United States
Environmental Protection
Agency

Office of Solid Waste and
Emergency Response
Washington, DC 20460

OSWER 9200.3-18
PB95-963228
EPA540/R-95/023
May 1995

EPA

OSWER Environmental Justice Action Agenda

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Please reference document number: PB95-963228.

Other OSWER Documents dealing with the subject of environmental justice may also be obtained through NTIS:

"OSWER Environmental Justice Task Force Draft Final Report" - April 25, 1994 (PB94-963224)
"OSWER Environmental Justice Task Force Draft Final Report Executive Summary" - April 25, 1994 (PB94-963225)
"Waste Programs Environmental Justice Accomplishments Report" - May 1995 (PB95-963239)
"Waste Programs Environmental Justice Accomplishments Report Executive Summary" - May 1995 (PB95-963239)
"Waste Programs Environmental Justice Accomplishments Report Factsheet" (PB95-963298)
"OSWER Environmental Justice Action Agenda Factsheet" (PB95-963297)

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CHAPTER 1
INTRODUCTION AND BACKGROUND ON OSWER ENVIRONMENTAL JUSTICE ACTION AGENDA

A. INTRODUCTION

Over the last decade, attention to the impact of environmental pollution on particular segments of our society has been steadily growing. Community-based groups and other organizations, such as academic and governmental agencies, have raised the issue that minority populations and/or low-income populations bear disproportionately high and adverse human health and environmental effects from pollution. This concern has resulted in a movement to assure environmental justice for all segments of our society.

Several studies, conducted by a variety of organizations (e.g., National Law Journal, United Church of Christ), have concluded that certain communities are at special risk from environmental threats. These studies maintain that the implementation of key environmental laws have not historically provided protection to all citizens and that certain populations are more vulnerable than others to health threats from environmental pollution. Additionally, these studies suggest that vulnerabilities may stem from multiple exposure situations exacerbated by other socio-economic factors, such as poor health care and lack of adequate nutrition. In a 1992 U.S. Environmental Protection Agency (EPA) report, "Environmental Equity: Reducing Risk in all Communities," an EPA workgroup found that, although large gaps in data exist, enough is known with sufficient certainty for EPA to take action.

Whether based on studies or personal experiences, many individuals and groups have concluded that the government must take these issues into account in its decision-making processes, research and data collection. The environmental justice movement has contributed much to our current understanding of the fear of and suffering from environmental pollution by the individuals and families living in low-income communities and minority communities.

B. HISTORY LEADING TO THIS ACTION AGENDA

Executive Order 12898 on Environmental Justice

On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," (Executive Order) which focused the attention of Federal agencies on the environmental and human health conditions of minority and low-income communities. The Executive Order directed Federal agencies to develop environmental justice strategies by February 11, 1995 (deadline amended to April 11, 1995), that identify and address disproportionately high exposure and adverse human health or environmental effects of their programs, policies and activities on

B. HISTORY LEADING TO THIS ACTION AGENDA

minority populations and low-income populations. All agency strategies must consider enforcement of statutes in areas with minority populations and low-income populations, greater public participation, improvement of research and identification of differential patterns of subsistence use of natural resources. The Executive Order also requires that agencies conduct activities that substantially effect human health or the environment in a nondiscriminatory manner. In addition, better data collection and research is required by the Executive Order and it declares that whenever practicable and appropriate, future human health research must look at diverse segments of population and must identify multiple and cumulative exposures. The Executive Order applies equally to Native American programs.

Interagency Action Items

Early in her tenure as the EPA's Administrator, Carol Browner designated the pursuit of environmental justice as one of the Agency's top priorities. To follow-up on this commitment, Administrator Browner has taken a leadership role in helping Federal agencies implement the Executive Order and chairs the Interagency Working Group established under the Executive Order. The group's responsibilities include: identifying disproportionately high and adverse health and environmental effects on minority populations and low-income populations; ensuring consistency of Federal implementation of the Executive Order; assisting in research and coordination of research efforts; coordinating data collection; and developing interagency model projects. EPA staff, including representatives from the Office of Solid Waste and Emergency Response (OSWER), serve on several of the Interagency Working Group's task forces. OSWER staff also work directly with the staff of many other Federal agencies to develop interagency solutions to many environmental justice issues that require additional legal authorities than those of EPA.

EPA's Environmental Justice Strategy

EPA released "Environmental Justice Strategy: Executive Order 12898" in May 1995. The strategy describes environmental justice efforts in six cross-cutting mission areas including: health and environmental research; data collection, analysis and stakeholder access to information; enforcement and compliance assurance; partnerships, outreach, and communication with stakeholders; Native American, indigenous, and Tribal programs; and integration of environmental justice into all agency activities.

In EPA's strategy, the Administrator calls on each EPA office and Region to develop a strategy or action plan to address environmental justice concerns. OSWER was the first program office to develop an environmental justice strategy, which was done simultaneously with the Agency-wide effort. OSWER worked to coordinate its efforts with the parallel activities of the overall Agency efforts and, as a result, OSWER's Action Agenda supplements and enhances the Agency's strategy.

B. HISTORY LEADING TO THIS ACTION AGENDA

Formation of OSWER Environmental Justice Task Force

On November 29, 1993, the Assistant Administrator of OSWER, Elliott P. Laws, directed the formation of a task force to analyze environmental justice issues specific to waste programs and to develop recommendations to address these issues. The OSWER Environmental Justice Task Force (Task Force) was composed of more than 60 people and included representatives from each OSWER program area (i.e., Resource Conservation and Recovery Act, Superfund, Chemical Emergency Preparedness and Prevention, Federal Facilities, Technology Innovation, Oil Pollution, and Underground Storage Tanks), EPA Regional offices, and other EPA offices with an interest in waste programs and environmental justice.

Three other Federal agencies, the Department of Justice (DOJ), the Agency for Toxic Substances and Disease Registry (ATSDR), and the National Institute for Environmental Health Sciences (NIEHS) participated on the Task Force. In addition, representatives from two professional associations of EPA employees with site cleanup responsibilities, the National On-Scene Coordinators Association (NOSCA) and the National Association of Regional Program Managers (NARPM) participated. Meetings were conducted on a regular basis to identify and analyze the major OSWER environmental justice issues and to discuss the Task Force's recommendations.

OSWER Environmental Justice Task Force Outreach and Draft Final Report

The Task Force conducted a series of outreach meetings with entities inside and outside the Agency to gain comment from a broad spectrum of affected groups coping with environmental justice issues. Responses were received from 17 stakeholders with suggestions for the Task Force to consider. In addition, meetings were held, on March 15,1994, with stakeholder groups to explore their comments. The Task Force also met with Congressional staff, State, Tribal and local government representatives, environmental and community group representatives, and labor and industry groups to get their comments on proposed issues and recommendations.

Furthermore, Task Force members traveled to four EPA Regions (3, 4, 6, and 9) to gain insight on Regional experience and activities regarding environmental justice. In addition, the Task Force Chairman met with each Office Director of individual OSWER programs to gain their input. The Task Force determined that environmental justice stakeholders included: community organizations, nonprofit organizations, environmental groups, business, industry, academia, Federal, State and Tribal governments and labor.

These efforts led to the publishing of the "OSWER Environmental Justice Task Force Draft Final Report" (OSWER 9200.3-16 Draft) (Task Force Report) and its separate executive summary document (OSWER 9200.3-16-1 Draft) on April 25, 1994. The Task Force reports were published in draft final form and distributed for comment. This was done

C. GOALS FOR OSWER ENVIRONMENTAL JUSTICE

because EPA wanted to provide the National Environmental Justice Advisory Council (NEJAC), which had not been in existence long enough to provide its comments. The NEJAC was formed, by EPA, under the authority of the Federal Advisory Committee Act (FACA), to provide advise and information on environmental justice policies and issues.

A press conference was held on April 28, 1994, and a stakeholders meeting was held April 29, 1994, focusing on OSWER's key areas of environmental justice activity during 1994 and 1995. Since that time over 1700 copies of both the full draft final report and its executive summary have been distributed. Numerous presentations, briefings and speeches have been made by senior OSWER managers to stakeholder organizations and the public has demonstrated a significant interest in the draft final report.

Implementation Process

In April 1994, Elliott P. Laws, OSWER Assistant Administrator, requested that the EPA Regional offices and the OSWER program offices begin work on implementing the recommendations outlined in the Task Force report. This request also asked the Regions to involve the States, Tribes and other stakeholders in the development of their environmental justice implementation plans. These implementation plans are now considered "living documents" which are updated and improved as new challenges and opportunities in environmental justice arise. A full description of the implementation process is included in Chapter Four of this Action Agenda. A summary of key action items contained in those implementation plans can be viewed in Appendix A of this report. A full report on implementation progress and accomplishments, entitled "Waste Programs Environmental Justice Accomplishments Report", is being released concurrently with this Action Agenda.

OSWER Action Agenda (Action Agenda)

This Action Agenda reflects the incorporation of NEJAC comments and describes an ongoing process of addressing environmental justice. It should be viewed as a "living document" which builds upon the two previously published documents. This Action Agenda provides a concise summary of OSWER's current strategy and describes an implementation process for ensuring that major issues, identified by the NEJAC and others, continue to be recognized and addressed. The "NEJAC Ten Point Endorsement of OSWER Action Agenda" document is contained in Appendix B.

C. GOALS FOR OSWER ENVIRONMENTAL JUSTICE

OSWER examined a variety of goals and focused on the two goals developed by the Agency-wide Environmental Justice Task Force. In EPA's "Environmental Justice Strategy: Executive Order 12898," Administrator Browner wrote that our goals are to ensure that:

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· "No segment of the population, regardless of race, color, national origin, or income, as a result of EPA's policies, programs, and activities, suffers disproportionately from adverse human health or environmental effects, and all people live in clean, healthy, and sustainable communities.

· Those who must live with environmental decisions -- community residents, State, Tribal and local governments, environmental groups, businesses -- must have every opportunity for public participation in the making of those decisions. An informed and involved community is a necessary and integral part of the process to protect the environment."

The OSWER Action Agenda supports the Agency-wide goals. OSWER's action items also coalesce around five of six environmental justice mission areas contained in Executive Order 12898 and EPA's Environmental Justice Strategy:

1) health and environmental research;

2) data collection, analysis, and stakeholder access to information;

3) partnerships, outreach and communication with stakeholders;

4) Native American, Indigenous and Tribal programs; and

5) Integrating of environmental justice into all Agency's activities.

The sixth environmental justice mission area of enforcement and compliance review is considered outside OSWER's authority, however, we worked closely with EPA's Office of Enforcement and Compliance Assurance (OECA) when these issues arise.

D. REPORT CONTENTS

The "OSWER Environmental Justice Action Agenda" report describes the key action items developed by OSWER over the last year and a half. The Action Agenda makes a concerted effort to identify explicit actions, which can be taken by Headquarters and the Regions. In Chapter Two, OSWER-wide environmental justice issues and action items are discussed, while in Chapter Three, the program-specific issues and action items are the focus. In addition to changes in policies or development of new guidance documents, specific projects to be undertaken are also described. The process of implementing these environmental justice action items and the process of reporting progress is the subject of the final Chapter Four.

This Action Agenda is supplemented by several appendices that aid the reader and that serve as reference material. As mentioned above, a summary of key action items

D. REPORT CONTENTS

contained in Headquarters and Regional environmental justice implementation plans can be viewed in Appendix A of this report. The "NEJAC Ten Point Endorsement of OSWER Action Agenda" document is contained in Appendix B. Appendix C contains the names and organizations of the current members of the NEJAC Subcommittee on Waste and Facility siting. This subcommittee will continue to work with OSWER on implementation of this Action Agenda. The OSWER Environmental Task Force members that worked on the Task Force Report, from December 1993 through April 1995, are contained in Appendix D. As OSWER began working on implementation plans, the OSWER Environmental Justice Steering Committee was formed and the current membership of that group is identified in Appendix E. Aiding in implementation of the environmental justice strategies, Appendix F lists EPA's and OSWER's Environmental Justice Coordinators who serve as a single point of contact on and coordination of environmental issues.

