunction with TEPA and NEPA activities; and (3) a training curriculum to enhance tribal understanding of, and effectiveness in, the federal NEPA processes. The model TEPA has been so successful that requests from other tribal governments have inundated the Tulalip Tribes for assistance.

Alta Sita Neighbors

Region 5

This project facilitated neighborhood residents' involvement in the cleanup and maintenance of vacant lots in the poor, minority neighborhood of Alta Sita in East St. Louis, Illinois. Workshops were held for residents to learn the health risks associated with illegal dumping and instructed them on how to remediate these conditions.

Residents developed a list of illegal dumping sites in the neighborhood, determined who owned those contaminated lots, prioritized the list of lots, and obtained consent from the St. Clair County Board of Trustees to clear the privately owned lots.

Block captains were trained to serve as the collection point for suggestions, comments, and information about code enforcement. They also lead efforts to manage and resolve problems which arose. The project enjoyed so much success that the City of East St. Louis cleared an additional eight vacant lots of debris and initiated an ongoing campaign against illegal urban dumping.

**Heritage College, Toppenish Basin,
WA
*Region 10***

The primary purpose of this Office of Environmental Justice small grant project was to determine the current extent of pesticide and fertilizer contamination in the groundwater of Toppenish Basin. The Toppenish Basin is the second largest of four basins in the area and has

the heaviest concentration of agriculture and industry on the Yakima Indian Reservation. This effort helped to identify areas where residents are exposed to contaminated drinking water and target areas for further work. The project also provided on-the-job training for environmental science students so that the students can develop local expertise for ongoing monitoring of water activities on the Yakima Indian Reservation.

This chapter describes specific environmental justice projects, programs, and accomplishments closely associated with EPA. These actions include activities taken by other Federal agencies, interagency cooperative programs, and implementation of the National Environmental Policy Act (NEPA) in the context of environmental justice.

NEPA Implementation

As environmental justice programs evolves, federal agencies have started to coordinate better under the NEPA process. This coordination typically occurs at the regional level, where the federal action is taking place and the stakeholders are located. To establish closer ties and to understand better each other's processes, regional offices of the federal government have begun coordinating and meeting on an ongoing basis.

President Clinton specifically recognized the importance of identifying and addressing environmental justice concerns through the NEPA process. In his Presidential Memorandum, dated February 11, 1994, accompanying the Executive Order 12898, President Clinton required,

"...each federal agency [to] analyze the environmental effects, including human health, economic and social effects, of federal actions, including effects on minority communities and low-income communities . . ."

The Presidential Memorandum emphasizes the importance of NEPA's public participation process, and directs "each federal agency [to] provide opportunities for community input in the NEPA process." The Presidential

Memorandum further directs agencies to "identify potential effects and mitigation measures in consultation with affected communities, and improve the accessibility of meetings, crucial documents, and notices."

Almost immediately after President signed the Executive Order, the Council on Environmental Quality (CEQ) began developing the "Environmental Guidance Under the National Environmental Policy Act" (NEPA Guidance). The NEPA Guidance underwent extensive review, both inside and outside the government, and was issued on December 10, 1997. The document is available through the Internet.

<http://ceq.eh.doe.gov/nepa/nepanet.html>.

Other federal agencies have issued their own environmental justice NEPA guidance documents. The guidance for each agency applies the principles set forth in the CEQ NEPA guidance to situations likely to arise under their areas of jurisdiction. Web sites for the other agencies' guidance can be found on <http://www.epa.gov/oeca/ofa/nepaweb.html>

NEPA Environmental Justice Examples

King William Reservoir King William County, Virginia

The Regional Raw Water Study Group (RRWSG), a consortium of local governments on Virginia's Lower Peninsula, proposed the construction of a dam, fresh water reservoir, and a pumping station in rural King William County, Virginia. The dam would create a 1,500 acre reservoir on Cohoke Creek by pumping water from the Mattaponi River.

The proposed project, if implemented, would impact the social structure and sense of community of the Mattaponi and Pamunkey Indian tribes (the State of Virginia acknowledges these tribes, but the tribes do not have federal recognition). Construction of the reservoir and its potential secondary impacts, such as residential development, raises issues related to the preservation of the cultural, spiritual and archaeological integrity of the tribes.

The project would also result in the loss of 437 acres of wetlands in the Cohoke Mill Creek watershed. The construction of the reservoir would take place within the three-mile buffer zone of the Mattaponi Indian Reservation.

The tribes' legal argument relies, in part, on a 1677 state treaty which does not allow any encroachment within a three-mile radius of the reservation. The tribes contend that if the state constructs the reservoir they will lose a fish hatchery. Fish hatcheries are a vital part of their cultural heritage and important for maintaining their way of life. The Mattaponi maintain that the reservoir will threaten their historical use of the river and the land within the Cohoke watershed.

On July 1997, EPA Region 3 commented on the Final Environmental Impact Statement (FEIS). The Agency found that the FEIS did not contain a complete analysis of the impact the reservoir's construction would have on the environmental justice communities in the area (i.e., according to the President's Executive Order on Environmental Justice). Nor did the FEIS provide analysis on a valid wetlands replacement plan. Based on this finding, EPA requested that the Norfolk District of the Army Corps of Engineers require a supplement to the FEIS focusing on the wetland mitigation issues and the Native American cultural issues.

The Army Corps of Engineers completed a study on the cultural impact to the tribes and issued a letter, dated June 4, 1999. In that letter, the Army Corps of Engineers specifically stated that: "Because the proposed reservoir is located between Virginia's only two American Indian Reservations, and the proposed intake is located upstream of the Mattaponi Reservation, the project has the potential to result in disproportionately high and adverse environmental effects to this minority population as described by Executive Order 12898."