The choice of terms in this report deserves some explanation. The Action Agenda, like EPA's "Environmental Justice Strategy: Executive Order 12898", uses the term "minority" rather than "people of color" in order to be consistent with the Executive Order, but EPA is mindful and supportive of many communities' desire to use "people of color." The Action Agenda uses of the term indigenous to refer to all people within the boundaries and territories of the United States regardless of their affiliation with a federally-recognized Tribe. However, the Agency recognizes various terminology preferences among native people and will strive to respect and utilize appropriate language on a case-by-case basis in its interactions with native constituents.

CHAPTER 2
OSWER-WIDE ENVIRONMENTAL JUSTICE ISSUES AND ACTION ITEMS

The OSWER action items form a strategy for addressing the key environmental justice issues raised by the many studies and evaluations conducted over the last decade. The overall strategy makes a concerted effort to identify, in detail, explicit actions, both OSWER-wide and program-specific, which can be taken by Headquarters and the Regions to address environmental justice issues. The full description of these action items can be found in the original Task Force report and in the individual Headquarters and Regional implementation plans.

The issues and action items fall into two main divisions: those which cut across all OSWER waste programs and those which primarily are directed to a specific OSWER administered program. OSWER-wide issues/action items fall into the following categories: guidelines for environmental justice; Title VI of the Civil Rights Act; outreach, communication, and partnerships; economic redevelopment, jobs and worker training; health, cumulative risk, synergistic effects, and multiple pathways; geographic information systems and multiple facility indices; Federal interagency cooperation; international and border issues; contracts and grants; internal training, organization and program implementation; and Tribal and Native Alaskan villages issues. In response to comments received from the NEJAC, the health and cumulative risk area has been expanded and the new category, dealing with international and border issues, has been added.

The following sections briefly summarize the major action items for the OSWER-wide issues. The program-specific issues will be dealt with in more detail in Chapter Three of this Action Agenda.

A. GUIDELINES FOR ENVIRONMENTAL JUSTICE

As a part of Executive Order 12898, the President ordered the designated agencies to address the issue of defining environmental justice issues and the communities that may be impacted. OSWER supports this ongoing effort and will work to communicate and implement the environmental justice definitions that the Interagency Working Group develops.

B. TITLE VI OF THE CIVIL RIGHTS ACT

OSWER is exploring its role in the use of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, to achieve environmental justice. EPA's regulations implementing Title VI, codified at 40 CFR Part 7, require that any program or activity receiving Federal financial assistance be implemented in a manner that does not have the effect of discriminating based on race, color, or national origin. Complaints filed under Title VI are processed by

C. OUTREACH, COMMUNICATIONS AND PARTNERSHIPS

EPA's Office of Civil Rights (OCR). When a Title VI investigation involves the permitting of a waste management facility, OCR, with assistance from OSWER, conducts a careful review of EPA and State standards and procedures to ensure that EPA's Title VI regulations have not been violated. OSWER recommends, consistent with OCR policy, the use of informal means to resolve Title VI complaints.

OSWER will work closely with OCR, the Office of General Counsel, Regional offices, and the Department of Justice to resolve Title VI complaints and conduct compliance reviews. An OSWER staff person has been temporarily reassigned to OCR to familiarize OCR staff with the Resource Conservation and Recovery Act (RCRA) permitting process.

OSWER will also explore other ways to ensure that recipients of EPA assistance comply with Title VI to minimize the need for communities to resort to filing complaints. Examples include: encouraging meaningful participation by all stakeholders at the earliest possible time, as described in OSWER's proposed rule entitled "RCRA Expanded Public Participation and Revisions to Combustion Permitting Procedures" (Federal Register, June 2, 1994); working with stakeholders to examine alternate sites for the facility; and using other dispute resolution techniques to address alleged discriminatory impacts of a proposed action.

C. OUTREACH, COMMUNICATIONS AND PARTNERSHIPS

OSWER is seeking ways to improve communications, develop trust and involve the affected communities. To that end, OSWER worked to establish a subcommittee, of the NEJAC, to specifically provide advice and consultation to OSWER on environmental justice issues. This group is known as the Subcommittee on Waste and Facility Siting (Subcommittee) and in response to their comments, OSWER has committed to working with the Subcommittee to develop an outreach strategy for this Action Agenda and to develop a public participation model for all government agencies to use when they are seeking input from a community. OSWER has also adopted the NEJAC recommendation that Regional managers visit several local communities annually for the purpose of listening to the communities' views on environmental justice issues. A major action item was accomplished by OSWER when a directive was issued by the Assistant Administrator that requires all future OSWER policies and regulations to consider environmental justice implications before they are issued.

OSWER programs have several additional initiatives already under way. In many communities, Local Emergency Planning Committees (LEPCs) have detailed information about chemical hazards. OSWER is examining how to ensure that community environmental justice leaders have access to information from and are represented on LEPCs. In addition, OSWER continues to explore methods to expand public participation in waste programs. Our Superfund strategy includes the use of Community Advisory Groups (CAGS) at Superfund sites with 14 sites having been identified for possible CAG pilots. When finalized (expected in the fall of 1995), the RCRA Public Participation Rule will expand community input in the permitting process. This Public Participation Rule will also apply to State permit processes,

where the RCRA program has been authorized for State administration. More effective community involvement is also being evaluated in the agency-wide permits improvement process. A more detailed discussion of these initiatives are presented in Chapter Three in the program-specific sections.

Communities have made it clear to EPA that they need proper training of community residents and other tools to fully and effectively participate in the OSWER program processes. OSWER has developed several pilots that respond to this request by providing communities with training and other empowerment tools. Some of these community training initiatives overlap with worker training initiatives (which are more fully described in the next section), such as NIEHS, Department of Energy (DOE), Department of Transportation (DOT), Department of Housing and Urban Development (HUD), Department of Health and Human Services (HHS), Department of Labor (DOL) and Department of Education (DOEd) training efforts. OSWER has also worked with HUD and the United States Department of Agriculture (USDA) community empowerment programs to provide additional tools to communities. OSWER has gone directly to community and non-profit organizations to provide tools and outreach.

Regions are to conduct public forum meetings for outreach on environmental justice issues. OSWER has endorsed a NEJAC recommendation to have Regional senior management periodically visit communities with environmental justice issues. Administrator Carol Browner has set an example for this recommendation by committing to visit 12 such communities over 12 months. OSWER and the Regions are also exploring the creation of business and industry, stakeholder and other types of public/private partnerships to address environmental justice concerns. Finally, OSWER program offices and the Regional offices are proactive in the use of the Agency's computer geographic information systems (GIS) to identify potential geographic areas of environmental justice concern (e.g., define potential patterns of inequity by understanding demographics around sites and facilities).

D. ECONOMIC REDEVELOPMENT, JOBS, AND WORKER TRAINING

OSWER has addressed a number of economic redevelopment action items through "brownfield" and job and worker training initiatives. These are an integral part of environmental justice because there is a concern that communities with minority populations and low-income populations not only bear a disproportionate share of human health and environmental risks but also bear a disproportionate share of economic distress. This may occur because these populations are often concentrated in older urban or rural areas where pollution remains after the industries that caused the pollution have left the area.

D. ECONOMIC REDEVELOPMENT, JOBS, AND WORKER TRAINING

EPA's Brownfields Economic Redevelopment Action Agenda

Redevelopment at abandoned or underused industrial and commercial properties -- or "brownfields" sites -- is frequently complicated by potential environmental contamination. On January 25, 1995, EPA Administrator Carol Browner announced the Brownfields Action Agenda to help facilitate the cleanup of contaminated properties and address the twin goals of economic development and environmental justice, especially in our urban centers.

Brownfields Pilots

As one aspect of the Brownfields Action Agenda, the Agency is funding 50 Brownfields Pilots across the country during 1995 and 1996 with up to $200,000 in seed money. States, political subdivisions thereof, and Indian Tribes (limitations imposed by statute through which the grants are authorized) will use these awards for site assessments; to direct special efforts toward removing regulatory barriers without sacrificing protectiveness; and to bring community groups, investors, lenders, developers and other affected parties together to cleanup and redevelop brownfields. The pilots will help build an enduring capacity at the state and local levels for encouraging cleanups and redevelopment.

NEJAC Public Dialogues on Brownfields

EPA has begun working closely the NEJAC on the Brownfields issue. In January 1995, the Deputy Assistant Administrator for Office of Solid Waste and Emergency Response (OSWER) solicited comments from the NEJAC Waste and Facility Siting Subcommittee on the Brownfields Action Agenda. In turn, the Subcommittee requested that OSWER co-sponsor public dialogues on "Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities" which will take place during 1995 in Boston, MA (June 5), Philadelphia, PA (June 7), Detroit, MI (June 9), San Francisco, CA (July 18), and Atlanta, GA (July 20). Through these dialogues the NEJAC will solicit input from the environmental justice community. EPA has committed that the dialogues will have a demonstrable role in shaping the Brownfields Action Agenda.

As the Brownfields Action Agenda moves forward, EPA expects to continually work with the representatives of communities and environmental justice organizations on the national and local level. OSWER will also work in coordination with other Federal agencies, including the Economic Development Administration of the U.S. Department of Commerce, and the pre-established HUD and USDA Empowerment Zones and Enterprise Communities (EZ/ECs).

D. ECONOMIC REDEVELOPMENT, JOBS, AND WORKER TRAINING

Jobs and Worker Training

OSWER views the matter of employment and training as critical to the effective implementation of the environmental justice action agenda. OSWER recognizes that an effective jobs program must involve all segments of the community including residents, community organizations, owners, contractors, labor organizations, schools, community colleges and other training organizations.

OSWER has initiated a number of activities to assure that residents of communities have the opportunity to fully participate in these environmental restoration and economic development programs including assistance to local contractors and offering and employment programs for members of affected communities.

OSWER has targeted the Cuyahoga Community College (Tri-C) in Cleveland as a pilot for development of a curriculum to train students on environmental issues and prepare them for employment in hazardous materials cleanup activities. Tri-C is not only developing a two-year degree program to train local citizens for jobs in the environmental field, but is also designing training activities to encourage public school children to develop an interest in environmental careers. The Hazardous Materials and Research Institute (HMTRI), a consortium of community colleges, will increase the number of community colleges offering environmental work force training programs. This consortium will conduct national workshops for community colleges which are located in communities near 50 brownfield pilot sites. These colleges must also demonstrate a commitment to developing community outreach and environmental justice action items. The Rio Hondo Community College jobs-training pilot will build a partnership with a large state-of-the-art landfill. The pilot will provide job training opportunities in landfill management and a wide range of solid waste management technologies. Rio Hondo is predominantly a minority and low-income community. Special emphasis will be given to recruiting community members into the jobs-training pilot. OSWER is exploring additional options to expand these training efforts (e.g., working with labor unions and DOL, DOEd, HUD, and HHS.)

OSWER is working with NIEHS on pilots for training of hazardous waste workers to improve communications between workers and communities and to enhance safety and protection. In 1994, Congress appropriated $3 million for a minority worker training program. This program will test a range of strategies for the recruitment and training of young persons, who live near hazardous waste sites for work in the environmental field. The program was prescribed to include pre-employment training, including literacy and life skills, as well as environmental worker training, including hazardous waste, asbestos, lead abatement and health and safety training. This program is designed to lead to entry into apprenticeship programs and actual employment in environmental remediation work.

OSWER has initiated a dialogue with the contractor and labor communities to stress the importance of environmental justice concerns. OSWER is also working with State, Tribal and local governments to promote employment opportunities in communities. A fuller

description of these efforts is contained in the Contracts and Grants section of this report. There are additional action items in this report that deal with economic redevelopment, jobs, and training. Other sections include Outreach, Communication and Partnerships, Contracts and Grants, and Federal Intergovernmental Cooperation.

E. HEALTH, CUMULATIVE RISK, SYNERGISTIC EFFECTS, AND MULTIPLE PATHWAYS

As a result of the many studies and concerns expressed regarding populations exposed to multiple sources or contaminants, OSWER supports the Agency-wide efforts to develop scientifically valid standards to measure cumulative risk. EPA is moving forward with using several different approaches to address cumulative risk issues across the Agency. The Science Policy Council (SPC) is actively working to improve and expand EPA's risk assessments by addressing multiple sources and pathways, synergistic effects, cumulative exposure and environmental justice. The SPC Subgroup on Multipathway-Multisource Human Exposure has outlined the tasks, with proposed time frames, necessary to move toward achieving this goal. EPA also recognizes the need to continue research on cumulative risk issues and the need to involve the communities in identifying potential exposures and sensitive sub-populations. The Office of Research and Development (ORD) has several studies underway to evaluate cumulative risk by relating human exposure to chemical mixtures to epidemiological human health data for defined environmental justice populations/ communities. In addition, OSWER continues to work with ORD and the NEJAC Health and Research Subcommittee in dealing with the issue of cumulative risk.

Some of EPA's Regional offices are also working on cumulative risk action items. For example, Region 3 has initiated the Chester City Risk Study and the South/Southwest Philadelphia Risk Study to develop scientifically valid standards to measure cumulative risk. This is an attempt at understanding multiple exposures and multiple pathways utilizing over 25 different sources of environmental data. The health risks added to an already stressed community will be reviewed for additive contribution. The final result of this pilot will not be a calculated single risk number, but rather a pictorial depiction of relative risk overlaid onto community maps utilizing a GIS. Risk "hot spots" will be calculated and neighborhoods needing priority mitigation consideration may be identified. The Region 3 air, water, and waste management programs can then respond in a more coordinated manner.

Medical Assistance Plan

In the summer of 1994, EPA requested assistance from the Public Health Service (PHS) to respond to health concerns of communities living near hazardous waste sites by improving delivery of existing medical services to communities with potential exposures to hazardous substances, and by building environmental health expertise in communities

F. GEOGRAPHIC INFORMATION SYSTEMS (GIS) AND MULTIPLE FACILITY INDICES

through physician training and placement. In response to this request, the Superfund Medical Assistance Work Group (SMAWG) was established and a plan was developed. The Medical Assistance Plan (MAP) consists of six elements, and is implemented in three phases. The utilization of these elements will vary according to a community's need for assistance and the availability of budget and personnel resources. The first phase will assess the health care needs and concerns of the community and evaluate the primary care capacities in that community. The second phase consists of five components including technical assistance to local agencies and health care providers; environmental health education for health care providers; medical testing for residents assessing any health effects possibly related to hazardous substance exposure; referral to specialty clinics or specialists; and medical follow-up of persons with documented exposures to hazardous substances or with adverse health conditions related to possible exposures. A third phase will include the evaluation of the effectiveness of the services. The U.S. Department of Health and Human Services (HHS) and EPA are working on the medical assistance pilots in three communities. In FY 1996, EPA and HHS will consider funding pilot efforts for five more sites.

F. GEOGRAPHIC INFORMATION SYSTEMS (GIS) AND MULTIPLE FACILITY INDICES

EPA, in conjunction with other Federal agencies, is working to collect, analyze and provide public access to environmental justice data. The Agency is currently using and evaluating several tools for this effort. These tools, such as GIS and other information management systems focus on demographics, pollution sources and geography. The uses of GIS for OSWER environmental justice analysis stem from its ability to organize and geographically present pollution sources and detailed demographic information, including minority populations and low-income populations, that surround OSWER sites and facilities.

OSWER is also working with other EPA offices on issues related to the quality, availability and usefulness of these systems. Each of EPA's Regional offices are utilizing GIS and other information systems to better understand the environmental issues in their Regions. As discussed earlier, Region 3 used GIS to identify a community of potentially high risk to focus some of their environmental justice initiatives. Other Regions, such as Region 6, are using GIS to better understand the communities around Superfund sites.

In another effort to give the public increased access to geographic based information on pollutants, demographics, and facilities, OSWER, in a collaborative effort with the Department of Commerce (DOC) through their Bureau of the Census (Census) and the DOC National Oceanic and Atmospheric Administration (NOAA), has developed LandView II™ (LandView), a computer compact disk-read only memory (CD-ROM) publication of environmental, geographic, and demographic information. LandView integrates demographic and economic information, as well as information from several of EPA's program databases.

G. FEDERAL INTERAGENCY COOPERATION

The information contained in this system will assist local communities as they participate in decision-making processes.

G. FEDERAL INTERAGENCY COOPERATION

EPA does not have the resources or legal authority to address all environmental justice issues. OSWER is emphasizing partnerships with all affected stakeholders to achieve environmental justice. There are several major issues that require extensive coordination at the Federal, State, and local level with all stakeholders, including affected communities. For example, pilot activities at Superfund sites highlight the need for extensive involvement by public health agencies in order to address public health concerns associated with environmental contamination. In addition, major economic redevelopment activities, such as the "brownfields" initiative, will require extensive coordination with other Agencies and community organizations. These pilot activities are expected to highlight options and opportunities for leveraging resources from different sources to achieve environmental justice goals.

Several OSWER programs have extensive interaction with other Federal agencies, such as the Agency for Toxic Substances and Disease Registry (ATSDR) and the National Institute of Environmental Health Sciences (NIEHS). OSWER is a participant in the Federal Interagency Working Group and is coordinating its efforts with those of the larger group. Both ATSDR and NIEHS participated on the OSWER Task Force and in the development of this Action Agenda. OSWER has agreed to continue coordinating efforts on environmental justice activities with these agencies.

OSWER is also working with many other Federal agencies to develop potential environmental justice pilots or projects. To date, OSWER has held discussions with over twenty different offices within other Federal agencies. Specific action items include: continuing to participate in the minority health program of ATSDR (e.g., Mississippi Delta Project), working to improve communications between workers and communities to enhance safety and protection, and working together with other Federal agencies to address issues raised at specific sites or areas with environmental justice concerns, such as the Whole House Initiative, where EPA is working with HUD, DOE and other agencies to coordinate their respective program on a variety of risk-reduction and job-training efforts in low-income housing areas. There are also examples of interagency projects present throughout the Action Agenda, such as the Community Empowerment Programs mentioned above in the economic redevelopment section. The Regions, such as Region 6, have also initiated interagency cooperative efforts to solve issues that are beyond the legal authorities of EPA. Additional examples of federal interagency cooperative efforts follow. The U.S. Department of Health and Human Services (HHS) and EPA are working on the medical assistance pilots (MAPs) in communities. A fuller description of MAPs is contained in the Health, Cumulative Risk, Synergistic Effects, and Multiple Pathways section of this report. EPA is working with NIEHS to establish pilots for a $3 million minority worker training program aimed at young

people living in areas targeted for cleanup. Since training hazardous material workers is an interagency activity, EPA will also coordinate with DOE and DOT training efforts. A fuller description of this program is contained in the Economic Redevelopment, Jobs and Training section of this report.

H. INTERNATIONAL AND BORDER ISSUES

An area of increasing concern, expressed by the NEJAC and many others, involves international issues that have environmental justice implications. Some issues have been generated as a result the North American Free Trade Agreement (NAFTA) and other border issues with Mexico and Canada. Other international environmental justice issues deal with the international transportation of wastes to developing countries.

Communities, located along the border between the U.S. and Mexico, are among the poorest in the U.S., with more than 20 percent of the border residents living below the poverty level (the comparable national average is twelve percent.) Many new action items have begun addressing issues affecting these communities. With the passage of NAFTA, a number of changes are expected in the movement and generation of hazardous wastes. To work on addressing these issues, NAFTA created the North American Commission on Environmental Cooperation. Also, OSWER and two Regions have members on a multi-nation and multi-agency subgroup, of this commission, working on these border issues.

OSWER programs are also addressing individual components of this problem. OSWER was involved in an aggressive site/facility identification process. A binational database, HAZTRACKS, has been developed that records "cradle to grave" shipment of imported and exported wastes between the U.S. and Mexico. Under the OSWER chemical emergency program, U.S. cities have entered into chemical accident response agreements with several Mexican cities. The cooperation established by these agreements could serve as the basis for environmental justice activities on the Mexican border.

OSWER staff has been working aggressively on the export/import issue. In 1994, EPA sent the Clinton Administration's principles for waste export and import legislation to Congress. If enacted, such legislation would enable the U.S. to ratify the 1989 "Basel Convention" (the first major international agreement on exports and imports of hazardous wastes, municipal wastes, and municipal incineration ash) and ban exports of covered wastes outside of North America, with exceptions in limited circumstances.

I. CONTRACTS AND GRANTS

In exploring the use of contracts and grants to achieve environmental justice objectives, OSWER found many limitations imposed by existing regulations for both grants and procurement linked to existing requirements for the competitive processes for both

I. CONTRACTS AND GRANTS

Federal and State contracting. However, OSWER can still take action in this area by encouraging our contractors to hire persons in "labor surplus" areas (usually areas of high unemployment) and establishing monetary incentives to encourage subcontracting to small disadvantaged businesses. OSWER will also work with the Office of Acquisition Management and the Office of Small and Disadvantaged Business Utilization to expand the use of the contractor Mentor-Protege program. This EPA program is designed to stimulate the participation of small and disadvantaged businesses in EPA contracts by fostering long-term relationships between large contractors and small and disadvantaged businesses. In addition, OSWER has begun the dialogue with our contractor community to stress the importance of environmental justice and the need for reemployment in areas with environmental justice concerns. OSWER has met twice with the Hazardous Waste Action Council (HWAC), a contractor association, to discuss these issues.

OSWER is working with both State, Tribal and local governments, to promote the use of labor from the impacted communities and more contractor interaction with the community. For example, on December 3, 1994, EPA, in cooperation with the Louisiana Department of Environmental Quality and the City of New Orleans, sponsored a Community Economic Partnership seminar. The seminar promoted opportunities for local communities by providing practical tools needed for businesses to become eligible to participate in Federal contracting. These tools included workshops and panels with representatives from financial institutions, training centers, and labor unions. It also provided an excellent forum for participants to network directly with EPA prime contractors on subcontracting opportunities, as well as Federal, State, and local agencies who provided information on their contract opportunities.

The Agency is committed to further piloting these seminars. We are also hopeful that through our Mentor-Protege program, small and minority firms will develop the necessary expertise to compete successfully in future EPA contract opportunities. In addition to EPA's efforts to assist smaller firms, the DOC, through its Minority Business Agency, funds Minority Business Development Centers throughout the country which provide management and technical assistance to individuals and minority enterprises. Also, the Small Business Agency sponsors a number of programs to provide assistance to small firms. Its Small Business Institute Program gives small business owners an opportunity to receive intensive management counselling from qualified universities and from the Service Corps of Retired Executives.

In the longer term, OSWER will also explore the need for regulatory change in coordination with other Agency efforts to expand the ability to use contracts and grants to achieve environmental justice objectives. This report also refers to grants and contracts environmental justice action items in the sections dealing with Outreach, Communication and Partnerships, Economic Redevelopment, Jobs and Training, Federal Interagency Cooperation and the individual program areas.

K. TRIBES AND NATIVE ALASKAN VILLAGES

J. INTERNAL TRAINING, ORGANIZATION, AND PROGRAM IMPLEMENTATION

OSWER has made changes to its internal structure and how it currently operates to make environmental justice a normal part of the way we conduct OSWER programs. A clear focal point has been established with access to senior management to coordinate issues related to environmental justice, community outreach, State/local/Tribal government and economic redevelopment issues. This new office is called the Outreach and Special Projects Staff (OSPS). In addition, OSWER's existing Ombudsman office is another point of contact for communities when they are not able to find the appropriate office to respond to their concerns or if they need assistance in resolving their issues. The OSWER Ombudsman, Robert J. Martin, can be reached toll-free at 1-800-262-7937.

OSWER has also established the OSWER Environmental Justice Implementation Steering Committee, which includes representatives from all program offices and the lead Regional offices. The Steering Committee's mission includes promoting an organizational culture which fosters environmental justice. One of the OSWER Deputy Assistant Administrators has been designated as the senior organizational focal point for environmental justice issues and activities, with support from environmental justice coordinators from the Assistant Administrator's staff and the Regions.

Another action item includes the development of hotline procedures for OSWER-specific environmental justice issues. OSWER's combined hotline for RCRA, UST (Underground Storage Tanks), Superfund and EPCRA (Emergency Planning and Community Right-to-Know Act) can be reached toll-free at (800) 424-9346 or (800) 535-0202 or locally to the Washington, DC Area at 703-412-9810. Telecommunications device for the deaf (TTD) access is available at (800) 553-7672. In addition, OSWER will work with the Regions to ensure that all employees working on waste programs are informed on environmental justice.