Region 3 continues to stress the need to consult with and recognize the concerns of the Mattaponi and Pamunkey Tribes, as well as the African American community within the area of concern.

Proposed Outlet from Devils Lake, North Dakota

Devils Lake is located in a closed basin in north central North Dakota. The surface area of Devils Lake, bordering the town of Devils Lake and the Fort Totten Reservation, has doubled since 1993. Impacts from flooding have been borne by the Devils Lake community as well as parts of the Spirit Lake Sioux tribal reservation. The Army Corps of Engineers is considering construction of an emergency outlet to drain Devils Lake into the Sheyenne River. The Army Corps of Engineers released a scoping document for an Environmental Impact Statement. EPA Region 8 is a cooperating agency in the NEPA process.

The Canadian government has expressed concerns about the proposed outlet and its potential effects on the Sheyenne River, which flows into the Red River of the North. Representatives of some low-income communities along the Sheyenne River have

raised concerns about downstream impacts to areas that the 1997 floods on the Sheyenne and Red Rivers severely impacted. In addition, some members of the Spirit Lake Tribe have expressed opposition to the proposed outlet. The opposition is based on their concern for the spiritual value of the lake and what they see as interference with a natural process gone awry due to poor wetlands management practices in the Upper Basin.

The Region 8 Environmental Justice Program recognized the potential for environmental justice issues and responded in two ways. The Environmental Justice Program used a social impact assessment methodology to determine the potential for environmental justice issues related to the outlet and overall water management in the Devils Lake Basin. The study was designed in collaboration with the Army Corps of Engineers staff. Input was also received from the State of North Dakota, the local sponsor of the project. This qualitative study will provide data about potential environmental justice issues in the Devils Lake area. The data may also be used to inform the Army Corps of Engineers report to Congress, and its subsequent EPA documentation. A number of tribal members were included as participants of this study and were asked for their ideas and input on the study itself as part of the interview process.

Secondly, Region 8 staff is working with the Army Corps of Engineers to ensure compliance with NEPA. Through the efforts of a sociologist hired by the Region 8 Environmental Justice Program, a social impact assessment methodology will be used to determine whether environmental justice issues exist in the Devils Lake Basin.

Bell Farms, Mellette County, South Dakota - Region 8

Bell Farms and the Rosebud Sioux Tribe have entered into a partnership to build and operate what will be one of the largest hog production facilities in the country. The facility will deliver 859,000 hogs to market annually, and produce the manure/sewage equivalent of about two million people. The facility is being built on lands held in trust for the Rosebud Sioux Tribe that are located outside the reservation boundary, in Mellette County, South Dakota. The Department of the Interior's Bureau of Indian Affairs' (BIA) act of entering into a lease on behalf of the Tribe was subject to NEPA. On August 14, 1998, the BIA released a Final Environmental Assessment and Finding of No Significant Impact (FNSI) for the action.

On October 15, 1998, EPA submitted a letter to the BIA detailing its comprehensive environmental concerns, including concerns relating to ground water, public access to information, and environmental justice concerns. The public and tribal members voiced a significant amount of opposition to the project. A preliminary request for an injunction has been filed in federal district court on behalf of local and national environmental and animal welfare groups who oppose the project.

Examples of Interagency Cooperation

Note: Additional examples of interagency cooperation can also be found in the “outreach,” “assessment,” and “solutions” sections and in the “other agency section” below.

Regional Interagency Work Group on Environmental Justice - Region 8

In 1997, Region 8 hosted two meetings of the Denver Federal Executive Board’s Task Force on Environmental Justice. At the first meeting, participants identified a need for environmental justice training and discussion of related topics. At the second meeting, held in October 1997, Region 8 presented an environmental justice training workshop for the other Federal agencies in attendance. Future environmental justice topics the Task Force would like to address are: (1) issues for land management agencies; (2) urban, tribal and rural issues; (3) use of NEPA in the environmental justice context; and (3) community involvement in the decision-making process.

In early January 1999, the Region’s Environmental Justice Program hosted a planning session with a small group of Federal agency representatives including: the Army Corps of Engineers; the Department of the Interior’s Office of Surface Mining; the Department of Health and Human Services; and the Department of Energy, Rocky Flats. The purpose of the planning session was to decide how best to reinvigorate the Denver environmental justice Interagency Task Force. The session was intended to address the needs of federal agency staffs with respect to information and problem-solving related to environmental justice. Based on the conclusions of the meeting, the agencies will hold a two to three day conference in the summer of 1999. The conference will highlight environmental justice

activities across the Federal government and provide an update to Federal agencies in the western regions.

Washington Navy Yard

EPA Region 3 has entered into an Administrative Consent Order (ACO) with the Department of the Navy. The order requires the Navy to investigate and remediate releases from the 66-acre Washington Navy Yard of PCBs, PAHs and heavy metals detected onsite and in the Anacostia River. The project is being conducted under the authority of the Resource Conservation Recovery Act (RCRA).

The ACO combines the requirements of RCRA and Superfund to develop remediation plans to address the contamination. The plans provide for federal and local government oversight of both regulatory requirements. The project includes coordination between both RCRA and Superfund program offices at EPA and the District of Columbia’s Environmental Regulatory Agency.

The almost 200-year-old Washington Navy Yard is within two miles of the White House and its remediation raises several environmental justice and other concerns from the minority community in the vicinity. Among other things, the ACO requires the Navy to develop a community relations plan. The Navy has responded by establishing the Restoration Advisory Board to address the environmental justice and other concerns of the community. The Board meets monthly and provides a forum for the local citizens to participate in the investigation and remediation process.

**Federal Agencies Implementing
the Environmental Justice
Executive Order**

Department of Justice

The Environment and Natural Resources Division (ENRD) of the Department of Justice and the United States Attorneys' Offices bring both civil and criminal cases to enforce the Nation's environmental laws. In many of these cases, the affected communities are low-income and/or minority populations, or Indian tribes. The cleanups and other remedies that result from successful litigation benefit these communities.

Several principles guide the Department's environmental justice strategy in civil environmental enforcement. Department attorneys are instructed to assess each enforcement case to determine whether it raises potential environmental justice issues. In civil cases where environmental justice issues have been identified, attorneys are encouraged to conduct outreach to affected communities to promote participation in the agency decision-making process.

In reaching settlements in these civil cases, Department attorneys also are encouraged to consult with the affected community when exploring possible SEPs. SEPs are required to have an adequate relationship to the alleged violations. In recent years, the Department has obtained significant settlements in several cases with environmental justice components. Some examples are:

C **United States v. Borden Chem. Co.**, (N.D. La.) On April 9, 1998, the U.S. lodged a settlement agreement with Borden Chemicals & Plastics to resolve claims that the company

contaminated soil and groundwater with hazardous wastes at a chemical plant in Geismar, Louisiana. The Geismar facility is located in a highly industrialized area with a predominantly African-American population. Under the terms of the settlement, Borden agreed to correct the contamination, pay a \$3.6 million civil penalty, and spend \$3.4 million on SEPs. As part of the settlement process, the Department sought the input of citizens concerning appropriate SEPs, which included providing \$400,000 to fund community-based programs in Ascension Parish, where the plant is located.

C **United States v. Rio Bravo, Ltd.**, (W.D. Tex.) In June 1997, the United States reached a settlement in a Safe Drinking Water Act (SDWA) action with Rio Bravo, Ltd., a Colonia developer. Colonias are a type of substandard housing development along the U.S.-Mexico border; residents are primarily low-income Latino communities. The United States alleged that defendants developed the Cuna del Valle Colonia in El Paso, Texas in a manner that caused the residents' drinking water wells to become contaminated with human waste. Under the settlement, the defendants have constructed and will maintain a temporary water station at the Colonia to provide potable water to residents until residents are able to obtain potable water from the local public water authority. The defendants also agreed to pay any costs associated with connecting the residents to the public water lines.

C **United States v. Sherwin-Williams Co.**, (N.D. Ill.) In November 1997, the United States resolved claims against Sherwin-Williams in a 39-count action alleging violations of four environmental laws at a

manufacturing plant (paint and resin) located in a low-income, minority area on the south side of Chicago. Under the decree, Sherwin-Williams agreed to the following: (1) undertake extensive measures to assure future compliance with environmental laws; (2) investigate and remediate releases of hazardous substances at its facility; (3) spend \$1.1 million on three projects to clean up contaminated brownfields sites; and (4) restore wetlands in nearby neighborhoods. The defendant also agreed to pay a \$4.7 million civil penalty to the United States.

- C **United States v. Tenneco**, (W.D. Okla.) In January 1997, the United States settled a Safe Drinking Water Act action brought on behalf of the Sac and Fox Nation of Oklahoma to obtain a fresh water supply and compensatory and punitive damages against the Tenneco Oil Company for saltwater pollution and degradation of land and groundwater resources. The pollution deprived the Sac and Fox Nation of its only natural water source. Tenneco Oil Company agreed to: (1) provide a permanent supply of potable water to the Sac and Fox Nation by constructing water supply wells and delivery systems on at least 120 acres of land to be purchased by Tenneco; (2) install a water recovery system; (3) reforest a pecan grove and restore an area of tribal land; and (4) pay the Sac and Fox Nation \$1.16 million in compensation for the contamination.

Community Relations Service

The Department of Justice's Community Relations Service (CRS) has mediated disputes or provided conciliation assistance in a number of conflicts involving environmental justice issues. These include, among other examples:

- C In Athens, California, Latinos and African-

Americans organized to oppose the operation of a toxic waste station in their community. In Winterhaven, California, the Quechan Indians clashed with farmers over the impact of aerial pesticides spraying on families in the reservation. In Compton, California, school students and teachers complained about toxic fumes from repairs by a roofing company. In each of these disputes, CRS assessed the situation and provided conciliation assistance.

- C CRS has mediated in two cases. The disputes with Indian tribes were over the inappropriate use and treatment of sacred land or burial remains. In Santa Cruz, California, the Chumash Indians complained about grave robbers and mishandling of burial artifacts and human remains. In Lake Tahoe, California, the Washoe Indians complained about the damage climbers were inflicting on their sacred cave rocks. CRS mediated an agreement between the Department of the Interior's National Park Service and tribes in Santa Cruz, and the Department of Agriculture's Forest Service was able to find an acceptable option to meet the Washoe's concerns.

Department of Transportation

The Department of Transportation's (DOT) "Environmental Justice Order" directs the Operating Administrations to determine the most effective and efficient way of integrating the processes and objectives of the Executive Order into existing regulations and guidance. Each Operating Administration is working to effectively accomplish this effort. Listed below are examples of some key activities by DOT's Operating Administrations to incorporate environmental justice principles into their activities:

- The United States Coast Guard published its environmental justice strategy in the Federal Register on April 3, 1998. The strategy encompasses public outreach, internal training and program guidance through issuance of Commandant Instruction. In addition, a policy statement on environmental justice is presently under review for implementation throughout the Coast Guard.
- C The Federal Highway Administration (FHWA) has drafted an Order on Environmental Justice which integrates environmental justice concerns into FHA programs and activities. The Order is currently undergoing final review within FHWA. FHWA has also clearly delineated a process to address allegations of discrimination that involve environmental justice issues. FHWA continues to work with its field offices, state DOTs and local governmental units to provide technical assistance on preventive approaches during field conferences, meetings and training programs.