In addition, changes to implementation of the programs in the Regions were also considered. One key action item is that each Region look across their waste programs and select one additional project to pilot creative new ideas for addressing environmental justice concerns in a specific geographic area. Regions will nominate the most appropriate project within their Region.

K. TRIBES AND NATIVE ALASKAN VILLAGES

OSWER and many Regions have efforts underway to address environmental justice issues involving Tribal and native Alaskan villages, which are unique because of the intergovernmental aspects. OSWER is committed to the Agency's "government-to-

K. TRIBES AND NATIVE ALASKAN VILLAGES

government" interactions as part of the process for addressing American Indian, Alaska Native and Indigenous environmental justice concerns. Where environmental issues for American Indian, Alaska Native and Indigenous peoples are not classified as government to government, they will be addressed elsewhere in this report under the appropriate section.

On Indian lands, management of solid waste is usually more of a concern than hazardous waste management. To address these issues, OSWER has increased financial and technical assistance to Tribal governments to assist them in developing comprehensive solid waste management plans or programs that provide a variety of options for waste management. Additionally, OSWER will very shortly publish regulations that will enable tribes to obtain solid waste permit program approval from EPA, similar to State permit programs. Solid waste landfill owners/operators in an "approved" Tribe are generally afforded greater flexibility in meeting the solid waste landfill criteria. To date, OSWER has tentatively approved two tribal permitting programs; a third is expected shortly.

OSWER has also increased tribal training opportunities and has encouraged and supported regional projects that join communities together in waste management. OSWER is also exploring the initiation of pilots with other Federal agencies to implement environmental program activities on Tribal lands and sponsored a second National Tribal Conference on Environmental Management. In addition, OSWER has initiated a pilot project to provide access to environmental information on the "IndianNet", an electronic communication network for Tribes and Alaskan native villages.

Currently, EPA has responsibility for implementing and enforcing the hazardous waste regulations in Indian country. However, for those Tribes that are interested in developing a hazardous waste program, the Agency will soon propose regulations which provide for authorization of Tribal hazardous waste programs, in a manner similar to the States. Once authorized, Tribes will assume authority over hazardous waste management in lieu of the Federal government. Under the proposed rule, Tribes will also be eligible for grant assistance to implement the hazardous waste program; such funding is currently available only to authorized States.

While OSWER did seek comment from Tribal and Native Alaskan village representatives on the OSWER strategy, OSWER believes it has not received sufficient comments. In coordination with the NEJAC, OSWER is conducting a special solicitation from all the Federally recognized Tribes and Native Alaskan villages. While this effort is underway, during the summer of 1995, this section will remain an open section.

CHAPTER 3
OSWER PROGRAM-SPECIFIC ENVIRONMENTAL JUSTICE ISSUES AND ACTION ITEMS

In addition to the OSWER-wide issues, environmental justice presents unique challenges and opportunities that each OSWER program office must address. The following sections describe the action items, on a program-specific basis, that will be implemented by the individual OSWER program offices in cooperation with the EPA Regions.

The issues and action items for the Resource Conservation and Recovery Act (RCRA) program focus primarily on siting, permitting, State programs and corrective action. Superfund issues and action items are primarily concerned with meaningful community involvement, site assessment, risk assessment/risk management, and Tribal and Native Alaskan village issues. The oil, preparedness, underground storage tank, technology innovation and Federal facilities programs all have critical outreach issues and action items, as well as more specific items.

A. RESOURCE CONSERVATION AND RECOVERY ACT

In the area of hazardous waste management, OSWER is examining means to factor environmental justice into the permitting process and the corrective action cleanup process. To that end, OSWER has included language in the Fiscal Year (FY) 1996 RCRA Implementation Plan guidance to encourage Regions and States to fully consider environmental concerns as they arise during RCRA permitting and corrective action processes.

With regard to permitting activities, for FY 1996, Regions and States should continue their commitment to look for opportunities to address patterns of disproportionately high and adverse environmental effects and human health impacts on low-income and minority communities that may result from hazardous waste management activities. Regions and States should commit to conducting at least one environmental justice pilot project in an area that is targeted in FY 1996 for priority permitting activities. These pilot projects could involve various activities including: increasing public involvement by tailoring outreach activities to affected communities, factoring unique environmental justice considerations into public health surveys or assessments, evaluating demographics (e.g., examine population and income levels at various RCRA sites), and including specific permit conditions to address demographic concerns.

With regard to corrective action activities, several Regions have developed their own strategies to address environmental justice issues. OSWER encourages these efforts, and urges Regions and States to routinely consider environmental justice when implementing corrective actions as national guidance in this area is developed.

A. RESOURCE CONSERVATION AND RECOVERY ACT

Environmental justice concerns will most typically come into play in establishing corrective action priorities for the facility. Although the numeric priority-setting process, known as the National Corrective Action Prioritization System (NCAPS), does not specifically address environmental justice concerns, there may be situations where a facility's NCAPS ranking is medium or low, but where environmental justice issues indicate the need to elevate the corrective action priority of the facility. In such cases, the facility should be given a high "overall" priority ranking to account for those environmental justice issues. Environmental justice may also be addressed through more intensive public outreach in implementing corrective actions at facilities.

OSWER is also looking to expand the role for public participation in the RCRA permitting process as administered by EPA and the States. On June 2, 1994, OSWER published a proposed rule entitled: "RCRA Expanded Public Participation and Revisions to Combustion Permitting Procedures," in order to increase the dialogue on the role of public involvement in the permitting process. OSWER is currently evaluating the extensive public comments received on the proposed rule, which is scheduled to be finalized in the fall of 1995. When finalized, this Public Participation Rule will apply to EPA permit processes and will also apply to State permit processes, where the RCRA program has been authorized for State administration. OSWER received additional input on public participation through a series of public forums held by the Agency's Permit Improvement Team, established to implement the relevant recommendations of the Agency's National Performance Review.

OSWER has also performed demographics research to examine populations and income around various combustion sites to examine possible disproportionate impacts. Although the preliminary results of the cement kiln or incinerator demographic studies do not suggest that any one type of population is significantly impacted on a national level, the data do indicate that there are select communities with high levels of minority residents or poverty-level residents surrounding combustion facilities that warrant further investigation. OSWER will continue analysis in these areas.

A major initiative in OSWER currently is the Waste Information Needs (WIN) project, through which OSWER, the Regions, and States are evaluating information currently reported and collected as part of the RCRA program and determining what are the RCRA data needs for the future. As part of the WIN initiative, OSWER will be looking to ensure that environmental justice issues are addressed. Specifically, OSWER is looking at mechanisms to improve public access to waste information in their communities.

For Tribes and Native Alaskan villages, the RCRA program is pursing many initiatives to improve the handling of waste programs on Indian lands. These initiatives are described in some detail in chapter three of this report in the section on Tribes and Native Alaskan Villages

B. SUPERFUND

B. SUPERFUND

In February 1994, the Clinton Administration proposed legislation to amend and to reauthorize the Superfund law. Several key provisions in the bill impacting environmental justice included:

- A requirement that standards be promulgated and procedures be developed for assessing risks from multiple sources;
- A requirement that multiple sources of risk be taken into account when determining cleanup priorities;
- A requirement that demonstration projects be conducted related to multiple sources of risk at designated facilities;
- A requirement that under certain circumstances, the provision of health benefits be considered for communities surrounding facilities that are the subject of demonstration projects; and
- A requirement that an offer be made to form Community Advisory Groups (CAGs) for factoring stakeholder input into specific site cleanup activities.

Although the legislation did not pass in 1994, EPA has proposed a series of Superfund Administrative Reforms that will, within existing law, address some of these provisions.

The Superfund program is focusing on several areas of concern. One of the most significant areas is that of community involvement and outreach. A major action item, which also resembles provisions of the Administration's proposal to amend Superfund, is the establishment of CAGs for selected sites with environmental justice concerns. Regions have preliminarily identified 14 sites for possible implementation of CAG pilots and will implement CAG activities at a minimum of ten sites by the end of FY 1995. The CAG pilots will encourage early community participation in the Superfund process with all affected stakeholders, including environmental justice communities. Groups will provide input on key issues such as future land use and proposed remedies. The OSWER's Office of Emergency and Remedial Response (OERR) has developed draft guidance describing the membership, functions, objectives and scope of authority for CAGs at Superfund sites. The draft guidance recommends several models for communities to choose from when they form a CAG. It encourages, to the extent possible, that membership in the CAG reflect the composition of the community near the site and the diversity of local interests. The draft CAG guidance also specifies that at least half of the members of the CAG should be local residents. The draft guidance has been sent to members of the NEJAC Subcommittee on Waste and Facility Siting for their review and comment.

D. UNDERGROUND STORAGE TANKS

In addition, Regions will work with other Federal agencies to establish, for sites with issues beyond the scope and jurisdiction of Superfund, interagency work groups to address such issues (e.g., employment, housing, health clinics). These work groups will provide a forum for communities to discuss issues which EPA, alone, cannot address.

To address concerns regarding early identification of sites in areas of environmental justice concern, OERR will work with the Regions to pilot proactive Superfund site assessments. Also in concert with Administration proposals to amend Superfund and the requirements of the Executive Order, OSWER will work with other EPA programs and with health agencies to examine current risk assessment approaches. After this effort is complete, OSWER will develop tools for site managers to use to factor in multiple exposures and unique risk scenarios in coordination with overall Agency efforts on risk assessment.

The last major set of action items concern the Superfund risk management process. OERR, in cooperation with the Regions, will evaluate the remedy selection process and the speed of cleanups to determine the effects on areas with minority populations and low-income populations. Population and demographic information will be used for early identification of potential areas of concern, before major environmental justice issues arise. In addition, OSWER will work with other Federal agencies to find a means to address problems associated with multiple sources of environmental risk, including lead contamination resulting from lead paint in buildings. Finally, with respect to Tribal and Native Alaskan village issues, OERR will continue efforts with Tribal entities to provide technical assistance and to build response capacity.

C. OIL POLLUTION ACT

The magnitude of the total number of oil storage facilities is enormous and quite difficult to quantify. A comprehensive list of these facilities does not exist at this time. OERR will work with the Regions to identify the types and characteristics of oil storage facilities most likely to be located in minority or low-income communities. Based upon this assessment, OERR will develop an outreach and education strategy to ensure that communities recognize the potential risk for releases within their communities. OERR will also work with the Regions to target inspections of facilities in these communities and take necessary enforcement actions to address potential risks of releases.

D. UNDERGROUND STORAGE TANKS

The action items with regard to the Underground Storage Tank (UST) program highlighted a variety of areas. With regard to outreach, the Office of Underground Storage Tanks (OUST) issued a brochure to the States regarding consideration of environmental justice issues. In addition, OUST will explore ways to incorporate environmental justice

concerns into the State grants process and will attempt to find methods of providing funds and technical assistance to Tribal governments. They will also provide guidance on considering environmental justice as a qualitative factor in priority ranking systems for State-lead cleanup and enforcement actions. Finally, OUST will pursue award of a grant (from funds other than the Leaking Underground Storage Tank Trust Fund) to the National Association of Minority Contractors to support training and certification of local hires by States in UST programs.

E. CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION

The Chemical Emergency Preparedness and Prevention Office (CEPPO) evaluated issues and action items which primarily focused on outreach. CEPPO will develop a letter for the Administrator's signature, which will be sent to Governors of all 50 States, to discuss the need for Local Emergency Planning Committees and Tribal Emergency Response Commissions to be truly representative of the communities, especially in areas with environmental justice concerns. CEPPO will also work with communities with environmental justice concerns to fully explain the provisions of "community-right-to-know" legislation and how it may benefit their communities. CEPPO has also developed a LandView computer system which provides information on an ordinary personal computer regarding potential risks on a geographic basis. CEPPO intends to expand the availability of this system, particularly to communities with environmental justice concerns.

F. TECHNOLOGY INNOVATION

The Technology Innovation Office (TIO) has the lead responsibility for training new Regional remedial project managers and on-scene coordinators in the basic tenets of the Superfund program. As part of the need to sensitize employees to environmental justice issues, TIO has committed to develop a training module on these issues for the CERCLA Education Center.