DOT Projects and Initiatives:

- C The DOT Office of Civil Rights (OCR), in partnership with advocacy groups such as the Environmental Defense Fund, is developing plans to reach out to metropolitan planning organizations to communicate the need for including equity considerations in regional transportation planning. OCR is collecting examples of analyses of equity in transportation planning, for dissemination of models, examples, and best practices.
- C DOT is scheduling Title VI training, to be conducted by the Department of Justice, for staff in the Operating Administrations of the Department to prepare them to conduct Title VI investigations and compliance reviews.

- C The Federal Highway Administration (FHWA) is planning to: (1) further develop and provide methodologies to assess environmental and health effects; (2) provide training on preventing, assessing, and addressing environmental justice concerns; and (3) showcase, through case studies, success stories, best practices, and model community initiatives that effectively apply environmental justice in the transportation decision-making process.

Department of Health and Human Services

Public Partnerships:

The Department of Health and Human Services (HHS), under the leadership of ATSDR and CDC, is collaborating with community nonprofit groups, EPA, state and local government health departments, environmental departments, academic institutions, and business. The purpose of this collaboration is to address environmental public health issues in the Mississippi Delta region. The project objectives are to: (1) identify key environmental hazards that affect community health and the quality-of-life; (2) assess the harmful impacts on high risk populations from environmental hazards; (3) empower and educate the community about environmental hazards; and (4) build capacity of state and local health departments, environmental departments, academic institutions and community groups to address environmental public health issues.

The voluminous report culminating four years of data collection and analysis is nearing completion and should be available Spring 1999. The second phase of the Delta Project has begun and will start with a pilot grant

program for “community lead” projects aimed at solving problems identified in Phase 1.

- C The CDC’s National Institute of Occupational Safety and Health (NIOSH) sought stakeholder help to develop its occupational safety and health research agenda for the next decade. NIOSH held a series of group specific and town meetings with stakeholder groups to accomplish that goal. The groups involved included: minority occupational safety and health constituents (i.e., advocates for farm worker health, representatives from Historically Black Colleges and Universities (HBCUs), professional institutions and associations); representatives from labor, industry, business; and, minority and low-income communities.

Public Education and Training at HHS:

- C ATSDR has implemented an educational program for communities near hazardous waste sites. The program is designed to inform community members and their health care professionals about hazardous substances associated with the waste sites and actions they can take to reduce exposure.
- C ATSDR funds an environmental health education cooperative agreement to provide environmental health education to American Indian and Alaska Native tribes and their physicians.
- C The National Center for Environmental Health (NCEH) supports public education efforts to promote awareness of the dangers of childhood lead poisoning and how to prevent it, urging screening of high-risk children.
- C The NIH/National Heart, Lung, and Blood Institute’s (NHLBI) National Asthma Education and Prevention Program includes

more than 30 major medical associations, voluntary health organizations and federal agencies. These organizations are working together to raise awareness of asthma as a serious disease, to promote recognition of its symptoms, and to ensure effective control of asthma, especially in minority children. The program emphasizes treatment and education programs in partnership with patients, physicians and other health professionals.

- C The Office of the Secretary/Office of Public Health and Science/Office of Minority Health (OMH) provides information and publications to the public on environmental justice-related organizations and programs through the Office of Minority Health Resource Center’s (OMH-RC) toll-free number: 1-800-444-6472. In addition, OMH-RC dedicated an entire issue of its monthly newsletter “Closing the Gap,” to environmental justice. Key topics highlighted were: (1) landfill concerns in North Carolina; (2) the misuse of methyl parathion; (3) lead screening guidelines; (4) inner-city asthma; and (5) migrant farmworkers' exposure to pesticides. The issue also provided contact numbers for Federal agencies, national resource centers and clearinghouses that address environmental justice.

Services Provided by HHS:

- C The Administration for Children and Families (ACF)/Office of Community Services, in collaboration with EPA, has developed and funded a grant program to support state and local governmental partnerships with local 501(c)(3) nonprofit agencies and community/grass- roots organizations to address the reduction or elimination of the disproportionate lead

exposure to minority and low-income communities through projects which will provide community-based training, education, and abatement activities coupled with career training and job opportunities for community residents.

- C The Health Resources and Services Administration, (HRSA)/Bureau of Primary Health Care (BPHC)/ Migrant Health Program funds the Rural Community Assistance program. This program provides a variety of technical expertise to HRSA's migrant health centers in the areas of water, field sanitation, pesticide issues and worker protection standards.
- C NCEH supports delivery of health services through the childhood lead poisoning prevention grant program. This program is designed to identify children with childhood lead poisoning, assure such children are referred for medical treatment, remove sources of lead, and provide public and professional education.
- C The Indian Health Service (IHS) has established a working arrangement with the CDC's Lead Poisoning Prevention Branch. The arrangement works to establish baseline blood lead levels and to develop a plan for reducing the prevalence of excessive blood lead levels in American Indian/Alaska Native children.

Health Research at HHS:

- C The National Institute of Environmental Health and Sciences (NIEHS) has established a program, "Environmental Justice: Partnerships for Communication." This partnership serves as a mechanism to bridge the crucial communication gap between disadvantaged communities and

environmental health researchers. It also gives the communities involved a role in identifying and defining problems and risks related to environmental health and in shaping future research approaches to such problems.