Regarding development and use of innovative technologies, TIO will work with the Small Business Administration to promote the use of innovative technologies by small businesses. In addition, TIO has conducted an analysis of the demographics of a representative sample of the 263 Superfund National Priorities List sites, where innovative technologies have been used, to determine the trends of interest with regard to environmental justice.

G. FEDERAL FACILITIES

Public Outreach

Outreach is a major issue with regard to Federal facilities. The federal facilities program recognizes that to achieve the goal of environmental justice it is critical to involve minority and low-income populations in the environmental decision-making processes. The following action items have been undertaken to further the goal.

The Federal facilities program has a legally constituted FACA organization entitled the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC). FFERDC was established by EPA to develop consensus policy recommendations aimed at improving the Federal facilities environmental restoration decision-making process to ensure that clean-up decisions reflect the priorities and concerns of all stakeholders. The FFERDC added five new environmental justice representatives to its membership in FY 95. EPA is working closely with this group to better incorporate environmental justice into Federal facility priority-setting and stakeholder involvement. FFERDC is also looking at potential recommendations for improving minority and small-business contracting at Federal facilities cleanups.

Many EPA Regions have trained the EPA Remedial Project Managers (RPMs) on environmental justice and have worked with Federal facility RPMs and Commanders of individual installations to increase awareness of environmental justice concerns at their sites. This information will enable the Federal agencies to better focus their public outreach efforts and to more equitably serve their surrounding community.

The Department of Energy (DOE) is establishing Site Specific Advisory Boards (SSABs) at all major DOE facilities that place an emphasis on stakeholder involvement in the cleanup decision making process. DOE issued interim guidance in November 1994. Final guidance is under review and joint signature by EPA and DOE is planned.

EPA and the Department of Defense (DOD) issued joint guidelines on Restoration Advisory Boards (RABs) on September 27, 1994. RABs, like SSABs, offer an opportunity for communities to provide input to the cleanup process and are to be established at all closing installations and at non-closing installations where the local community expresses interest. DOD and EPA offered RAB training sessions throughout the country. EPA is working with DOD in developing regulations for DOD funding of technical assistance to RABs based on our experience with the Superfund Technical Assistance Grant program.

The Defense Environmental Response Task Force (DERTF), a Congressionally mandated interagency task force charged with looking at the environmental issues associated with the closure of military bases, established an environmental justice working group.

G. FEDERAL FACILITIES

Recommendations from this working group regarding environmental justice at closing military bases were included in the DERTF annual report to Congress, issued January 1995.

Radiation Concerns

An important issue that community leaders and the Federal agencies are still exploring is radioactive Federal facility sites and the respective roles of DOE, EPA, and the State, Tribal and local governments. The Atomic Energy Act (AEA), passed during the days of the "Cold War" and heightened national security concerns, often restricts the type of oversight that can be provided by EPA, State, Tribal or local governments. Communities often feel that they do not have adequate local input over the radioactive sites as they impact local issues such as sewer systems. Some communities have requested that EPA provide more oversight of DOE at these sites. EPA currently has the authority to set radiation protection standards for DOE, however, DOE, not EPA has the authority to implement these standards.

EPA is examining the limited oversight authority it has through specific legislation such as the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Safe Drinking Water Act, Superfund, and other environmental legislation. Generally, the environmental statutes provide EPA with a limited patchwork of oversight authorities. For example, EPA's Office of Air and Radiation (OAR) is developing soil cleanup standards for radiation, under the AEA, that will apply to contaminated soils. However, the Clean Water Act currently does not regulate radionuclide releases from DOE facilities in National Pollutant Discharge Elimination System (NPDES) permits. Superfund emergency response criteria can be utilized, in certain circumstances, however, sources of radioactive releases in sewer systems can be hard to identify.

DOE has initiated a promising strategy in dealing with this issue. In February 1995, DOE established the Federal Advisory Committee on External Regulation of Department of Energy Nuclear Safety. The panel will recommend how existing and new DOE facilities and operations should best be overseen to protect the environment, to protect safety and health, to eliminate unnecessary oversight, and to reduce costs. Mary D. Nichols, the Assistant Administrator for Air and Radiation, is EPA's representative on this advisory committee.

In the interim, local communities do have the opportunity to impact the environmental decision-making process of DOE through participation in Site Specific Advisory Boards (SSABs) and other public participation activities. EPA is working with DOE to strengthen its efforts in involving impacted communities early on in the environmental decision-making process. For example, EPA and DOE plan to sign joint guidance on SSABs in the spring of 1995 and are working to establish SSABs at all major DOE facilities.

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CHAPTER 4
OSWER ENVIRONMENTAL JUSTICE IMPLEMENTATION AND REPORTING

The process by which environmental justice goals and action items are implemented in OSWER programs will be a critical determinant of the long term and lasting success of these goals. Headquarters and Regional offices have already achieved major first steps towards making environmental justice a part of their every day way of doing business.

OSWER is committed to achieving a permanent environmental justice ethic in all its program activities. The following sections highlight major activities underway; describe the process for monitoring and evaluating them; describe the opportunities presented for further development of key issues and topics ("living document"); and highlight the importance of public participation in these efforts.

A. DEVELOPMENT OF HEADQUARTERS AND REGIONAL IMPLEMENTATION PLANS

Regions and OSWER Headquarters offices have developed implementation plans which describe commitments to meet the recommendations outlined in the April 1994 "OSWER Environmental Justice Task Force Draft Final Report". The implementation plans provide timelines for completing goals and identify resources necessary for these activities. Each Headquarters program office and all ten Regions developed plans during the summer of 1994. These plans provide a framework for OSWER and the Regions to implement environmental justice recommendations that are accepted as OSWER action items by this report. The implementation process tracks accomplishments and ensures management accountability, and provides a basis for requesting necessary resources.

In particular the implementation plans emphasize the following:

- Development of pilots in all Regions to begin implementing environmental justice activities;
- Senior-level accountability, coupled with an emphasis on training and heightening the awareness of all EPA staff;
- Identifying opportunities for influencing and leveraging other Federal agencies and State governments, through interagency projects, to achieve environmental justice goals that extend beyond OSWER's sole purview; and

A. DEVELOPMENT OF HEADQUARTERS AND REGIONAL IMPLEMENTATION PLANS

Identifying opportunities for early and ongoing public participation in policy development and implementation activities to ensure that community concerns are addressed.

The matrix that follows, provides a snapshot of the general action items included in the implementation plans submitted by the Regions and Headquarters program offices.

EPA Regional Offices and Headquarters OSWER Offices Participation in OSWER-Wide Environmental Justice Action Items

OSWER-Wide Action Items	1	2	3	4	5	6	7	8	9	10	HQ
Title VI - Civil Rights Act											☑
Internal & External Outreach, Communications & Partnerships	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Health & Cumulative Risk			☑	☑			☑		☑	☑	☑
Federal Interagency Cooperation	☑	☑	☑		☑	☑	☑		☑	☑	☑
Grants and Contracts		☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Internal Training, Organization, & Program Implementation	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Native Americans/Tribes		☑		☑	☑	☑	☑	☑	☑	☑	☑
Geographic and other Information Systems	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Economic Redevelopment, Jobs and Training	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑

A. DEVELOPMENT OF HEADQUARTERS AND REGIONAL IMPLEMENTATIONPLANS

EPA Regional Offices and Headquarters OSWER Offices Participation in OSWER-Wide Environmental Justice Action Items

Program Specific Action Items	1	2	3	4	5	6	7	8	9	10	HQ
RCRA Siting	☑	☑	☑	☑	☑	☑	☑				☑
RCRA Permitting		☑		☑	☑	☑		☑	☑	☑	☑
RCRA Public Involvement		☑	☑		☑	☑	☑	☑	☑	☑	☑
RCRA Corrective Action	☑	☑	☑	☑	☑	☑	☑	☑	☑		☑
RCRA Disproportionate Impacts Research		☑			☑		☑				☑
RCRA Native Americans		☑		☑	☑	☑			☑	☑	☑
Superfund Community Involvement & Outreach	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Superfund Site Assessment	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑	☑
Superfund Risk Assessment/Management				☑						☑	☑
Superfund Indoor Lead Paint		☑		☑							☑
Superfund Native Americans		☑		☑	☑	☑	☑		☑	☑	☑
Oil Pollution Outreach				☑						☑	☑
Oil Pollution Identification/Inspections	☑	☑		☑	☑	☑	☑		☑	☑	
UST Outreach					☑				☑		☑
UST Grants & Technical Assistance	☑	☑			☑					☑	☑
UST Priorities			☑	☑	☑				☑		☑
CEPPO Outreach	☑	☑	☑	☑	☑	☑	☑		☑	☑	☑
TIO Training											☑
TIO Technology											☑
Federal Facility Stakeholder Involvement			☑	☑	☑	☑	☑		☑	☑	☑

C. PUBLIC FEEDBACK THROUGH THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC)

B. LIVING DOCUMENT

A number of persons commenting on the Task Force report, including NEJAC members (see below) and Regional managers, have pointed out the Action Agenda should be of a broad scope, identifying major areas and issues to be addressed but not attempting to incorporate detailed solutions to every issue. These comments recommended that the Action Agenda be finalized and also be considered a "living document". This approach provides OSWER and the Regions with a broad, overall framework for their environmental justice activities, and also the opportunity and obligation to develop major issues further. Understanding of these issues will improve based on early pilot experiences.

Examples of these major issues include: opportunities for greater public participation in decision-making (for example, the community advisory group pilots), economic redevelopment activities (for example, Brownfields pilots), and options for addressing public health needs at affected communities (for example, the interagency Medical Assistance Pilots). Another major issue, described in the Action Agenda, is being addressed by the OSW Siting Workgroup and involves the development of recommendations to address the siting of RCRA facilities. Further examples of these major issues are discussed in chapters two and three of this report.

C. PUBLIC FEEDBACK THROUGH THE NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC)

In May, 1994, OSWER distributed the "OSWER Environmental Justice Task Force Draft Final Report" to the NEJAC Waste and Facility Siting Subcommittee, requesting their review and comment on the overall strategy, as well as, on particular issues under development. Individual members representing different sectors provided comment during Subcommittee meetings and in memoranda provided to the Subcommittee Chair and to OSWER. OSWER has placed considerable value on the comment and advice provided by members of the NEJAC Subcommittee on Waste and Facility Siting. The names of the members of this NEJAC Subcommittee are found in Appendix C. In addition, on January 17, 1995, the full Subcommittee formally endorsed a Ten Point Implementation Framework for the OSWER Strategy (See Appendix B), which the full NEJAC subsequently adopted. The Ten Point Implementation Framework recognizes that the OSWER process is a cutting-edge effort, especially with respect to public participation; that certain issues and topics require further development (see Living Document section above); and that the initial implementation activities provide the opportunity for further development.

OSWER intends to continue seeking advice and comment from the NEJAC Waste and Facility Siting Subcommittee on policy development and implementation activities, focusing especially on the topic areas identified in the NEJAC's Ten Point Implementation

Framework. The NEJAC has also been helpful in identifying additional sources for OSWER to contact for information such as experts on siting issues and public participation issues.

D. REPORTING AND ACCOUNTABILITY PROCEDURES

OSWER and the Regions have established the following procedures to monitor progress towards achieving environmental justice goals and to ensure management accountability.

OSWER Environmental Justice Steering Committee

OSWER has established a Steering Committee to oversee progress towards environmental justice in waste-related programs, and to resolve major issues that occur during implementation of the Action Agenda. The Steering Committee is chaired by a high-level Agency official, the Deputy Assistant Administrator for OSWER, and is composed of senior managers and experienced staff from each of OSWER's program offices (see Appendix E). These include the OERR, the Office of Solid Waste (OSW), UST, CEPPO, TIO, the Federal Facilities Restoration and Reuse Office (FFRRO), and the two lead Regions who help coordinate Regional issues. The Steering Committee has been meeting every month since June, 1994.

Outreach and Special Projects Staff

OSWER has established a new Outreach and Special Projects Staff (OSPS) office, reporting directly to the Deputy Assistant Administrator of OSWER, to oversee and coordinate progress towards environmental justice goals. OSPS also manages the brownfields economic redevelopment grants and pilots, which incorporate environmental justice goals. OSPS manages other outreach projects to communities, including training programs through community colleges and coordination with State, Tribal and Native Alaskan village governments, to achieve environmental justice and economic redevelopment goals.