The primary objective of this program is to establish methods for linking members of a community, whom adverse environmental conditions have directly affected, with researchers and health care providers. This program is designed to develop new modes of communication and to ensure that the community actively participates with researchers and health care providers in developing responses and setting priorities for intervention strategies.

- C The National Institute for Occupational Safety and Health (NIOSH) is funding a study to assess the potential for migrant farm workers to transport pesticides home to their families. These migrant farm workers are approximately 80 percent Hispanic. The study will evaluate the extent of pesticide exposure among children of migrant farm workers and will recommend methods for reducing exposures.
- C NIOSH is funding centers for agricultural research, education, and disease and injury prevention with outreach programs tailored to black, migrant, and seasonal farm workers and their families. The NIOSH centers address occupational safety and health concerns specific to minority and low-income workers who are disproportionately impacted by workplace exposures. These concerns are addressed through agricultural research, community empowerment models, and collaborative efforts with HBCUs.

- C National Cancer Institute (NCI)-supported studies are evaluating cancer risks in African Americans in relation to possible environmental/occupational carcinogens.
- C NIEHS and the NIH Office of Research on Minority Health have funded a multi-center clinical trial to improve treatment for lead poisoning in socioeconomically disadvantaged populations.

Department of Defense

Public Participation and Outreach:

- C As part of Department of Defense (DOD) public participation enhancement initiatives, the Department of Defense undertook measures to improve the effectiveness of Restoration Advisory Boards (RAB) role in facilitating cleanup at military bases. A RAB is a forum through which members of nearby communities can provide input to DOD's environmental cleanup program at active, closing, realigning installations, or formerly used defense sites.

RABs include members of the local community and representatives of the installation, EPA, the state, tribal, and local governments. It is DOD policy to have a balanced and diverse representation on a RAB to reflect the diversity of interests within a community. This policy is reflective of the Air Force's success in achieving minority and low-income participation. The Air Force has an equally strong policy on RAB development, including involvement of neighborhoods impacted by cleanup and other activities.

The Air Force has also sought RAB membership of low-income and minority group residents. For example, 25 RABs have some type of low-income or minority representation. Such representation exists at: four Alaska radar sites; four Air Force industrial facilities; seventeen regular Air Force bases across five Air Force Major Commands.

To help RABs be more effective, on February 2, 1998, DOD published the Technical Assistance for Public Participation rule (63 FR. 5255-5267). The rule provides for the procurement of independent technical assistance for community members of RABs and Technical Review Committees. This is an important means for the public, including minority and low-income populations, to be informed about DOD cleanup activities that affect them.

- C The Naval District of Washington (NDW) implemented a "Walls-to-Bridges" initiative. This program enhances the opportunities for minority and low-income communities to participate in DOD policies and practices that affect human health and the environment. The Walls-to-Bridges Initiative is a community-driven program in which members of the local community participate in a broad exploration of NDW environmental programs. NDW engaged in an ongoing dialogue with community leaders to discuss community concerns with NDW facilities. The program recently evolved into a concept known as "Bridges-to-Friendship" program with the vision of revitalizing the Navy Yard community, economy, and environment. The revitalization would create a sustainable community while maintaining the natural and cultural heritage of the area.

C The Navy engaged in a series of environmental information sessions to inform local residents about environmental cleanup actions at the Construction Battalion Center (CBC) in Gulfport, Mississippi. CBC teamed with their RAB to hold an open house where residents were able to obtain information at various poster stations, including information on the RAB; watch an Air Force video explaining activities associated with a cleanup of Herbicide Orange; view Installation Restoration Program presentation boards; and obtain information on potential business opportunities associated with the environmental program. Prior to sampling for dioxin at CBC Gulfport and in the local community, four Environmental Open Houses were held to discuss sampling methods with the local community.

Presentations were given at six area schools, and an Environmental Information Van followed behind the sampling team while they conducted sampling activities in the community. The van provided another outreach mechanism, since a toxicologist was present and available to answer questions and distribute information.

C Defense Logistics Agency, Memphis Depot increased its outreach activities to be more proactive with the local community, which includes many African American residents. Activities have included a public information session at the local high school and numerous newsletters that have featured interviews with community members of the RAB. As part of the research for revising the community relations plan, the installation conducted focus groups, including minority residents and community leaders, to ensure that their concerns were identified. At a public meeting, an activist who had been a very outspoken

critic praised the changes in outreach activities by the installation.

Training Sponsored by DOD

DOD produced a video that explains to DOD military and civilian personnel the requirements of Executive Order 12898 on Environmental Justice and how the order impacted the Department's policies and programs. The goal is to train military personnel and civilian employees to increase awareness of environmental justice and infuse the spirit and intent of the Executive Order into DOD's decision-making processes.

Environmental Justice Analysis and Assessments conducted by DOD

C The Army Base Realignment and Closure program established a methodology to address environmental justice in dozens of NEPA documents related to closure, realignment, and reuse of more than 80 installations. This ongoing, successful methodology identifies minority and low-income populations, includes them in the public involvement and decision-making process, and analyzes the Army action for any possible disproportionate impacts. The Army has obtained favorable results from this initiative.