Waste Programs Environmental Justice Accomplishments Report

OSWER program offices and the Regional offices have made a major commitment and begun efforts to achieve environmental justice goals, as described in their implementation plans (see section A. above.) Their accomplishments will be reported periodically to OSPS in "accomplishments reports". The first report is being released concurrently with this Action Agenda.

F. ACCOMPLISHMENTS HIGHLIGHTS TO DATE

E. KEY CONTACTS (ENVIRONMENTAL JUSTICE COORDINATORS)

A significant part of any implementation process are the people that make it happen. Each Region and OSWER program office has designated an Environmental Justice Coordinator (See Appendix F), to serve as a key liaison among that office's staff and other offices. The coordinators direct public inquiries concerning environmental justice issues to the appropriate staff within the Region or Headquarters office and review guidances or policy documents to ensure that environmental justice concerns are addressed.

F. ACCOMPLISHMENTS HIGHLIGHTS TO DATE

OSWER is committed to action on environmental justice issues. While the completion of this Action Agenda and the implementation plan process is significant, the Regions and OSWER program offices have simultaneously moved into action. Major accomplishments during 1994 are discussed in Chapters Two's OSWER-wide initiatives and in Chapter Three's program- specific action items.

Highlights of OSWER-wide accomplishments include: developing an OSWER directive to all employees to incorporate environmental justice into policies, guidances and other decision-making activities; identifying opportunities for cooperative interagency efforts in job training and medical assistance through pilot activities; and an interagency effort to develop a user-friendly geographic information system that helps identify potential areas of environmental justice concern.

Program-specific accomplishment highlights include: an OSWER workgroup to address siting issues; beginning at least ten Community Advisory Group pilots; and improving technical assistance to Tribal governments in implementing specific waste management programs; Regional proactive waste site discovery efforts; Regional coordination and partnership efforts with other Federal, State, Tribal and local government bodies; Headquarters and Regional efforts to train and employ citizens, who live in the area of the cleanup, to participate in the cleanup project; and Regional use of state-of-the-art computer systems (e.g., GIS and Landview) to better understand the geographic and demographic aspects of the communities with whom they work.

APPENDIX A
SUMMARY OF SELECTED ACTION ITEMS

SUMMARY OF SELECTED OSWER-WIDE ACTION ITEMS

AREA	ACCOMPLISHMENTS	FISCAL YEARS 1995-1996
Title VI - Civil Rights Act	HQ coordinated evaluation and response to discrimination complaints with OCR, OGC, DOJ, and others.	HQ will explore ways to ensure that recipients of EPA assistance comply with Title VI to minimize the need for communities to resort to filing complaints.
External Outreach, Communications and Partnerships	HQ established EJ waste subcommittee to National EJ Advisory Council HQ issued directive to require EJ be addressed in all OSWER policies and regulations HQ and Regions began using GIS and LandView to identify potential areas of environmental justice concern HQ exploring creation of public/private partnerships to address EJ concerns	HQ and Regions to fund training of outside groups on waste programs and public participation Regions to hold annual public forum meetings on environmental justice HQ will request management to periodically visit communities with environmental justice issues; Administrator sets personal goal of 12 communities in 12 months Regional management to periodically visit communities with environmental justice issues
Economic Redevelopment, Jobs and Training	HQ and Regions identified total of 3 brownfield pilots Began coordinating redevelopment efforts with HUD programs	HQ and Regions to identify 47 more brownfield pilots HQ continue work with HMTRI to expand training and curriculum development to other community colleges, including the training of all brownfield pilot communities Implement redevelopment efforts with HUD empowerment zones/enterprise communities Develop MOU with HUD and EDA on joint initiatives
Health and Cumulative Risk	HQ (OSWER) is supporting Agency-wide efforts to develop scientifically valid standards to measure cumulative risk	Headquarters and Regional efforts continue

SUMMARY OF SELECTED OSWER-WIDE ACTION ITEMS

AREA	ACCOMPLISHMENTS	FISCAL YEARS 1995-1996
Federal Interagency Cooperation	HQ and Regions continued work with ATSDR to expand minority health program, e.g. Medical Assistance Program HQ began working with NIEHS on establishing pilot minority worker training grants	Develop pilot efforts with other Federal agencies to address EJ concerns, e.g. Whole House Initiative, Step-up labor program Work with NIEHS to implement pilot minority worker training grants
International/Border Issues	HQ and Regions participated on NAFTA environmental cooperation commission HQ initiated HAZTRACKS binational waste tracking system HQ and Regions participated in chemical emergency "sister city" program	HQ works on EJ issues related to the import and export of hazardous and municipal wastes
Contracts and Grants	Region 6, in cooperation with the Louisiana, sponsored a seminar for local communities which provided tools for businesses to become eligible to participate in Federal contracting. HQ and Regions expanded efforts of contractor Mentor-Protege program HQ met with several contractor trade associations to stress importance of EJ	HQ and Regions will expand Region 6 model "Community Economic Partnership" seminars HQ and Regions will utilize contract award fee system to provide incentives to hire small disadvantaged businesses

SUMMARY OF SELECTED OSWER-WIDE ACTION ITEMS

AREA	ACCOMPLISHMENTS	FISCAL YEARS 1995-1996
Internal Training, Organization and Program Implementation	HQ and Regions designated EJ coordinators HQ created OSPS, a focal point for EJ/outreach/State/Tribal/local issues/economic redevelopment HQ established OSWER EJ implementation steering committee Regions select additional EJ pilots HQ (OSWER) expanded program hotline to handle EJ hotline calls HQ developed EJ training module for courses taught at CERCLA Education Center	Regions implement new ideas at 10 additional EJ pilots HQ and Regions train all waste programs personnel in environmental justice
Tribes and Native Alaskan Villages	HQ and Regions began to identify ways to increase technical assistance to Tribal governments, e.g., Regional Tribal meetings, circuit riders, user-friendly information on Native American Network Sponsored second National Tribal Conference on Environmental Management	HQ and Regions initiate pilots with other Federal agencies to implement environmental programs and activities on Tribal lands Special outreach to Tribes and Native Alaskan villages to secure additional input on OSWER Environmental Justice Task Force Draft Final Report and the OSWER EJ Action Agenda

SUMMARY OF SELECTED PROGRAM-SPECIFIC ACTION ITEMS

PROGRAM	AREA	ACCOMPLISHMENTS	FISCAL YEARS 1995 - 1996
RCRA	Siting	HQ held several meetings with State/Tribal/ local officials and the NEJAC on EJ concerns and potential solutions HQ formed siting workgroup to evaluate policy options and other siting issues and established a dialogue with NEJAC waste subcommittee	HQ develop comprehensive set of recommendations on siting issues, e.g. risk, public participation, Title VI HQ develop national summary of existing State/Tribal/ local/ government siting requirements
	Permitting	HQ required that EJ be incorporated into RCRA Implementation Plan	HQ will continue to require EJ in RCRA Implementation Plan
	Public Involvement	HQ initiated rule to expand public involvement in permitting	HQ will finalize rule to expand public involvement in permitting
	Corrective Action	HQ began to examine priority setting to see if EJ is adequately addressed	HQ to coordinate approaches with Superfund
	Disproportionate Impacts Research	HQ evaluated demographics of combustion sites	HQ will provide data for the combustion rule making
	Tribal and Native Alaskan Villages	HQ initiated IndianNet	HQ will pilot Tribal access to IndianNet HQ to draft rule to consider treating Tribes in a manner similar to States for purposes of hazardous waste program authorization

SUMMARY OF SELECTED PROGRAM-SPECIFIC ACTION ITEMS

PROGRAM	AREA	ACCOMPLISHMENTS	FISCAL YEARS 1995 - 1996
Superfund	Community Involvement and Outreach	Regions identified sites where Community Advisory Groups are to be used HQ issued memo requesting that Regions establish site interagency working groups for sites with problem areas beyond scope of Superfund HQ drafted guidance for Community Advisory Groups	Regions establish interagency working groups for sites with problem areas beyond scope of Superfund HQ will issue guidance for Community Advisory Groups
	Site Assessment	HQ and Regions identified sites for pilot proactive site assessment efforts HQ began to examine priority setting to see if EJ is adequately addressed.	HQ and Regions complete pilot proactive site assessment efforts HQ to coordinate approaches with RCRA on priority setting
	Risk Assessment		HQ examine tools to allow site managers to factor in multiple exposures
	Risk Management	HQ began examination of remedy selection process and speed of cleanup effects on areas of EJ concern	HQ work with other Federal agencies to address problems associated with multiple risks
	Indoor Lead Paint	Started discussions with PRPs and other Federal agencies to pursue lead removal	

SUMMARY OF SELECTED PROGRAM-SPECIFIC ACTION ITEMS

PROGRAM	AREA	ACCOMPLISHMENTS	FISCAL YEARS 1995 - 1996
Superfund (continued)	Tribes and Native Alaskan Villages	Two Tribes chosen as part of site assessment pilot listed above Conducted response agreement seminar in Region 10 with Tribal participation Conducted emergency response workshop with Tribal components Developed government reimbursement module for Tribes as part of first responders training	HQ and Regions continue to work with Tribes to build response capacity
Oil Pollution	Outreach	HQ conducted pilot test of survey instrument for identification of facilities in areas of EJ concern	HQ identify facilities in areas of EJ concern HQ develop education and outreach strategy to communities
	Inspections		HQ and Regions target inspections and enforcement actions to areas of EJ concern
Underground Storage Tanks (UST)	Outreach	HQ issued fact sheet to State UST/LUST managers on addressing EJ issues	
	Grants and Technical Assistance	HQ issued revised State UST program grant guidance HQ awarded grant to the National Association of Minority Contractors to train and certify minority contractors	HQ to find methods to provide funds and technical assistance to Tribal governments

SUMMARY OF SELECTED PROGRAM-SPECIFIC ACTION ITEMS

PROGRAM	AREA	ACCOMPLISHMENTS	FISCAL YEARS 1995 - 1996
UST (continued)	Priorities	HQ and Regions began to develop guidance on EJ and priority ranking systems for State leads	
Chemical Emergency Preparedness and Prevention	Outreach	HQ drafted letter to Governors from Administrator regarding LEPCs representation HQ and Regions expanded use of LandView with communities	HQ and Regions begin process to explain "community-right-to-know" to areas with EJ concerns
Technology Innovation	Technology	HQ analyzed sample of 263 NPL sites and demographics regarding the use of innovative technologies	HQ work with SBA to promote use of innovative technologies by small businesses
Federal Facilities	Stakeholder Involvement	FFERDC added five new environmental justice representatives to its membership in FY 95 EPA worked with FFERDC to begin incorporating EJ into Federal facility priority-setting and stakeholder involvement	HQ evaluate base closing for impacts on communities with EJ concerns FFERDC will recommend improving minority and small-business contracting at Federal facilities cleanups

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APPENDIX B

TEN POINT IMPLEMENTATION FRAMEWORK FOR OSWER DRAFT ENVIRONMENTAL JUSTICE STRATEGY

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL SUBCOMMITTEE ON WASTE AND FACILITY SITING

The Waste and Facility Siting Subcommittee of the National Advisory Council on Environmental Justice met in deliberative session on October 25, 1994 and developed a consensus on the following Ten Point Implementation Framework for the EPA Office of Solid Waste and Emergency Response (OSWER) Draft Environmental Justice Final Report (also referred to as the OSWER Draft Environmental Justice Strategy). The Subcommittee recognizes the cutting edge nature of the effort by OSWER to develop a comprehensive environmental justice strategy. It was a process that began under the leadership of Assistant Administrator Elliot Laws prior to the signing by President Clinton of Executive Order 12898.

The Subcommittee emphasizes cross cutting nature of environmental justice and therefore sees the necessary limitations of a program-specific, or even agency-specific, environmental justice strategy. At the same time, the Subcommittee recognizes the need to seriously examine how environmental justice issues relate to specific programs. The Subcommittee commends OSWER for taking such initiative and recommends strongly that all EPA program offices, other federal agencies, and state and tribal government agencies develop similarly comprehensive strategies. Given OSWER's unique position as the first to develop such a program, the Subcommittee recommends that OSWER take responsibility to serve as a catalyst for development of other programs.

Our recommended framework is aimed at OSWER as well as other EPA offices, EPA as a whole, other federal agencies, state and tribal governments, and other stakeholder groups such as community groups, minority academic institutions and others. There is a presumption when it comes to environmental justice that emphasis must be placed upon ensuring access for impacted communities of color, low income and other disenfranchised communities, groups which heretofore were without access. In the development of programs and projects around justice, the principle of starting with the community and ending with the community must be adhered to.[1]

[1] These recommendations were developed by an Ad Hoc Working Group of the NEJAC Subcommittee on Waste and Facility Siting comprised of Don Elisberg, Irasema Coronado, Lillian Kawasaki, Connie Tucker, Nathalie Walker, and Charles Lee (Chair). We were ably assisted by Jan Young, our Designated Federal Official (DFO).

TEN POINT IMPLEMENTATION FRAMEWORK

In the context of these overarching principles, the Subcommittee has developed a Ten Point Implementation Framework for full implementation of the OSWER Draft Strategy.

1. Evolutionary Status of Strategy: The Subcommittee recommends that the OSWER make the Environmental Justice Task Force Final Report a "living document." This concept stresses the importance of turning the recommendations of the OSWER Environmental Justice Strategy into action, especially in partnership with community groups in impacted environmental justice communities and other stakeholder groups. We urge an ongoing process of evolution of the OSWER Environmental Justice Strategy to take into account new developments that emerge from an open process of continuous interaction with stakeholder groups, especially community groups in impacted environmental justice communities.

2. Development of OSWER Draft Environmental Justice Strategy: The Subcommittee has examined the public participation aspects of the process for formulating the OSWER Environmental Justice Strategy. This process involved significant input from different stakeholder groups, including community groups from impacted environmental justice communities. The Subcommittee commends the grassroots activist groups which identified serious shortcomings in public outreach at the initial phase of the development of this strategy and saw the importance of forwarding to EPA their observations. The Subcommittee also commends OSWER's positive response to such concern and OSWER's generally sincere desire to ensure broad based public participation. Inherent in this process were the difficult issues of educating OSWER personnel about the value of public participation, inadequate coordination and agreement between headquarters and regional offices, and inadequate mechanisms for ongoing dialogue between EPA and impacted communities. The Subcommittee recommends that the public participation aspects of the formulation of the draft strategy be delineated in the reporting, including a forthright discussion of the lessons learned in this process.

3. Public Comment on the Draft Strategy: A wide range of comments - both overarching and detailed - were received during the Subcommittee's review of the OSWER Environmental Justice Strategy. OSWER made a commitment to address each of the comments and develop a process for informing the public of received comments. The Subcommittee identified several severe gaps in the comments, i.e. Native Americans and other indigenous peoples (Indigenous Hawaiians, Puerto Ricans, Alaskans). The Subcommittee recommends that OSWER conduct a special solicitation of comments from these groups. Beyond that, the Subcommittee recommends that OSWER close the period for comments within 30 days and proceed expeditiously towards finalizing the draft strategy into policy.

4. Public Role in Implementation: Full implementation rests upon a comprehensive interactive communications, outreach and public participation. Communications, outreach and public participation is a hub of the environmental justice strategy implementation. Community groups and other stakeholders must be made full partners in planning and

implementation of communications, outreach and public participation projects. A public participation model has been developed by the Subcommittee on Public Participation of the National Environmental Justice Advisory Council.

It is important that we understand that there is a presumption when it comes to environmental justice. By definition, environmental justice does not treat all groups equally. It understands that there are groups in society which lack access to decision making, lack the tools and resources to effectively participate, and are otherwise disenfranchised. These groups need and deserve special consideration and attention, and it is both appropriate and necessary for government to act in ways which will facilitate their empowerment. In conclusion, environmental justice must start with the community and end with the community.

5. Interagency and Stakeholder Interaction: The Administration must develop a strategy for short term and long term building of an infrastructure for achieving environmental justice within OSWER, related EPA programs, federal agencies, partnerships with states and tribal governments, academic institutions, community groups, labor, business and other stakeholders. This includes reorganization of various offices to enable streamlining of functions within OSWER that connect environmental justice, outreach and public participation, and specific program offices under one cohesive implementation team and network. The development of infrastructure goes far beyond policies, resources, and partnerships to include the knowledge base, processes and protocols developed mutually by stakeholder groups in the process of addressing and resolving concrete issues.

It is critical that this be addressed as part of a coherent and transparent process of interagency coordination and cooperation. The subcommittee wishes to identify the critical role that public participation plays as a driving force for such coordination and cooperation.

6. Interagency Training: A comprehensive culturally diverse training program for OSWER and EPA personnel on environmental justice including the development of a curriculum on environmental justice, must be developed. Representatives of communities and culturally diverse backgrounds should be contracted to help develop this curriculum and assist in training EPA personnel. The Subcommittee also recommends that all agencies and offices associated with the Executive Order on Environmental Justice that they cooperate and coordinate on the development of curricula and educational resources, in ways which (1) develop products jointly, and (2) share each other's products.

7. Demonstration Programs: An integrated Environmental Justice Model Demonstration Programs approach should be used as the template for project implementation. This is based upon the holistic integration of the following:

- formulation of policy and regulatory frameworks
- development of analytical tools, indicators, and protocols for environmental justice implementation
- community wide, multi-media, targeted geographic initiatives
- means of address public health concerns of impacted communities
- reduction of multiple, cumulative and synergistic risk
- built-in mechanisms for community participation and empowerment
- ongoing process of building infrastructure for environmental justice
- economic redevelopment and sustainable community
- federal interagency cooperation
- minority academic and community-based organizational partnerships,
- enhancement of community user friendly pollution prevention and technology diffusion programs
- strategies for stakeholder involvement including labor, business, non-profit, philanthropic and other institutional partners, and
- ongoing evaluation, coordination and integration of existing pilots and programs.

Project implementation should be fully integrative of opportunities posed by implementation of the Executive Order on Environmental Justice. Ultimately, the principles which guide environmental justice are those which guide healthy and sustainable communities. One purpose of this recommendation is to help guide the development of protocols for environmental justice initiatives. Environmental justice pilot project initiatives should be evaluated with this template in mind. This recommendation is intended to offer to the federal interagency Executive Order process a basis for developing criteria on conceptualizing, planning, implementing, and evaluating existing and new pilot projects and grants. The Subcommittee warns against incomplete and not well thought out efforts to attach the nomenclature of environmental justice to previously existing projects without an examination of such criteria. The Subcommittee also offers this template as a way of evaluating proposals for grants around environmental justice projects. Lastly, this template is being offered to facilitate cooperation and coordination among efforts which address one or another aspect of environmental justice.

8. Specific Programmatic Priorities: The Subcommittee has identified key areas for further recommendations and priority action. These are:

a. Health Needs of Impacted communities: See Draft Mission Statement[2]

[2] When adopted by the Subcommittee, the three Mission Statements will appear in the appropriate sections of this documents.

b. Economic Redevelopment within context of Sustainable Communities: See Draft Mission Statement

c. Siting Issue: See Draft Mission Statement

9. Implementation/Cross-Media Conferences: EPA should convene four National Implementation/Cross Media Conferences which focus on a racial (African American, Native American, Latino American, and Asian Pacific American) groups as a focus. The model for Implementation/Cross Media conferences apply to both Recommendation #9 and Recommendation #10. They will involve a community based planning process, incorporation of infrastructure building (particularly minority-based academic institutions), investigation and hearings preparation process, and interactively developed implementation plans using the environmental justice model demonstration process approach. This concept which are geared towards the gathering of significant stakeholder groups to develop a consensus around a course of action and to mobilize resources and commitments to implement that course of action under the leadership and direction of a partnership between government and the impacted community. These recommendations also are directed towards OSWER, other EPA offices, other federal agencies, and state and tribal governments.

The purposes of conferences which focus on racial groups are the following:

Provide opportunity to examine group specific issues and ensure that smaller groups such as Native Americans and Asian Pacific Americans do not get overlooked in multiracial program implementation.

Address health issues specific to each group.

Address group specific means of communications, outreach and public participation, especially language specific concerns.

Address group specific contexts, both urban, rural and geographic, which make up the culturally diverse and historic experience of each group.

Incorporate group specific task forces now existing in EPA and other federal agencies.

Provide opportunity for each specific group to do education to other groups regarding their issues.

Explore issues related to interagency cooperation which are specific to one population group.

10. State Initiatives: EPA should identify two Lead/Focus regions for implementation/cross media conferences on a state-by-state basis. Using the same paradigm for planning and implementation as the above implementation conferences, the purposes of these implementation conferences which will be hosted by EPA in conjunction where possible with states and other stakeholders, are the following:

Use the OSWER environmental justice model as a vehicle to help initiate environmental justice efforts on a state by state basis.

Identify and develop joint efforts where good environmental justice initiatives exist or provide opportunities for such development if none exist.

Provide the opportunity for detailed implementation strategies in conjunction with communities, academic institutions and other stakeholders in a far more direct way.

Provide opportunities for multiracial environmental justice program development, including involvement of low income groups.

Leverage initiatives of state and local governments in cooperative efforts to ensure environmental justice.

One recommended region is Region IV because of the following:

Substantial environmental justice solid waste concern in the region.

Existence of network of community groups and network of historically black colleges and universities.

Severe problems reported by community groups with state environmental justice record of activity.

These are clearly meant to be prototype efforts where resources and attention can be concentrated, and do not preclude other regions from undertaking such efforts. They also are meant to provide the basis for full implementation at some time by all regions.

TEN POINT IMPLEMENTATION FRAMEWORK

NEJAC WASTE AND FACILITY SITING SUBCOMMITTEE
WORKING GROUP ON HEALTH NEEDS OF IMPACTED COMMUNITIES
DRAFT MISSION STATEMENT
11/21/94

Residents of people of color, low income and otherwise disenfranchised communities where environmental and industrial toxins are found suffer ill health. The benefits and burdens of modern industrial society have not been equally distributed. In the most dramatic way, people of color communities suffer from the over-saturation of their communities with multiple sources of risk, i.e., lead in housing, proximity to polluting facilities and highways, dangerous workplaces, etc. These communities most likely receive inadequate or nonexistent medical attention. There is a compelling need to address the ill health in communities no matter what causal relationships have been established. Moreover, there is a compelling need to respond positively and substantively to people in impacted communities who cry out for relief of ill health. It is both appropriate and necessary for government to play a central role in addressing such needs.

The recent federal Interagency Symposium on "Health Research and Needs to Ensure Environmental Justice" (February 10-12, 1994) played an important role in crystallizing a set of 65 recommendations. The Subcommittee seeks to build upon those recommendations which focus upon the provision of services and action to alleviate health needs in impacted communities. The subcommittee seeks not to be duplicative and recognizes the fact that environmental justice is a cross cutting issue requiring by definition of cooperation between NEJAC subcommittees, different EPA offices, other federal agencies and others. This subcommittee seeks to coordinate with and use the definitions of community health being developed by the Health and Research Subcommittee. Additionally, this subcommittee recognizes the profound value of public participation in addressing health needs issues.

The purpose of this subcommittee is to develop a framework and a set of recommendations for addressing health needs in impacted communities. This involves the following: 1. health needs related to multiple, cumulative and synergistic risk, 2. policy issues which may remove presently existing obstacles towards provision of health services or alleviation of health threats, 3. proper inclusion of public participation in addressing health needs, 4. evaluation of present and prospective program and project initiatives, 5. initiatives which focus on pollution prevention and disease prevention, and 6. critical but as yet undefined cutting issues of particular significance.

To help develop and refine its framework and recommendations, this subcommittee will help design, encourage, and/or support demonstration projects through which communities are given the opportunity to define their health needs with respect to environmental threats to human health. The subcommittee will rely upon the above six points to develop its criteria for selecting and promoting such projects.