C At King Salmon Airport, the Air Force conducted food chain evaluations of fishery resources on and off of the airport. They then discussed the preliminary and final results with Native Americans and others potentially impacted. At Kotzebue Long Range Radar Station, the Air Force provided food chain evaluation at the request of tribal leaders. They investigated

contamination of plant species collected, stored and eaten by locals. The overall study results were forwarded to the local citizen advisory board, which is comprised almost entirely of Native Alaskans. The Air Force participated in a forum on Alaskan RABs in Anchorage, Alaska and provided an overview of risk assessment through a poster session.

- C At the request of the Guam Legislature, the Air Force conducted a study of food chain exposures and ecological effects from base contaminants. This is a possible route of exposure since local Indians (Chomoro) consume a large amount of wildlife taken from Anderson Air Force Base. The Air Force did not find any apparent problems with the wildlife and plants sampled, including deer, hogs, monitor lizards, brown tree snakes, and papaya fruit.

The Military Service Departments and Components Issued Guidance for Considering Issues Related to Environmental Justice:

- C The Department of the Army engaged the Clarke Atlanta University's Environmental Justice Resource Center to assist it in the development of a model to incorporate environmental justice considerations into the NEPA compliance process.
- C The Department of the Navy issued policy guidance (SECNAVNOTE 5090 and OPNAVINST 5090.1B) with the goal of having all Department of Navy Commands apply environmental justice considerations to applicable mission-related activities. In addition, the Navy incorporated environmental justice guidance into its, "Installation Planning, Design, and Management Guide," and into the Marine

Corps', "Environmental Compliance and Protection Manual." The Navy has also incorporated environmental justice training presentations at conferences and workshops (e.g., training for NEPA compliance, land use planning, and the annual Department of the Navy environmental program managers meeting). This training is to ensure that military and civilian personnel are aware of their responsibilities under Executive Order 12898.

- C The Air Force has issued its "Interim Guide for Environmental Justice Analysis with the Environmental Impact Analysis Process." The Air Force developed the guide, based on experiences gained in the production of several EISs and other planning activities. The Guide's focus is on the determination of potentially disproportionate impacts to low-income and minority populations through a ten-step process. It is geared to EISs and EAs having potential environmental justice considerations. Using the interim guidance as a starting point, the Air Force is now working with low-income groups, minority groups, and Native Americans to develop environmental justice analysis and program activities in conjunction with the renewal of the largely rural Nellis Air Force Range in Nevada and the rural Goldwater Range in Arizona.
- C The Defense Logistics Agency issued its policy memorandum directing that managers and commanders review their proposed actions to identify whether there are any disproportionately high adverse impacts on minority and low-income populations. If such impacts are identified, the policy memorandum directs the use of mitigation measures to minimize these impacts.

Proposed DOD Projects and Initiatives that Address Environmental Justice Issues

American Indian and Alaska Natives Environmental Protection Policy

DOD expects to complete its policy related to environmental protection on American Indian and Alaska Native land and resources within the next year. The policy is being developed in close consultation and coordination with tribal leaders and tribal organizations. The policy will provide DOD with the framework to ensure that the Department is conducting its activities and operations in accordance with the Presidential Memorandum on Government-to-Government Relations with Native American Tribal Governments. DOD will further develop guidance for implementing the executive order through the development of a handbook for considering environmental justice in Departmental programs and activities. The guidance will focus principally on incorporating environmental justice into the environmental impact analysis.

Department of the Interior

The focus of the Department of the Interior's (DOI's) environmental justice initiative is early involvement of minority and other disadvantaged communities in the planning and/or environmental review process for proposed Departmental actions. DOI's objective is to extend training, education, meaningful consultation, and coordination to impacted communities, and to ensure that diverse views are fully considered as part of the Departmental decision-making process.

- C The Bureau of Reclamation (BOR) has compiled an "Environmental Justice Handbook" for use by Bureau personnel.

BOR has also included an environmental justice training program for its employees. The Bureau intends to integrate environmental justice into its EISs. While the term "environmental justice" is still becoming familiar to managers and employees, BOR is making strides to include considerations of low-income and/or minority populations in its day-to-day operations.

- C The Bureau of Land Management (BLM) offices have made environmental justice awareness part of their NEPA training using a manual entitled, "Environmental Justice into the NEPA Process."

Department of Energy

The Department of Energy (DOE) is accelerating its efforts to integrate the principles and philosophy of environmental justice into Departmental decision-making activities. DOE believes that increased emphasis on these issues will: (a) better protect public health and the environment by reducing environmental safety and health risks and threats from DOE facilities; (b) enhance worker and public safety and health by achieving appropriate environmental standards; (c) facilitate easy access by stakeholders to the Department's records relating to environmental safety and health; and, (d) maximize opportunities for economic development within the affected communities.

DOE Education and Outreach Activities:

- C Publication of a Departmental environmental justice newsletter focusing on subsistence and environmental health issues. The newsletter will provide a forum

for communication about the health implications of subsistence activities that result in the consumption of contaminated fish, wildlife, livestock products, or vegetation.

- C Development of “DOE’s Environmental Justice Information Brief” (February 1997). Issuance of the final draft of an Information Brief entitled, “Incorporating Environmental Justice Principles into the CERCLA Process.”

Department of Agriculture, Forest Service

The Forest Service incorporated environmental justice analysis in its planning and assessment activities under NEPA. Some of the Forest Service’s accomplishments include:

- C Training all regional forest environmental coordinators in environmental justice principles. This involved training more than 300 environmental coordinators.
- C EPA guidance for incorporating environmental justice concerns in EPA’s NEPA compliance analysis was distributed and discussed with regional environmental coordinators to ensure environmental justice issues were integrated into project and program documents.
- C The CEQ guidance for integrating environmental justice into NEPA analyses was distributed to all regional environmental coordinators. This guidance serves as a basis for preparing EAs and EISs.

Examples of the Integration of Environmental Justice into Forest Service Environmental Analyses:

- C Oil Pipeline EIS. The Forest Service was the lead Federal agency for a 132-mile crude oil pipeline in Southern California from Emidio to Los Angeles. The EIS contains twenty pages of discussion on environmental justice issues related to the pipeline disruption of minority communities in southeastern Los Angeles.

- C Tongass Forest Plan. The EIS for the Tongass Forest Plan addresses disproportionate impacts to Alaska natives. The Record of Decision also contains a discussion of environmental justice considerations and how they were incorporated into the Plan.

- C Transmission Line. The American Electric Power Company proposes to construct a 765 kv transmission line across West Virginia and Virginia, twelve miles of which crosses the Jefferson National Forest. The environmental justice issues addressed in the draft EIS involve impacts to low-income and minority areas along the transmission route of mostly rural communities. A final EIS is pending.

- C Spanish Translation NEPA Scoping Information. Forest Service employees of the Cibola National Forest (New Mexico) and the Cleveland National Forests (Southern California) routinely prepare and distribute NEPA scoping information in Spanish to the local Hispanic communities. They have also published environmental assessments in Spanish for several projects.

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SOME EPA GRANT PROGRAMS

EPA appropriations include funds for awards to state, tribe and private entities to address serious environmental problems and issues. States implementing delegated programs receive the majority of this money. A smaller, but significant, portion of the allocated funds are awarded to specifically address environmental justice related issues. Initially, EPA oriented these grants toward local education and community empowerment. More recently, however, the Agency has targeted proposals that solve on-the-ground EJ problems.

What is seen in the grants arena is similar to EPA's environmental justice program— a more systematic and collaborative approach toward EJ issues on both the part of the Agency and its partners. The education and empowerment of past efforts has lead to communities seeking grants to solve problems.

Environmental Justice Grants Programs

The grant programs listed below show the range of environmental justice related grants available through EPA. The list is not all inclusive. It does not include, for example, regional discretionary funds used for EJ purposes. In some cases the grant programs are not exclusively EJ oriented. For more information and points of contact: <http://www.epa.gov/oeca/oej/ejgrantf.html>

Grants to Small Community Groups

Objectives: Provide financial assistance to

grassroots, community-based groups that design, demonstrate or disseminate practices, methods or techniques related to environmental justice. Specifically, EPA will grant funding assistance for: environmental justice education and awareness programs; environmental justice programs (for example, river monitoring and pollution prevention programs); technical assistance in gathering and interpreting existing environmental justice data; and, technical assistance to access available public information.

Applicant Eligibility: Community-based grassroots organizations, other incorporated nonprofit organizations, and federally recognized tribal governments. Individuals may have their organizations, institutions, government or association apply. Organizations must be incorporated to receive funds. Since 1995, the Agency has awarded approximately \$11 million to more than 450 recipients through this program.

Annual Funding: \$2,000,000
Office of Environmental Justice

State and Tribal Environmental Justice (STEJ)

Objectives: Help states and tribes demonstrate how to effectively comply with Title VI of the Civil Rights Act of 1964 and provide for environmental justice in the development and implementation of their environmental programs.

Applicant Eligibility: Participation is limited to states or tribal agencies that manage or are eligible to manage an EPA program. In

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addition, applicants must express interest in working with community-based grassroots organizations and other environmental justice stakeholders to address environmental justice concerns in communities. The project can be a partnership involving more than one state department, or if from a tribe, more than one tribal department. The degree of support provided by top government officials from either the state or tribe will be an important factor in the selection process.

Annual Funding: \$500,000
Office of Environmental Justice

Superfund Technical Assistance Grants for Citizen Groups at Priority Sites (TAG)

Objectives: To provide resources under CERCLA, Section 117(e) for community groups to hire technical advisers. These advisers assist community groups in interpreting technical information concerning the assessment of potential hazards and the selection and design of appropriate remedies at sites eligible for cleanup under the Superfund program.

Applicant Eligibility: EPA is authorized to make TAGs available to any qualified group of individuals which may be affected by a release or threatened release at any Superfund facility. "Affected" individuals are those who can demonstrate direct effects from the site, such as actual or potential health or economic injury. The recipient group must incorporate to receive funds.

Estimated Annual Funding: \$500,000
Office of Emergency or Remedial Response

Solid Waste Management Assistance

Objectives: To promote use of integrated solid waste management systems to solve municipal solid waste generation and management problems at the local, regional, and national levels.

Applicant Eligibility: These funds can be awarded to the following types of nonprofit entities: public authorities (federal, state, interstate, intrastate and local), public agencies and institutions; private organizations and agencies, institutions and individuals; and, Indian Tribes. Profit-making organizations are not eligible.

Estimated Annual Funding: \$3,800,000
Office of Solid Waste

Brownfields Pilots Cooperative Agreements

Objectives: Brownfields sites are abandoned, idled, or under-used industrial or commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination. The objectives of the Brownfields Pilot Cooperative Agreement are to: develop administrative, managerial, and technical models to establish self-sustaining, independent processes to assess and respond to environmental conditions inhibiting redevelopment of brownfields sites; provide opportunities for creative two-year demonstrations of site

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assessment activities leading to actions to respond to environmental contamination and return brownfields sites to productive use; and, provide financial assistance for capitalization of revolving loan funds for follow-up brownfields response actions.

Applicant Eligibility: States and political subdivisions, commonwealths, and U.S. territories and possessions, and federally recognized Indian tribal governments.