TEN POINT IMPLEMENTATION FRAMEWORK

Health Needs of Impacted Communities
Major Issues (tentative)

1. Definition of Community Health (to be developed in conjunction with Health and Research Subcommittee)

2. Public Participation and Community Planning and Decision Making Processes (with participation and input from Public Participation Subcommittee)

3. Need for interagency cooperation

4. Provision of Medical Services

5. Lack of people of color in medical health fields

6. Multiple, cumulative and synergistic risk

7. Detoxification

8. Relocation

TEN POINT IMPLEMENTATION FRAMEWORK

NEJAC WASTE AND FACILITY SITING SUBCOMMITTEE
WORK GROUP ON ECONOMIC DEVELOPMENT AND
SUSTAINABLE COMMUNITIES
DRAFT MISSION STATEMENT

1/10/95

Communities of color and low income communities bear disproportionately high and adverse effects of environmental pollution. Environmental Justice, however, can only be achieved when there is equity in environmental protection, supported by decent paying and safe jobs; quality schools, transit, and recreation; decent housing and adequate health care; community and personal empowerment; and communities safe from violence, drugs and poverty (sustainable communities). As such, economic development, environmental justice and community empowerment are inextricably linked. Communities in areas of need must be revitalized, building upon their diversity and forming partnerships to increase economic opportunity and promote sustainable development.

While job creation both within and outside the community provides the foundation for individual economic self-sufficiency and community revitalization, it is only when economic development is part of a comprehensive strategy for human development and the physical revitalization of communities, that true and sustained community building can occur. A strategic vision for change is needed and must be defined through broad participation by all segments of the community. The vision must articulate a comprehensive and coordinated approach to addressing and implementing the needs of the community--an approach which integrates economic, physical, environmental, community and human development.

The goal of the Working Group is to develop a framework and create strategies and models to promote economic opportunity to revitalize communities in need. Strategies must be built upon broad public participation, with a diversity of strategies, complementing and leveraging available resources and programs.

The Working Group will develop and recommend policies and programs to foster collaboration, enhance information and knowledge, improve access and services, identify needed resources and critical linkages to other public goals, and to make recommendations on potential model projects.

NEJAC WASTE AND FACILITY SITING SUBCOMMITTEE
WORK GROUP ON FACILITY SITING
DRAFT MISSION STATEMENT

1/10/95

Communities of color and/or low-income communities bear disproportionately high and adverse human health and environmental effects from pollution. Perhaps the most significant factor contributing to this situation is the fact that facilities emitting or otherwise utilizing pollutants are disproportionately sited in communities of color.

To remedy this problem, early and informed public comment must be afforded to potentially impacted communities; appropriate guidance in terms of siting standards for such facilities must be developed; and an analysis of "impact equity" (determining what the impacts from a facility are, and who is gaining or losing from those impacts) must become part of the siting decision.

The goal of the Work Group is to develop a model for early and informed public comment and ongoing involvement about the siting of a facility, and generate siting standards that incorporate environmental justice concerns, including the concept of impact equity.

APPENDIX C
NEJAC SUBCOMMITTEE ON WASTE AND FACILITY SITING MEMBERSHIP

Chairperson:
Lee, Charles
United Church of Christ Commission
for Racial Justice

1994 Members

Baker-Hahn, David
Inside Out, Inc.

Briggum, Sue
WMX Technology and Services

Coronado, Irasema
University of Arizona

Dubrowski, Frances
Alliance for Justice

Elisburg, Donald
Laborers' International Union of
North America

Guererro, Michael
SW Network for Environmental and
Economic Justice

Kawasaki, Lillian
Los Angeles Environmental Affairs
Department

Kennedy, Tom
Association of State and Territorial
Solid Waste Management Officials

Pierle, Michael
Monsanto & Company

McClain, Mildred
Citizens for Environmental Justice

Sesso, Jon
Butte-Silver Bow Planning
Butte-Silver Bow Court House

Siegel, Lenny
Pacific Studies Center

Sindab, Jean
National Council of Churches

Tucker, Connie
Southern Organizing Committee for
Economic and Social Justice

Veloria, Velma
House of Representatives
Washington State Legislature

Walker, Nathalie
Sierra Club Legal Defense Fund

Williams, Patricia
National Wildlife Federation

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APPENDIX D
OSWER ENVIRONMENTAL JUSTICE TASK FORCE MEMBERSHIP

	Mail Stop	Phone Number	Fax Number
Chairperson			
Tim Fields, SRO	5104	202-260-4039	202-260-6606
Office of the Administrator			
Warren Banks	3101	202-260-4445	202-260-4852
OSWER Immediate Office			
Greg Mertz	5101	202-260-5714	202-260-3527
Marjorie Buckholtz	5101	202-260-9605	202-260-8626
Bob Martin	OS-130	202-260-9361	202-260-8929
Ellen Brown	5103	202-260-4483	202-260-8929
Marsha Lindsey	5101	202-260-6626	202-260-3527
Julie Johnson	5103	202-260-4528	202-260-8929
Crane Harris	5103	202-260-9192	202-260-8626
OSWER OSW			
Truett DeGeare	5306	202-260-6261	202-260-4196
Barnes Johnson	5305	202-260-2791	202-260-0284
Paul Balserak	5305	202-260-3403	202-260-0284
Victoria van Roden	5303W	703-308-8623	703-308-8617
Deb Gallman	5306	202-260-4683	202-260-4196
OSWER OERR			
Janet Grubbs	5204W	703-603-8860	703-603-9104
John Harris	5202G	703-603-9075	703-603-9116
Rafael Gonzalez	5201G	703-603-8892	703-603-9133
Gershon Bergeisen	5204G	703-603-8816	703-603-9104
Peter Redmond	5203G	703-603-8965	703-603-9100
Lisa Boynton	5202G	703-603-9052	703-603-9116
Karen Sahatjian	5202G	703-603-8724	703-603-9116
June Wiaz	5202G	706-603-9096	703-603-9133
OSWER OUST			
Judy Johnson	6401W	703-308-8855	703-308-8505
Debbie Rutherford	6401W	703-308-8864	703-308-8505

SUMMARY OF SELECTED OSWER-WIDE ACTION ITEMS

OSWER CEPPO			
Elaine Davies	5101	202-260-3857	202-260-7906
Peter Gattuso	5101	202-260-4064	202-260-0927
Tony Jover	5101	202-260-2387	202-260-0927
OSWER OWPE			
Tai-Ming Chang	5502G 7	03-603-8965	703-603-9118
Sam Coleman		202-260-8966	202-260-4100
Darlene Boerlage	5502G	703-603-8956	703-603-9117
Rose Harvell	5502G	703-603-8977	703-603-9117
Chris Menee		202-260-6719	202-260-4100
OSWER TIO			
John Kingscott	5102W	703-308-8749	703-308-8528
OSWER SRO			
Tim Mott	5104	202-260-2447	202-260-6606
Beth Reiner	5104	202-260-9468	202-260-6606
Jim Maas	5104	202-260-8927	202-260-6606
Linda Garcyzinski	5104	202-260-1223	202-260-6606
Other EPA AA'ships			
OARM OEE			
Bob Knox	3103	202-260-8195	202-260-0852
Mustafa Ali		202-260-9748	202-260-0852
Elizabeth Bell	3103	202-260-6357	202-260-0852
OCEPA			
Doris Fairley	1706	202-260-5590	202-260-3150
Doretta M. Reaves	1702	202-260-3534	202-260-0130
Elaine Koerner	1702	202-260-2623	202-260-0130
OE			
Marilyn Null	2261	202-260-5686	202-260-9437
Sherry Milan	2261	202-260-9807	202-260-9437
OGC			
Howard Corcoran	2378	202-260-5317	202-260-8393
Larry Starfield	2366	202-260-1598	202-260-0584
Rich Albores	2366	202-260-7981	202-260-7702
Sheila Igoe	2366	202-260-7724	202-260-0584
Tony Guadagon	3303F	202-260-1137	202-260-8393
Jonathon Baker		202-260-6542	202-260-1790

SUMMARY OF SELECTED OSWER-WIDE ACTION ITEMS

OPPE			
Daniel Hutch	2125	202-260-2760	202-260-0174
Harriet Tregoning	2125	202-260-2778	202-260-0174
Janice C. Bryant	2125	202-260-2730	202-260-0174
ORD			
Sue Perlin	8502	202-260-5877	202-260-0744
Other Federal Agencies			
ATSDR			
Andrea A. Wargo	P06	202-690-7536	202-690-6985
George Buynoski	E57	404-639-6350	404-639-6356
Cynthia Harris		404-639-0600	404-639-0653
DOJ			
Cathy Sheafor		202-514-2704	202-514-4231
Henry Friedman		202-514-5268	202-616-2427
NIEHS			
Denny Dobbin	WC04	919-541-0752	919-541-0462
HHS/OCS			
Ricard Saul		202-401-9341	202-401-5318
Associations			
NOSCA			
Steve Jarvela (Reg. 3)	3HW30	215-597-7915	215-597-8138
Gary W. Guerra(Reg. 6)		214-655-6608	214-655-7447
NARPM			
Rosemarie Caraway (R. 9)	H-6-3	415-744-2235	415-744-2180
Regional Representatives			
Region III			
John Armstead	3HW00	215-597-9965	215-597-9965
Monica Jones	ESD	410-573-6847	410-573-6888
Region IV			
Eddie Wright		404-347-1591	404-347-0076
Kenneth Lucas		404-347-2643	404-347-3058
Region V			
David Linnear	HSRW6J	312-886-1841	312-886-4071

Region VI			
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Stacey Bennett		214-655-8374	214-655-7446
Region VII			
Gayle Padgett	WSTMSFPD	913-551-7914	913-551-7063
Region VIII			
Armando Saenz		303-293-1532	303-293-1238
Region IX			
Dianna Young	H-1-1	415-744-2178	415-744-1796

APPENDIX E
OSWER ENVIRONMENTAL JUSTICE STEERING COMMITTEE MEMBERSHIP

Steering Committee Chair

Timothy Fields, Jr., Assistant Administrator
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MC 5101, 202-260-4610

Office of Solid Waste and Emergency Response

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MC 5301, 202-260-9427

Office of Emergency and Remedial Response

Suzanne E. Wells, Deputy Director
Office of Program Management
MC 5201G, 703-603-8710

Office of Underground Storage Tanks

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Regulatory Analysis Branch
MC 5402W, 703-308-8855

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Angelia Blackwell, Associate General Counsel
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John Kingscott, Staff Director
Technology Innovation Office
MC 5102, 703-308-8749

Office of Environmental Justice

Clarice Gaylord, Director
Office of Environmental Justice
MC 3103, 202-260-6357

Office of Acquisition Management

Jeanette Brown, Deputy Director
Office of Acquisition Management
MC 3801F, 202-260-5020

Chemical Emergency Preparedness and Prevention Office

Elaine Davies, Deputy Director
Chemical Emergency Preparedness and Prevention Office
MC 5101, 202-260-8600

Federal Facilities

Jim Woolford, Director
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MC 5101, 202-260-1606

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Mike Gearheard, Program Manager
RCRA Program
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Superfund Regional Representative - Region 7

Gayle Padgett
Superfund Division
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Agency for Toxic Substances and Disease Registry

Sandra Coulberson
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George Buynoski
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Department of Justice

Ignacia Morena
202-514-5243

National Institute of Environmental Health Sciences

Denny Dobbin
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APPENDIX F
EPA ENVIRONMENTAL JUSTICE COORDINATORS

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Rodney Cash; 202/260-4582

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Doretta Reaves; 202/260-3534

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Sherry Milan; 202/260-9807

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Mary O'Lone; 202/260-5313

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Janice Bryant; 202/260-2730

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Shantrel Brown; 2021260-6906

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Janice Berry-Chen; 202/260-3870

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MA Waste Mgmt Branch Acting Chief

Region II - New York
Jeff Josephson (212) 637-3957
(Superfund Coordinator) - Special Asst. to Division Director

Andrew Bellina (212) 637-4109
(RCRA EJ Coordinator) - Branch Chief in RCRA

Region III - Philadelphia
John Armstead (215) 597-9965
Deputy Director of Hazardous Waste Management Division

Region IV - Atlanta
Eddie Wright (404) 347-3454

Region V - Chicago
Jane Neumann (312) 353-0123

Region VI - Dallas
Verne McFarland (214) 665-6617

Region VII - Kansas City
Gayle Padgett (913) 551-7914

Region VIII - Denver
Armando Saenz (303) 293-1532

Region IX - San Francisco
Dianna Young (415) 744-2178
Office of Community Relations

Region X - Seattle
Michelle Pirzadeh (206) 553-1272