Estimated Annual Funding: \$66,000,000
Office of Solid Waste and Emergency Response

Indian Environmental General Assistance Program (GAP)

Objectives: Provide general assistance grants (GAP) to Indian tribal governments and intertribal consortia to build capacity to administer environmental regulatory programs on Indian lands and provide technical assistance from EPA to Indian tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues on Indian lands.

Applicant Eligibility: Indian tribal governments; and, inter-tribal consortia. An Indian tribal government is any tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or a village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601, et seq.), which is recognized by the U.S. Department of the Interior as eligible for the special services provided by

the United States to Indians because of their status as Indians. A consortium is a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance under this program.

Estimated Annual Funding: \$42,585,400
American Indian Environmental Office

U.S.-Mexico Border Grants Program

Objectives: Promote community-based and regional approaches to meet the goals of sustainable development, capacity building, and coordination among key participants in addressing U.S.-Mexico border (including bi-national) environmental issues.

Applicant Eligibility: Educational institutions, local governments, 501(c)(3) non-governmental organizations (NGOs).

Estimated Annual Funding: \$500,000
Office of International Activities

Environmental Education and Training Program (EETP)

Objectives: Train educational professionals in the development and delivery of environmental education programs.

Applicant Eligibility: Institutions of higher education or other institutions which are nonprofit (or consortia of such institutions).

Estimated Annual Funding: \$1,825,000
Office of Environmental Education

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Environmental Education Grants (EEG)

Objectives: Support projects to design, demonstrate, or disseminate practices, methods, or techniques related to environmental education and training.

Applicant Eligibility: Local education agencies, colleges or universities, states or tribal education or environmental agencies, not-for-profit organizations, or noncommercial educational broadcasting entities.

Estimated Annual Funding: \$3,000,000
Office of Environmental Education

Sustainable Development Challenge Grants

Objectives: Initiate community-based and regional projects and other actions that promote sustainable development, thereby improving environmental quality and economic prosperity; leverage significant private and public investments to enhance environmental quality by enabling community sustainability efforts to continue past EPA funding; build partnerships that increase a community's long-term capacity to protect the environment through sustainable development; and, enhance EPA's ability to provide assistance to communities and promote sustainable development, through preparation of case studies.

Applicant Eligibility: Eligible applicants may include community groups, nonprofit

organizations, local governments, universities, tribes, and states.

Estimated Annual Funding: \$9,390,000
Office of Air and Radiation

Children's Health Protection

Objectives: Initiate community-based and regional projects and other actions that enhance public outreach and communication; assist families in evaluating risks to children and in making informed consumer choices; build partnerships that increase a community's long-term capacity to advance protection of children's environmental health and safety; leverage private and public investments to enhance environmental quality by enabling community efforts to continue past EPA's ability to provide assistance to communities; and, promote protection of children from environmental threats.

Applicant Eligibility: Eligible applicants include community groups, public nonprofit institutions/ organizations, tribal governments, specialized groups, for-profit organizations, private nonprofit institutions/organizations, municipal and local governments.

Estimated Annual Funding: \$2,000,000
Office of Children's Health Protection

Environmental Justice Through Pollution Prevention Grants (EJP2)

Pollution prevention can play a central role in reducing environmental risks while promoting public involvement and economic

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benefits. Through the EJP2 grant program, EPA supports pollution prevention approaches that address environmental justice concerns in affected communities. Makes grants to support organizations that promote environmental justice through using pollution prevention.

In cooperation with EPA regional offices, the Office of Pollution Prevention and Toxics has awarded more than \$14 million in grants to more than 170 organizations nationwide. These grants are used to fund activities that use pollution prevention as the primary focus in addressing environmental justice. For more information contact EPA on the web: <http://www.epa.gov/opptintr/ejp2>.

Wellhead Protection Grants Program Region 4

This initiative provides opportunities for small, low-income, and/or minority communities to develop a local wellhead protection plan for their public water supply system. The average grant amount is \$15,000-\$30,000, which requires a 5% match by the grant recipient. Assistance with the 5% match may be available from the state ground water program or the state geologic survey. Grant decisions are based on the needs of the community, severity of problems, and the threats to ground water and public health. During 1997-1998, Region 4 was able to award EJ wellhead protection grants to the towns of Beatrice, Hurtsboro, and Ridgeville in Alabama to support their ground water protection efforts.

Waste Management Grants Region 4

The Waste Management Division funded and awarded nine environmental justice-related grants during FY '97 and FY'98, for a total of approximately \$292,000. Some examples of funded projects include:

- C Saturday-at-the-Sea Workshop which focused on rural, low-income communities and included teacher workshops and a youth camp geared toward the preservation of Florida's coastal environment.
- C Instruction and self-paced study program to help students and residents make better informed decisions about chemical health risks and safety.
- C A recycling program in Southern Appalachia that provided recycling education to low income area schools and helped develop a school based recycling programs.

Environmental Justice Financial Assistance Region 6

Region 6 expanded on its commitment to establish and broaden partnerships with communities, universities and other entities to address EJ concerns in the Region. During FY98 the Environmental Justice Program awarded \$200,000 in EJ Small Grants and \$100,000 in state and tribal grants. In addition, the Region awarded \$231,500 to various EJ grass roots organizations, tribal

APPENDIX

SOME EPA GRANT PROGRAMS

governments, states and educational institutions. The Region also awarded \$140,000 to two states for EJ activities at Superfund sites.

In each case, except for those involving state Superfund grants, the projects were selected via a competitive grant proposal process. Activities funded were varied in scope and target population. Issues included, among others: children's health, U.S. Mexico border issues, native American issues, minority and low-income community issues, etc.